SENATE—*Thursday, September 17, 1998*

The Senate met at 9:30 a.m. and was called to order by the President pro tempore (Mr. THURMOND).

The PRESIDENT pro tempore. Today's prayer will be offered by the guest Chaplain, Levi Shemtov, Rabbi, Director of the Washington Office, American Friends of Lubavitch, Washington, DC. Glad to have you with us.

PRAYER

The guest Chaplain, Rabbi Levi Shemtov, Director of the Washington Office, American Friends of Lubavitch, offered the following prayer:

Almighty God, our Father in Heaven, bless and grace this august body, the United States Senate. Fill this Chamber and through it the Nation with the strength of Your sovereignty and the power of Your comfort. May the Members of this body and its officers strive always to glorify Your name and through their devotion to You and true service to the inhabitants of the Nation.

As the Jewish New Year (Rosh Hashanah) approaches, commemorating the anniversary of Your creation of man, we stand before You while You sit in judgment. May this feeling of our ultimate need for mercy pervade our lives, and may we judge each other at least as favorably as we would like to be judged ourselves.

As our Nation faces tremendous challenges, we also possess a deep, enormous faith and capacity for healing. The Senate, reflecting the Nation, comprises men and women from various political, cultural, and religious backgrounds. We are thankful for the freedom to bring various views, but as we debate the significant issues of the day, let us remember the words of the Lubavitcher Rebbe, Rabbi Menachem M. Schneerson, of blessed memory, who taught, "the only way to soothe the differences between two sides is to seek how we are ultimately all on the same side."

Three hundred years ago, the Great Baal Shem Tov, founder of Chassidism, taught us that in every experience lies Divine Providence, giving man the ability to find and develop divinity in seemingly everyday activities. As the officers and Members of the Senate and their staffs go about their noble task of legislating the path for our Nation, with the will of the people, please let them see in their work not just mere political activity but divine endeavor, nothing less than partnership with God in perfecting the world, bringing redemption to all of mankind.

A happy and a healthy new year.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The able majority leader, Senator LOTT of Mississippi, is recognized.

THE GUEST CHAPLAIN'S PRAYER

Mr. LOTT. Mr. President, on behalf of the Senate, I thank the rabbi for being with us this morning and for his prayer. We know this is a holy season for those of the Jewish faith, and we are pleased that you would join us and give us your prayer and ask for the Lord's blessings.

ORDERS FOR TODAY

Mr. LOTT. Mr. President, I ask unanimous consent the Journal of Proceedings be approved, no resolutions come over under the rule, the call of the calendar be waived, the morning hour be deemed to have expired, and the time for the two leaders be reserved.

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

SCHEDULE

Mr. LOTT. Mr. President, we are still consulting with both sides to see if we will be able to go forward this morning. It is Thursday morning and it seems to me this would be a good time to make some legislative progress on the people's business. We had great difficulty yesterday, trying to schedule votes around Senators' own interests which I thought, in many instances, were inappropriate. I urge my colleagues to not put their own conveniences over the interests of the people's business or their other 99 colleagues.

Also, while there are obviously distractions and disagreements on what should be the business of the Senate, there are some things that we can do and should do. Unfortunately, yesterday we were not able to even go forward with debate because we could not get an agreement as to how to proceed on the issues. We have a unanimous consent agreement that we reached last Thursday that seemed to be fair and satisfactory to one and all on how to proceed on the bankruptcy reform legislation, including, at the insistence of the Senator from Massachusetts, a vote on a minimum wage.

We agreed that we would have a vote as soon as we took up the bankruptcy bill, we would have 2 hours of debate on minimum wage and then a vote. The Senator indicated he had hoped we would do that in the morning, rather than late at night, and we have wanted to try to accommodate that. But when we said, OK, good, Thursday morning, we will start at 9:30, we will do the debate, have a vote at 11:30 on minimum wage, he indicated he didn't want to do that.

So I don't know. I understand maybe he has a press conference at the White House, but he has to make a decision here. You know, are we going to go for press conferences, or are we going to go for the vote on something he says is very important to him, the minimum wage issue? I assume he will be here later and we will get something worked out as to how to proceed on that. In the meanwhile, I hope we can go ahead and go forward with bankruptcy, bankruptcy amendments. We have a list that we agreed to, amendments that are not subject to second-degree.

There was a misunderstanding about one of them, and the sponsor of that amendment has very graciously agreed to not offer that amendment, Senator HATCH, on the intellectual properties issue. And there are some other controversial issues that we are going to work together on in a bipartisan way.

So I hope we would try to make some progress on that. Senator DURBIN is here, one of the sponsors of the bankruptcy reform bill. Senator GRASSLEY is right here ready to go. So as soon as we can get a confirmation that we were able to get together on that, we will make that announcement to Members.

I might say, we should expect votes on amendments throughout the day. And, from 2 to 6 this afternoon, we will have the debate on the partial-birth abortion ban veto override. And then we hope to come back to the bankruptcy after that, and then have a couple of votes tonight on amendments—one or two or three, whatever—that we can stack, so that Members will know when those votes would occur.

Let me read here now the unanimous consent that we have worked out.

UNANIMOUS CONSENT AGREEMENT—S. 1301 AND THE VETO MESSAGE TO ACCOMPANY THE PARTIAL-BIRTH ABORTION BILL

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate now proceed to S. 1301 under the provisions of the consent agreement of September 11. I further ask that at 2 p.m., the bill be laid aside and there be 4 hours for debate, equally divided, on the veto message to accompany the partial-birth abortion bill, with speakers alternating between the proponents and opponents.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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I further ask that at 6 p.m. the Senate resume consideration of S. 1301.

Finally, I ask unanimous consent that at 8:30 a.m. on Friday, September 18, there be 1 hour for debate, equally divided, on the abortion veto message and a vote occur at 9:30 a.m. on the question: Shall the bill pass, the objections of the President to the contrary notwithstanding?

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

Mr. LOTT. Mr. President, I appreciate the cooperation getting this time agreed to.

Mr. President, before I yield the floor to the managers of the legislation, I do want to take just a moment of leader time to make a plea for Senators, once again, to consider very carefully how they will vote this afternoon on the partial-birth abortion ban issue.

The vote will be close. We need 67 Senators to override that veto. I believe there is no more important issue that we will vote on this entire year. I don't see how any Senator can defend this procedure.

I took the time while I was home, about a year ago, to talk to Dr. Julius Bosco, the OB/GYN who delivered both of my own children. Originally from Brooklyn, NY, he was in the Air Force as a doctor, came to Keesler Air Force Base, married a local girl, and we couldn't get rid of him—he stayed. He is a great doctor and a great man. I asked him, Dr. Bosco, are there any circumstances at any time, any justification for this procedure being used? And he said, "Never."

Three Senators hold the results of this veto override in their hands, and it will weigh on their conscience. I hope that the Senate will override this veto.

I yield the floor.

CONSUMER BANKRUPTCY REFORM ACT OF 1998

The PRESIDING OFFICER (Mr. DEWINE). The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1301) to amend title 11, United States Code, to provide for consumer bankruptcy protection, and for other purposes.

Pending:

Lott (for Grassley/Hatch) amendment No. 3559, in the nature of a substitute.

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

AMENDMENT NO. 3595 TO AMENDMENT NO. 3559

(Purpose: To provide for dismissal of a case when a debtor abuses the provisions of the Bankruptcy Code)

Mr. GRASSLEY. Mr. President, I send a managers' amendment to the desk and ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Iowa [Mr. GRASSLEY], for himself and Mr. DURBIN, proposes an amendment numbered 3595 to amendment No. 3559.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. GRASSLEY. Mr. President, our procedure today is we have the managers' amendment pending. We will lay this amendment aside from time to time as Members come over to offer amendments. I am going to visit with Senator DURBIN on procedure. So, in the meantime, 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. WELLSTONE. 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. WELLSTONE. Mr. President, I ask unanimous consent that I be allowed to speak as in morning business.

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

Mr. WELLSTONE. I thank the Chair.

(The remarks of Mr. WELLSTONE pertaining to the introduction of S. 2489 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. WELLSTONE. I yield the floor.

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. We hope very much that Members on both sides of the aisle will come to the floor and offer amendments on the bankruptcy bill. Both sides have reached an agreement on the number of amendments to be offered. All we have to have is time agreements on those amendments, and if a vote is necessary on those amendments, have a vote.

Senator DURBIN has worked very hard with me for his part, for the Democratic Members, as I have for the Republican Members, to get a very good bankruptcy bill before this body. It was hard work for the last year putting a bill together. I really appreciate his cooperation, including getting it through the Judiciary Committee by a vote of 16–2, then additionally accommodating some other Members who are not on the Judiciary Committee, the committee of jurisdiction over bankruptcy.

We accommodated several Members, both on the Judiciary Committee and not on the Judiciary Committee, through the consideration of their amendments in some negotiating sessions we had last week to limit the number of amendments, also to accept, as I have indicated, in the managers' amendment many of the ideas that people have.

So since Senator DURBIN and I have worked together in a cooperative and very much bipartisan way on this legislation, we hope that at these almost midnight hours of this session, as well as midnight hours of the consideration of this legislation through the process of a year and a half, that we would not have Members stalling by not coming to the floor and offering their amendments.

So we hope very much that people will come over and do that. We are ready for those considerations. The floor leaders of both parties very much want to see this legislation pass. And we ought to do that because, as Senator DURBIN and I have described for the Members of this body, there is very much a need for this legislation, and particularly since we have this tradition of bipartisanship on the issue of bankruptcy, not only between Senator DURBIN and myself but historically over the last decade and a half between his predecessor, Senator Heflin, now retired from the Senate, and myself. We want to keep that tradition going. There is just now the one simple process of Members coming over here and offering amendments that we have all agreed should be considered.

There is no controversy at this point, except should an amendment be adopted or not. There is no controversy of whether or not this bill should eventually come to a vote. There is no controversy about what amendments should be offered. Hopefully, there is no controversy over how long we should discuss these amendments—a thorough discussion but with time limits—and eventually get this bill passed and get it to the conference committee. There Senator DURBIN and I are going to need a lot of time.

There is a tremendous difference between our bill and the House bill. Senator DURBIN and I need the rest of this session. And we hope that the rest of this session that we are talking about isn't October 1. We hope it is from this date of September 17 to the end of the session to work out the differences between the House and Senate. So that is why we want Members to come.

In the meantime, I say to Senator DURBIN, I thought I would —yes, let me yield to Senator DURBIN.

Mr. DURBIN. I note September 17 is an important date in the history of the world, because it is the birthday of the Senator from Iowa, and I think it is appropriate that we acknowledge that on the floor of the Senate, and also give him a great birthday gift by moving this bill along in an efficient manner.

Mr. GRASSLEY. Thank you.

Mr. DURBIN. I have called the Democratic Senators who have told me they have pending amendments and asked them to come to the floor as soon as

possible so that we can start the amendment consideration. There is one amendment which the Senator from Massachusetts, Senator KENNEDY, would like to offer relative to the minimum wage which does not relate directly to this bill, but there has been an agreement that he will have that opportunity. I think he will be here within an hour, and we can discuss exactly when that amendment might come up.

I just say, as I have said before on the floor, it has been a pleasure to work with Senator GRASSLEY and his staff. I think the way that we resolved over 30 amendments on this might be a good way to legislate. Because literally Senator GRASSLEY and I, with our able staff members, and people from the administration, sat in a room and worked through some 30 different amendments.

We now have pending about a dozen that were unresolved that we think should be the subject of floor votes. Once those have been voted on, we are prepared, I hope, with a good work product to move forward, to pass a bill, and move to conference to consider a very complicated and complex area of the law but one so critically important to over a million Americans each year who file for bankruptcy in the United States.

We want to make certain that we keep those bankruptcy courts available for those who have truly reached the end of the rope and have absolutely nowhere to turn; and that, I think, describes the vast majority of people who come to the bankruptcy court. But we also hope to tighten the procedures to eliminate those abuses, petitioners who come to court who should not, those who were in court and engaged in tactics that, frankly, we do not think should be acceptable.

We are also going to try to address in the course of the amendments to this bill questions relative to the whole offering of credit cards to Americans. I think virtually everyone here today can tell me that when they go home tonight and open up the mail, they are going to find another credit card solicitation—I see heads nodding in the gallery—if you are a normal American. And I am sure they are nodding at home as well.

We want to make sure that the credit that is offered in America is credit available to everyone. The democratization of credit in this country has been a positive thing. But we also want to say to those who offer credit: Do it in a responsible way. Be honest in terms of describing the credit arrangement that you are seeking. Be certain that the people you are dealing with are truly capable of incurring more debt and can get involved in this process with a clear understanding of their obligation. Make your monthly statements intelligible so people who pay a minimum monthly amount have some idea when it might come to an end. Disclose some peculiarities of credit. Am I taking a security interest every time I use my credit card—for the toaster I just purchased? All of these things, I think, are relevant and will be raised during the course of this.

One of the Senators is going to offer an amendment which basically says we can declare "time out." If we are tired of credit card solicitations, we ought to be able to call a number and tell them to cease and desist, stop bothering us with all these solicitations. I think there is a right in America to be left alone. One of the amendments that will be offered will address that particular issue.

I thank the Senator from Iowa. I am going to make some phone calls and encourage our colleagues to come to the floor quickly.

Mr. GRASSLEY. Mr. President, we probably have fewer Republican Members with amendments to offer, but I have also been on the phone to talk to those people, as well, to come to the floor to expedite this process. The Senate majority leader and Senator minority leader really want this bill to be passed.

As I said, we need a long time to conference—our bill is quite a bit different from the House bill—to work out the differences and get a bill to the President before we adjourn.

Mr. President, I would like to discuss several provisions of the consumer bankruptcy reform act which will greatly enhance the ability to collect child support from people who owe child support. When the Judiciary Committee marked-up the Consumer Bankruptcy Reform Act, I joined with Senators HATCH and KYL to add an amendment to the bill which would protect and enhance the status of child support claimants during bankruptcy proceedings.

The bill, which were reported out of the committee on a bipartisan vote of 16–2 now provides that child support obligations must be the first obligation paid during any bankruptcy proceeding. Under current law, child support is paid 7th so that often there just aren't funds available to pay to exspouses and children. I think that this bill will be tremendously helpful for those who are owed child support.

And the National district Attorneys Association agrees with me. This organization represents more than 7,000 local prosecutors throughout the United States, many of whom must enforce child support obligations under title IV–D of the Federal Social Security Act.

On September 2nd, 1998, NDAA President John R. Justice wrote me to express the association's belief that this legislation will "substantially assist" efforts to collect child support for the children and spouses of debtors who have filed for bankruptcy. This letter went on to note that association supports the act because S. 1301 contains "enormous enhancements to support collection remedies" and represents a "major improvement to the problems facing child support creditors in bankruptcy proceedings."

The reason it's important to put child support claimants at the top of the list during a bankruptcy proceeding is that most bankrupts don't have enough money to fully pay all their creditors. So, somebody's not going to be paid. This bill makes it more certain that child support will be paid in full before other creditors can collect a penny. That's real progress in making sure that children and former spouses are treated fairly.

Also, the amendment accepted by the committee provided that someone owed child support can enforce their obligations even against the exempt property of a bankruptcy. This means that wealthy bankrupts can't hide their assets in expensive homes or in pension funds as a way of stiffing their children or ex-spouse. This is another example of how this legislation will help, not hurt, child support claimants.

Outside the bankruptcy context, when there are delinquent child or spousal support obligations, State government agencies step in and try to collect the child support. S. 1301 exempts these collection efforts from the automatic stay. The "automatic stay" is a court injunction which automatically arises when anyone declares bankruptcy and it prevents creditors from collecting on their debts.

But, now, if this legislation passes, State agencies would be in a much better position to collect past due child support. In practical terms, this means State government agencies attempting to collect child support can garnish wages and suspend drivers licenses and professional licenses. Mr. President, clearly, this bill will help State governments catch deadbeats who want to use the bankruptcy system to get out of paying child support.

Taken together, these changes will significantly advance protection for child support claimants in the context of bankruptcy proceedings. This is why the National District Attorneys Association, an organization which represents many of the prosecutors who must enforce child support obligations, supports this bill. And these changes provide yet another compelling reason to support S. 1301.

Mr. GRAMM. Mr. President, I requested some morning business time. It is my understanding that our colleague from Minnesota came over and asked unanimous consent to speak as in morning business. I also had checked with our dear friend, the Senator from Iowa, about the possibility of doing the same. If I wouldn't be delaying the important business of the Senate, I ask unanimous consent to speak as in morning business for 15 minutes.

The PRESIDING OFFICER (Mr. HAGEL). Without objection, it is so ordered.

EMERGENCY APPROPRIATIONS AND THE SURPLUS

Mr. GRAMM. Mr. President, I wanted to express some concern about what is happening in terms of Federal spending this year; about the fact that now, for two weeks, we have not passed an appropriations bill; about the fact that it is clear from watching the process now that the minority, operating strictly within its rights, has held up the passage of any of the remaining appropriations bills by simply drowning these bills in riders and amendments.

We are beginning to hear talk, both in the administration and the Congress, about the need for a massive expansion in spending.

I decided earlier this week to sit down and look at all the proposals that have been made under the name of "emergency spending." That is important because, as my colleagues know—the public may not fully understand—while we have a binding budget, there is a gigantic loophole in that budget. That gigantic loophole is, if the President and the Congress agree to designate an expenditure "an emergency," it doesn't count.

Since President Clinton has been in office, we have had $31.5 billion worth of emergency spending. During election years, that level of emergency spending has ballooned to a whopping $8.6 billion per election year.

Now, in looking at where we are and in looking at the threats of vetoing appropriations bills if we don't appropriate as much money as the President has called for, I put together the following list of emergency requests that have been made by the President or have been discussed in the Congress.

The first is $2.9 billion for natural disasters. I remind my colleagues that we know at the beginning of every year that we are going to have disasters.

Now, we don't know exactly where they are going to be. We don't know whether they are going to be earthquakes in California, or hurricanes in Texas and South Carolina and North Carolina, or floods in the Dakotas. But we know, based on experience, that every year we are spending about $5 billion on disaster relief. But instead of putting the money in the budget so that it is there, instead of setting priorities, as any family would, what we do is wait until a disaster occurs and then we designate it as an emergency, so we can spend beyond our budget. In the President's own words as he stood before the Congress in the State of the Union Address, he said: "Save Social Security first, don't spend one penny of the surplus, and don't give any of it back in tax cuts."

But what we declare spending to be an emergency, it means that we are, in fact, spending the surplus and taking money away from Social Security.

Let me go over this list of what is now being called "emergencies." The next item on the list is the fact that we are about to enter a new century and a new millennium and, in the process, we are going to incur a computer problem called the "Y2K problem." In other words, the year 2000 is coming and we are entering a new millennium. Now, is that a surprise? Is anybody shocked that every day we get closer to the year 2000? Is it news to anybody that we have a potential computer problem in the Federal Government? Yet, while we have known about this—in fact, we have known from the beginning of the calendar of Julius Caesar that we were going to reach the year 2000. We have known it since the ancient Greeks. We certainly have known that we had this problem for the last 5 or 6 years. Yet, suddenly, we have a proposal saying that there is an emergency, the year 2000 is coming and there is going to be a new millennium, so the Federal Government needs an additional $3.25 billion to $5.4 billion. How can anybody say that that is an emergency if it is obviously a problem we knew we would have to face? It is something that we are going to have to face in the year 2000. But why should it not be dealt with within the context of the ordinary budget?

Now we hear talk of emergency funding for the census. We are required by the Constitution to do a census every 10 years. Surely it doesn't come as a shock to anybody that we have known since 1787 that we are going to make preparations for doing a census in the year 2000. Yet, there it is, as if somehow there is an emergency in that suddenly we have realized that we have been grossly underfunding the census in order to fund other programs, and now we have a funding problem in the census. But is that a shock or an emergency? I would say no.

Suddenly it has been realized that all these cuts we have made in defense are having a detrimental impact on defense. That hardly comes as a shock to me, since I and others have spoken out for the last 10 years about the level of cuts in defense readiness. But now we are looking at a potential emergency supplemental appropriation for defense readiness of between $3 billion and $4 billion this year.

Now the shock of all shocks: We have troops in Bosnia. You would think that as long as we have had troops in Bosnia, the President would have put in his budget this year funding for the troops in Bosnia. But what is going to happen in the next 3 weeks is that we are suddenly going to be awakened to the fact that we have troops in Bosnia and the President wants an additional $1.9 billion of funding that will be designated as an "emergency." I submit that it is no emergency that we have troops in Bosnia. I submit that it is not a shock that we have troops in Bosnia. Everybody knows we have troops in Bosnia, and everyone has known we have troops in Bosnia. Yet, we are looking at an emergency supplemental to fund it.

We are also seeing requests—our Democrat colleagues have proposed busting the budget by $7 billion to help agriculture. Others on my side of the aisle are talking about $2.7 billion to $3 billion or more. The bottom line is this. When you add it all up, we now have serious discussion at the White House and in the Congress about raising the total level of spending this year by almost $20 billion. That is $20 billion that we may spend over the level of the budget that we set out just last year.

I simply want to make several points. First of all, I have, because of the work I have done on Social Security, concluded that we would be well advised not to create any new spending and not adopt a tax cut until we have taken action to fix Social Security. And it is my hope that we can fix Social Security early next year, and the funds that are not required in the surplus to fix Social Security could be given back to the taxpayer in the form of substantial tax cuts.

My problem is that, having concluded that it would be best to hold the money in the surplus to fix Social Security first, I now see the specter of the Congress and the President spending that money. I want to remind my colleagues that for the $20 billion of "emergency spending" that we are looking at this year, we could repeal the marriage penalty; we could give full deductibility for health insurance to all Americans who either don't get it provided by their employer or are self-employed; we could provide a change in the Tax Code so that farmers could income average and better shield themselves against the kinds of fluctuations in agriculture income that we have; we could repeal the earnings test under Social Security. All of those things would cost less as a tax cut than the money we are talking about spending on an "emergency basis."

So I want to conclude by making the following points. No. 1, I intend to resist these emergency spending items. If somebody wants to sit down and come up with a real emergency, I am willing to look at it. But if we are talking about this kind of spending where we knew it was coming but decided to call it an emergency—and I now understand that the President is considering designating research and education spending as an emergency—if we are talking about this level of spending, I intend to resist, and we are going to have to have 60 votes in the Senate if this kind of spending is to occur.

Secondly, I have been among those who have publicly stated that we should set aside the budget surplus this

year, not spend the money, not give it back in tax cuts, until we fix Social Security. But if the other side decides that we are now suddenly going to start spending massive amounts of money, I would much rather give it back to working Americans by cutting their taxes than to see the Federal Government spend it, although my first choice is to save the money for Social Security. I remind my colleagues that the tax burden on working families in America at the Federal, State, and local levels is at the highest level in American history.

So my two points are: No. 1, I intend to resist this effort to begin a massive spending spree, the likes of which we have not seen in a decade. No. 2, if this effort continues to have the government spend the surplus, the argument that we must wait to do tax cuts is over. If we are going to see one group in Congress try to spend the surplus, while asking those of us who believe it should be safe for Social Security but who also believe that giving it back to the taxpayer is a much higher and better use than seeing the Government spend it, then that argument is over.

So I wanted to alert my colleagues to this problem. I hope that we can serve the public better than we would be if we simply ignite a new spending spree, because for the first time since 1969 we have a surplus.

I think that is wrongheaded policy.

Let me say also to the threats that the administration might veto appropriations bills if we don't spend enough money that I think the Congress should stay in session, pass appropriations bills at reasonable and responsible levels, and, if the President wants to veto them, let him veto them. And then we can be here and we can pass them again; then pass them again, pass them again. I believe at some point that the public would awaken to the fact that this is a debate about how much money is being spent, and thats what we are seeing here is a very subtle blackmail where the administration says, "If you do not spend more money, I am going to veto bills, and I am going to shut down the Government."

I believe, if we will stand our ground on fiscal principle, if we will save the surplus for Social Security, that we will serve the public interest well. But, if the money is going to be spent—if that is the alternative—then I would much rather move ahead with a major tax cut and give the money back to the American worker than to see the Government spend it.

I yield the floor.

Mr. GRASSLEY. 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. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

CONSUMER BANKRUPTCY REFORM ACT OF 1998

The Senate continued with the consideration of the bill.

UNANIMOUS CONSENT AGREEMENT

Mr. GRASSLEY. Mr. President, for our majority leader, I make this request: I ask unanimous consent that pursuant to the consent agreement of September 11, at 10:30 a.m. on Tuesday, September 22, the Senate resume S. 1301, and Senator KENNEDY be immediately recognized to offer his amendment relative to the minimum wage. I further ask that at 2:15 on Tuesday there be 5 minutes equally divided, to be followed by the vote on the motion to table that amendment.

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

Mr. GRASSLEY. 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. REED. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ROBERTS). Without objection, it is so ordered.

Mr. REED. Mr. President, I also ask unanimous consent to lay aside the pending managers' amendment.

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

AMENDMENT NO. 3596 TO AMENDMENT NO. 3559

(Purpose: To prohibit creditors from terminating or refusing to renew an extension of credit because the consumer did not incur finance charges)

Mr. REED. Mr. President, I have an amendment at the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Rhode Island [Mr. REED] proposes an amendment numbered 3596 to amendment No. 3559.

Mr. REED. 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:

At the appropriate place in title IV, insert the following:

SEC. 4 . PROHIBITION ON CERTAIN ACTIONS FOR FAILURE TO INCUR FINANCE CHARGES.

Section 106 of the Truth in Lending Act (15 U.S.C. 1605) is amended by adding at the end the following:

"(g) PROHIBITION ON CERTAIN ACTIONS FOR FAILURE TO INCUR FINANCE CHARGES.—A creditor may not, solely because a consumer has not incurred finance charges in connection with an extension of credit—

"(1) refuse to renew or continue to offer the extension of credit to that consumer; or

"(2) charge a fee to that consumer in lieu of a finance charge.".

Mr. REED. Mr. President, my amendment would prohibit credit card companies from terminating a customer's account or imposing a penalty solely because the customer pays his or her bill on time and in full each month. It seems amazing but there are actually some companies out there that will terminate credit because the borrower, the debtor, pays the full amount each and every month on time.

This amendment is narrowly tailored and would not otherwise affect the ability of the credit card company to terminate accounts or charge any fees or do anything with respect to penalties, but it would restrict and, indeed, eliminate this practice of terminating the best creditors that they have simply because they are not making any money on finance charges.

I am offering this amendment in response to this very troubling practice which finds many credit card companies discriminating against the most responsible borrowers, those who pay their balances on time each and every month. Specifically, several companies have started to terminate a customer's card or impose a penalty if the customer pays his or her credit card bill in full each month.

For example, in my home State of Rhode Island, many consumers with a credit card issued by a popular national discount store were alarmed to receive letters which stated:

> Our records indicate this account has had no finance charges assessed in the last 12 months. Unfortunately, the expense incurred by our company to maintain and service your account has become prohibitive, and as a result, in accordance with the terms of your cardholder agreement, we are not reissuing your credit card.

One couple who received this letter has been married for 49 years and had never been late on any mortgage payment or denied any loan or been late in any type of credit arrangement that they had. Yet, with this note, the company was informing them that they were effectively being denied credit solely because they were responsible borrowers.

Now, the message from credit card companies in this case is if you are too good a risk we won't give you any credit. That is illogical and, I think, should not be the practice of these companies. In fact, this practice is contrary to the goals of S. 1301, which is to promote responsible borrowing practices and reward those who are responsible in their borrowing practices. By penalizing borrowers who pay off their bills each month, it seems that some credit card companies are, in fact, advocating the type of behavior which S. 1301 is designed to discourage.

I am not moved by the claims of these companies that say they need to cancel accounts which do not incur financial charges because the cost of servicing these accounts is prohibitive. Industry data suggests it costs issuers

about $25 annually to service an account. But issuers are able to offset this cost through an interchange fee of approximately 2 percent charged to merchants on each transaction. Each year, on average, $3,000 is charged to a credit card. This 2-percent interchange fee on these charges equals about $60 which would seem to more than cover the cost of these accounts. Moreover, with Americans holding over $450 billion in consumer debt and with an average interest rate on credit card balances at 17.7 percent, the overall profitability of credit card lending is obvious and apparent.

This amendment is a narrowly crafted measure which is designed to prohibit credit card companies from discriminating against the most responsible borrowers. For this reason, the amendment would clearly advance the goals of S. 1301 to promote more responsible credit card practices.

I see no reason why my colleagues would oppose it. I therefore ask my colleagues to support this amendment. At the appropriate time I will ask for the yeas and nays.

I yield the floor.

The PRESIDING OFFICER. The distinguished Senator from Iowa is recognized.

Mr. GRASSLEY. First of all, because we have about 12 amendments pending on this bill, I want to thank the Senator from Rhode Island for coming over here and helping to expedite the process of the Senate on a very important bill. I thank Senator REED for coming over and doing that.

Having said that, knowing the personality of the Senator from Rhode Island, that he is very sincere about his position and very sincere in determining that this is a problem to needs to be dealt with, I suggest there are two issues relating to this amendment. One would be the immediate issue of whether or not it is needed; second, the extent to which this really falls in the jurisdiction of the Senate Banking Committee.

I don't find fault with the Senator from Rhode Island offering this amendment to my bill, but a reason for my opposition is that I do not like to usurp the authority of other committees.

I think experience has shown that price controls, as indicated in this amendment, are counterproductive. In the end they are very harmful to the people they are trying to help, particularly the consumer, and in addition to that, somewhat harmful to the general economy.

I feel this amendment should be opposed. This amendment has the destabilizing effect of imposing price controls on credit card lenders by prohibiting the imposition of a fee or canceling the account of an account holder because the account has not incurred financial charges.

The credit card industry is extraordinarily competitive. People might not realize it—on the other hand, they might realize it because they get so many of these solicitations—but in the banking industry alone, there are 6,000 credit card issuers. They are all in competition, competing with each other for new credit card holders. Everybody here on the Senate floor right now is in somebody's computer and in a few days they will get some sort of a solicitation. That is how competitive it is. Whether that is right or wrong is another thing, but the competitive environment makes that determination.

This intense competition provides consumers with enormous benefits. For instance, it has resulted in a decline of the average credit card interest rate in the past several years. Just as important, the competition results in industry choice for the consumer. As I said, consumers can choose from literally thousands of different cards, each with a different array of pricing and benefit features.

As a result, the extraordinarily competitive environment in which credit card issuers operate, consumer credit actually dictates credit card prices much more efficiently than we can do through almost any Federal law. Any lender who offers undesirable pricing features will swiftly fall behind the competition because the consumers can and will choose other products. By contrast, this amendment would harm consumers by restricting consumer choice.

In addition, we have a record going back to 1991 when another Senator—still a Member of this body—tried to impose price controls on lenders and it precipitated a severely negative impact on the stock market. For example, in 1991, when the Senate opposed price controls on credit card lenders in the form of an interest rate ceiling, the stock market reacted, dropping 120 points in a single day. Clearly, in this time of already volatile market activity, we don't want to repeat things of that nature. I am not suggesting that would be what would happen in the case of the amendment that is before the Senate, but, obviously, we should be very cautious.

Now, probably a more important point for Members to consider in supporting or not supporting this amendment would be, as I said, whether it is in the jurisdiction of the Senate Banking Committee. We have the Senator from North Carolina, Mr. FAIRCLOTH, chairing the Subcommittee on Financial Institutions of the Banking Committee. He has indicated to me that he will hold hearings on credit card solicitation practices and also on lending practices.

I know many Members feel the credit card companies have been sloppy and overly aggressive in the way they offer credit. I say there is substance to that argument. That is why I have appreciated my comanager of this bill, Senator DURBIN, bringing this to our attention as part of this legislation. I think it has been amply discussed, and I share some of those concerns as well. I do think it is more appropriate for the committee of jurisdiction to do that. I am certainly not here to tell Members that credit card companies have been totally responsible in the way that they offer credit. But the fact is that these are issues which need to be explored by the authorizing standing committee and its subcommittee.

The amendment of the Senator from Rhode Island is a Banking Committee issue. We happen to have before the Senate a bankruptcy bill which came out of the Judiciary Committee where we don't have the expertise that we ought to have on this issue. I would like to follow the regular order of the Senate and let the subcommittee with real expertise examine this.

I have a letter from Senator FAIRCLOTH that I wish the Senator from Rhode Island would consider. It is addressed to me.

It is my understanding that a number of amendments relating to credit cards will be offered to S. 1301. Most, if not all, of these amendments will relate to matters in the jurisdiction of the Banking Committee. I Chair the Financial Institutions Subcommittee of the Banking Committee.

I share the concerns that many have regarding multiple credit card solicitations and solicitations to minors. In fact earlier this year, my Subcommittee held a hearing on bankruptcy issues, with representatives of the credit card industry testifying. I have requested and received GAO reports on such practices as high loan to value loans and the sending of "live" loan checks.

As for many of the proposed amendments relating, however, none have been passed by the Committee. In fact, none have been considered by the Committee. Further, none of the proponents of the amendments have requested hearings on any of their legislative proposals.

During consideration of the bankruptcy bill, please know that I would be more than willing to hold a hearing or hearings on any of these proposals in my Subcommittee where they rightfully should be considered under regular order.

Sincerely,

LAUCH FAIRCLOTH,
Chairman,
Subcommittee on Financial Institutions.

I give that to my colleagues for consideration. Again, I thank the Senator from Rhode Island for coming.

I yield the floor.

Mr. REED addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Mr. President, I thank the Senator from Iowa for his comments and for his leadership, along with our colleague from Illinois, Senator DURBIN. I have a few comments in response to his very thoughtful commentary.

First, the jurisdiction of the committee when it gets to the floor, it has been my limited experience, is somewhat fluid. In fact, in this bill we are amending the Truth in Lending Act,

which has ramifications in both the Judiciary Committee and the Banking Committee. I think, to be very scrupulous about jurisdictional responsibilities here, we missed the opportunity to do something which most of our colleagues, I hope, would recognize is an appropriate thing to do—preventing the termination of credit to people who simply pay their bills on time.

The second aspect of this debate, which I think is appropriate to have in this bill, is that the driving force for this legislation comes very powerfully from the credit card industry. They are concerned that many individual consumers seek bankruptcy because of their huge credit card debts, and they feel that they are currently disadvantaged with the present system. So, again, I don't think it is inappropriate as we look at this bankruptcy system and, in many respects, test the credit card industry and look at some of their practices. This practice is particularly disturbing—again, that somebody's credit would be terminated simply because they paid on time.

Another aspect that the Senator from Iowa mentioned was the suggestion that this is, in some way, price controls. I think that is a very, very long stretch—to look at this amendment which says you can't terminate an individual because they pay on time—that is a far cry from imposing limits on how much could be charged in terms of fees, penalties; and, clearly, I make no attempt to do that. I would never suggest that we do that in this amendment. I point out that in fact there are existing situations, in State law certainly, usury statutes, which do impose fees and caps on what a credit card company can charge. That is not the intent nor the specificity of this amendment.

This simply says that it should not be permissible for a company to terminate an individual who has paid promptly, solely for the fact that that individual has paid promptly. If the individual is in arrears, if the individual has done something else to violate the agreement, then that is grounds, but not prompt payment; that should not be grounds.

Ultimately, let me get back to the initial point I made. At the heart of this legislation—and, again, the Senator from Iowa and his colleagues have done much to make sure this was at the core—was to try to reinstill a sense of responsibility among borrowers that we will not tolerate people who game the system, who use bankruptcy as a shield for their irresponsibility. To me, it is extremely ironic that we would be talking about a situation here where I am attempting to recognize and protect the continued extension of credit to the most responsible borrowers we have in the country, the ones who pay on time every month and don't use this system to be irresponsible.

So I hope my colleagues can recognize the merits within this particular amendment and support it.

On a final point, I note that today is the birthday of the Senator from Iowa. I thank you for working overtime on your birthday on this measure, Senator.

I yield the floor.

Mr. GRASSLEY. I thank the Senator.

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. REED. 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. REED. Mr. President, I ask for the yeas and nays on the pending amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second. The yeas and nays were ordered.

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER. The distinguished Senator from Iowa.

Mr. GRASSLEY. I ask unanimous consent that at 12 noon today the Senate proceed to a vote on or in relation to the Reed amendment number 3596. I further ask that at 11:55 there be 5 minutes for debate equally divided.

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

Mr. GRASSLEY. I yield the floor.

Mr. DURBIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. DURBIN. Mr. President, I rise in support of the amendment offered by the Senator from Rhode Island.

Recently, some credit card issuers have started to discriminate against people who pay off their account balances each month, and, therefore, don't incur finance charges for the credit card purchases. These issuers charge such customers a monthly fee, or they actually terminate the customer's account.

The Reed amendment would prohibit credit card issuers from charging a fee, or terminating an account based solely on the customer's failure to go into debt to incur finance charges.

Let me tell you why I think this is a good idea.

Industry experts have concluded that many issuers of these cards have been actively discouraging consumers from paying off balances by lowering their monthly minimum payments, and, in some cases, requiring as little as 2 percent of the balance on their credit card debt each month. Think of how long it would take to pay off your credit card under such circumstances. At such a rate, it could take 34 years, in fact, to pay off a $2,500 credit card balance, with payments totalling 300 percent of the original principal.

In fact, about 40 percent of American credit card holders pay their balances in full each month, thus incurring no interest charges. Such "convenience users" are considered freeloaders by these credit card companies—even deadbeats. They want people to go into debt. They want us to pay finance charges as much as possible every single month. Some credit card companies charge annual fees and other techniques to discourage this type of credit card use.

I think the amendment offered by the Senator from Rhode Island is a good one. I will support it on the floor. I believe that the credit card companies should understand that if some people are unable to make their monthly payments, and thus, incur additional expenses, so, too, there are people who really do pay off their debts as they are incurred, and in so doing these people should not be penalized.

I yield the remainder of my time.

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. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

The distinguished Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, I ask unanimous consent to speak out of order.

The PRESIDING OFFICER. Is there an objection? Without objection, it is so ordered.

211TH ANNIVERSARY OF THE SIGNING OF THE CONSTITUTION

Mr. BYRD. Mr. President, as I look about at my distinguished colleagues seated in the august Senate chamber, I find myself mentally transported to another gathering of distinguished leaders, in another elegant chamber, that occurred exactly two hundred and eleven years ago today.

The date was Monday, September 17; the setting, the Philadelphia State House. It had been a long, hot summer, and only 38 of the 55 delegates attending the Constitutional Convention were still in attendance. One can imagine the commingled sense of pride, nervous excitement, and exhaustion that filled these men as they filed into the State House chamber and took their seats. For awaiting them that day was a task that they must have eagerly anticipated for several months—and that many of them feared might never arrive. It was to be the fruition of their diligent, patient, frustrating summer of debate, discussion, and dispute. Finally, they would put their signatures to the document, freshly copied on

parchment in neat script, that they had spent the summer composing. And so it was that, after a protracted and at times painful labor, on September 17, 1787, the Constitution was signed. Today, this document, little changed since its creation in Philadelphia, celebrates its 211th birthday.

Before the signing ceremony took place, Benjamin Franklin rose to speak one last time to his colleagues. Some of them still had reservations about the document that the Convention had drafted, and Franklin, as he had so often that summer, used his customary self-deprecating charm and understated wisdom to try to win them over. Acknowledging that the draft Constitution might well contain some "faults," Franklin added, however:

> I doubt too whether any other Convention we can obtain may be able to make a better Constitution. For when you assemble a number of men to have the advantage of their joint wisdom, you inevitably assemble with those men, all their prejudices, their passions, their errors of opinion, their local interests, and their selfish views. From such an Assembly can a perfect production be expected? It therefore astonishes me, Sir, to find this system approaching so near to perfection as it does; and I think it will astonish our enemies, who are waiting with confidence to hear that our councils are confounded like those of the Builders of Babel. . . .

Mr. President, I, too, continue to be astonished at the perfection of this document. The more I study it, the more I see it in action—as we all do here, on a daily basis—the more I marvel at the handiwork of those 55 men in Philadelphia. What transpired that summer in Philadelphia's State House was truly one of the great events in the history of this Republic—it is not a democracy; it is a Republic—or in the history of the world. Indeed, it is no stretch to call this Constitution, as Gladstone did, "the most wonderful work ever struck off at a given time by the brain and purpose of man."

Part of the strength of the Constitution lies in its ability to accommodate situations and developments that the Framers could never have anticipated. Just as Seneca tells us that the test of a strong man is adversity, so the true test of the Constitution may be how well it handles the unexpected. So far, Mr. President, the Constitution has passed that test with flying colors. It has seen us through two centuries of staggering technological, economic, social, and political transformations.

We may well be entering a new period of upheaval which will further test the Constitution's strength and elasticity. Some have even suggested that we are entering "a constitutional crisis." I, for one, have greater faith in the Framers' handiwork. The Constitution sets up a clear process for investigating and resolving allegations of wrongdoing by the Executive and other civil officers. The House is assigned the power of impeachment and the Senate the power to try impeachments. The current situation may well not result in impeachment, but if it does—and that is just one possibility—then I am confident that, as long as we in the House and the Senate fulfill our constitutional duties solemnly and judiciously, we will see the nation through this and any future difficulties.

Sadly, just as current events reaffirm the importance of knowing and following constitutional processes and procedures, a new poll indicates that America's youth are largely ignorant of the Constitution and its origins. It seems that every few months a new poll appears which plumbs the depths of ignorance among some of our children. Each time, we hope that we have finally reached the bottom of the abyss; each time, we are disappointed when a new survey a little later indicates that the depths are deeper and darker than we ever realized.

The latest sounding of the depths comes to us through the courtesy of a poll by the National Constitution Center, which shows that while American teenagers are Rhodes Scholars in popular culture, in many instances many are sadly deficient in matters constitutional. The study found that by a wide margin, 59 percent to 41 percent, more American teenagers can name the Three Stooges than can name the three branches of government. Less than 3 percent of teens could name the Chief Justice of the Supreme Court, while almost 95 percent could name the television actor who played the "Fresh Prince of Bel-Air." And less than one-third could name the Speaker of the House, while almost 9 of 10 could name the star of the T.V. show "Home Improvement."

It gets worse, Mr. President. Why, just one-quarter of the teens could name the city in which the Constitution was written! Only one-quarter knew what the 5th Amendment protects. Only 21% knew how many Senators there are. And less than half knew the name given to the first ten amendments.

These should not be difficult questions to answer. This is not a matter of knowing whether the Constitution allows states to grant letters of Marque and Reprisal—it doesn't—or citing cases over which the Supreme Court has original, rather than appellate, jurisdiction. One should not need a degree in constitutional history, or a course in constitutional law, to know the name of the Speaker of the House. Indeed, answering many of the questions I cited requires only a cursory familiarity with current events. What's more, over half of the teens interviewed said they read or listen to the news for at least 15 minutes daily, over half said their teachers discuss politics at least a few times a week, and yet, only a handful could recall the names of Newt Gingrich or William Rehnquist.

Where does the fault lie, Mr. President? With our schools, for failing to provide students with the most rudimentary background in civics and government? With the media, for its shallow and trivializing coverage of important issues? Or with parents, for failing to prepare their children for their responsibilities as citizens? With the entire national culture, for placing greater emphasis on the fashion tips of supermodels and the escapades of rock stars than on the accomplishments and heroics of great men and women of the past and present?

Perhaps all of these entities must share some responsibility for this sad state of affairs. But my purpose today, Mr. President, is not to cast blame. I speak not in anger but in sadness, out of a concern for the welfare of our country and the future generations which will assume its leadership. This country will not long continue to occupy its unique position among the nations of the world if it does not adequately prepare its children to pick up the reins of power that the older generations currently wield. We need to prepare our children to be active, informed, involved citizens. We need to make them aware of how our governmental system operates and what part they play within it. We need, in short, to teach them about the Constitution.

For it is the Constitution that lays out the Federal system of government. It is the Constitution that establishes the separation of certain powers and the sharing of other powers among three distinct but overlapping branches of government, and between one Federal and multiple State governments. The Constitution is the secular bible of this Republic, and, given its importance, its brevity, and its accessibility, it is not too much to expect that every citizen have at least a passing familiarity with it.

Even this is not enough, however. The Constitution, as I suggested at the beginning, is the product of a particularly momentous course of events. Simply reading the words of the Constitution without knowing something of those events is like learning about World War I by reading the Treaty of Versailles. We cannot teach our children to understand and respect this document unless they learn its history. They must learn about the considerable intellectual and physical energy that those 55 men at Philadelphia expended in drafting this document. They should read some of those debates, and they should read The Federalist Papers and discover for themselves the principles, hopes, and fears that motivated the Framers.

For the Constitution was not simply handed down to us as the Old Testament God handed down the Commandments to Moses. To believe that would

be a disservice to the remarkable men who toiled long and hard to produce the document. The Constitution is our tangible connection with those men, and with the founding events of this Republic some two centuries ago.

So, I close where I began: with 38 men gathered in a room at the Philadelphia State House some 211 years ago. While they may not have fully appreciated the moment of the occasion—how could they?—they had some inkling of it. And, of course, it was Franklin again who best captured the spirit of the moment. Gazing at the back of the President's chair, upon which the sun had been painted, Franklin commented:

> I have often and often in the course of the Session, and the vicissitudes of my hopes and fears as to its issue, looked at that behind the President without being able to tell whether it was rising or setting: But now at length I have the happiness to know that it is a rising and not a setting Sun.

Today, 211 years later, that sun continues to be in the ascendant. I hope and pray that it will remain so for another 211 years.

CONSUMER BANKRUPTCY REFORM ACT OF 1998

The Senate continued with the consideration of the bill.

AMENDMENT NO. 3596

The PRESIDING OFFICER. Under the previous order, there will now be 5 minutes of debate equally divided on the Reed amendment, No. 3596. Who yields time? The distinguished Senator from Rhode Island.

Mr. REED. Mr. President, I yield myself such time as I may consume.

The PRESIDING OFFICER. The Senator is recognized.

Mr. REED. Mr. President, this amendment is a very straightforward one. It would prohibit credit card companies from penalizing or terminating customers who pay their bills on time.

The core principle of this bankruptcy legislation that we are debating today is responsible borrowing, and being responsible for your debts. Here, we have a population of the most responsible borrowers, those who pay their bills timely and full each and every month. But what is happening is that there is a growing movement among credit card companies to penalize these individuals or to terminate their credit arrangements. I think it is wrong and I think we should do something about it here today.

The credit card industry claims it is too expensive to maintain these accounts. Frankly, if you look at the charges that they receive from merchants on each transaction, the very substantial interest rate that they charge for outstanding balances, and also the membership fees which now seem to be ubiquitous, those claims seem to be very hollow. Indeed, this should be an issue about not only responsibility but fairness, and also about whether we really do believe that if people conduct their lives appropriately, pay their bills on time, are responsible, that they should end up being penalized.

If we are talking, today, in this legislation, about responsible borrowing, how can we allow the most responsible borrowers in our society, ones who pay their bills each and every month, to be punished by these credit card companies?

I urge adoption of this amendment. I retain the remainder of my time.

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER (Mr. BURNS). The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I yield myself such time as I consume.

We have the chairman of the appropriate subcommittee willing to work with Senator REED to address this problem in the Banking Committee. My opposition to this is not so much a matter of substance but of procedure and not usurping the authority of that committee. It does need to be studied. I can tell you that in the Grassley-Durbin amendment, we have enhanced disclosure requirements to help consumers.

While I respect the Senator's view on price controls, my view is that forcing a credit card company to offer credit when it has made a business determination that it would lose money will only force increased prices on other consumers. This is something that the Banking Committee needs to take a very serious look at and do it before we do something that may help some but may also hurt others.

Mr. President, I am going to ask that this amendment be tabled after the Senator from Alabama speaks. I yield my remaining time to the Senator from Alabama.

The PRESIDING OFFICER. The Senator from Alabama has 1 minute 58 seconds.

Mr. SESSIONS. Thank you, Mr. President.

The effect of this will be to require mandatory lending at no possible profit for a credit card company. We have 6,000 credit card issuers today. They are all providing different services; some charge a fee and you have to pay monthly, others don't. It is just not right for us, without a hearing, to even impose on a credit card company a duty to lend money in a way in which they will never be able to make a return.

I don't think we need to be entering into wage-and-price controls. We have a very vigorous free market, and, for the first time, interest rates are beginning to come down because we do have a lot of credit card companies competing out there. I think we ought not to intervene at this time. This is an unwise amendment. I understand the motivation behind it. It is not appropriate, and I oppose it strongly at this time.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. Forty-nine seconds.

Mr. REED. Thank you, Mr. President.

The credit card companies make a great deal of money even on those individuals who pay their bills on time. They have membership fees, fees from merchants when the transaction is processed, and they have additional ways to acquire fees.

I do not think it is a question of forcing an enterprise to give money away. What it is is a situation in which the credit card companies have come to us and said, "There are all these irresponsible borrowers out there; we have to amend the bankruptcy laws so we are protected." Yet, when we point out they are punishing responsible borrowers, they rise up and say, "That is an imposition on us."

If we believe in responsible borrowing, we should support this amendment.

I yield back my time.

Mr. GRASSLEY. I move to table the amendment.

The PRESIDING OFFICER. All time has expired.

Mr. GRASSLEY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table amendment No. 3595, offered by the Senator from Rhode Island, Mr. REED. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from South Carolina (Mr. HOLLINGS) is necessarily absent.

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

The result was announced—yeas 47, nays 52, as follows:

[Rollcall Vote No. 273 Leg.]

YEAS—47

Abraham	Enzi	Kyl
Allard	Faircloth	Lott
Ashcroft	Frist	Lugar
Bennett	Gorton	Mack
Brownback	Gramm	McCain
Burns	Grams	McConnell
Chafee	Grassley	Nickles
Coats	Gregg	Roberts
Cochran	Hagel	Santorum
Collins	Hatch	Sessions
Coverdell	Helms	Shelby
Craig	Hutchinson	Smith (NH)
DeWine	Inhofe	Smith (OR)
Domenici	Kempthorne	

Snowe	Thomas	Thurmond
Stevens	Thompson	Warner

NAYS—52

Akaka	Feingold	Lieberman
Baucus	Feinstein	Mikulski
Biden	Ford	Moseley-Braun
Bingaman	Glenn	Moynihan
Bond	Graham	Murkowski
Boxer	Harkin	Murray
Breaux	Hutchison	Reed
Bryan	Inouye	Reid
Bumpers	Jeffords	Robb
Byrd	Johnson	Rockefeller
Campbell	Kennedy	Roth
Cleland	Kerrey	Sarbanes
Conrad	Kerry	Specter
D'Amato	Kohl	Torricelli
Daschle	Landrieu	Wellstone
Dodd	Lautenberg	Wyden
Dorgan	Leahy	
Durbin	Levin	

NOT VOTING—1

Hollings

The motion to lay on the table the amendment (No. 3596) was rejected.

Mr. REED. I ask unanimous consent to vitiate the yeas and nays on the amendment.

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

The question is on agreeing to the amendment.

The amendment (No. 3596) was agreed to.

Mr. REED. Mr. President, I move to reconsider the vote.

Mr. GLENN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GRASSLEY. I ask unanimous consent we now move to the D'Amato amendment, regarding ATMs.

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

Mr. GRASSLEY. As soon as this is disposed of—which we don't think will take very long—we will move to the Dodd amendment.

The PRESIDING OFFICER. Will the Senator restate his unanimous consent request.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that we now move to the consideration of Senator D'AMATO's amendment to the bankruptcy bill, and immediately upon disposing of that, which we hope to do fairly shortly, we move then to the Dodd amendment, and we would have 40 minutes on the Dodd amendment, evenly divided.

The PRESIDING OFFICER. Is there objection?

Mr. DODD. Reserving the right to object, and to inquire of the managing Member, there would be no second-degree amendments.

Mr. GRASSLEY. That is in the agreement. We have to certify which amendment it is.

Mr. DODD. Mr. President, I notify the managing Member that it is the amendment on the credit card age limit.

The PRESIDING OFFICER. Is there objection?

Mr. DURBIN. Reserving the right to object, is there going to be a time limitation on the D'Amato amendment?

Mr. GRASSLEY. We felt that Senator D'AMATO would offer his amendment, and then I will move to table.

Mr. DURBIN. Is there a time limitation?

Mr. GRASSLEY. There is not.

Mr. DURBIN. Mr. President, reserving the right to object, we are supposed to conclude by 2 p.m. to take up another matter.

Mr. GRASSLEY. I ask unanimous consent that we have 15 minutes for the D'Amato amendment and 5, which probably won't be used, by the opposition prior to the motion to table.

Mr. DODD. Reserving the right to object, I would like 2 or 3 minutes on the D'Amato amendment.

Mr. GRASSLEY. I will give the Senator my time.

Mr. D'AMATO. Mr. President, I ask unanimous consent that we have 20 minutes for the proponents. I have a number of people who would like to speak. It is an important amendment and one we have tried to have considered by the full body. Then if the opposition wants 5 minutes, that is fine. That would still keep it under a half hour.

Mr. GRASSLEY. Mr. President, that is OK—with a motion to table at the end of the time.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from New York is recognized.

AMENDMENT NO. 3597 TO AMENDMENT NO. 3559

(Purpose: To amend the Electronic Fund Transfer Act to limit fees charged by financial institutions for the use of automatic teller machines, and for other purposes)

Mr. D'AMATO. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New York [Mr. D'AMATO], for himself, Mr. CHAFEE, Mr. DODD, Mr. BRYAN and Ms. MOSELEY-BRAUN, proposes an amendment numbered 3597 to amendment No. 3559.

Mr. D'AMATO. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

At the appropriate place, insert the following new section:

SEC. ___. PROHIBITION OF CERTAIN ATM FEES.

(a) DEFINITION.—Section 903 of the Electronic Fund Transfer Act (15 U.S.C. 1693a) is amended—

(1) in paragraph (10), by striking "and" at the end;

(2) in paragraph (11), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following new paragraphs:

"(12) the term 'electronic terminal surcharge' means a transaction fee assessed by a financial institution that is the owner or operator of the electronic terminal; and

"(13) the term 'electronic banking network' means a communications system linking financial institutions through electronic terminals.".

(b) CERTAIN FEES PROHIBITED.—Section 905 of the Electronic Fund Transfer Act (12 U.S.C. 1693c) is amended by adding at the end the following new subsection:

"(d) LIMITATION ON FEES.—With respect to a transaction conducted at an electronic terminal, an electronic terminal surcharge may not be assessed against a consumer if the transaction—

"(1) does not relate to or affect an account held by the consumer with the financial institution that is the owner or operator of the electronic terminal; and

"(2) is conducted through a national or regional electronic banking network.".

Mr. D'AMATO. Mr. President, this amendment would end the monopolistic, anticonsumer, anticompetitive practice of ATM double charges once and for all. It is cosponsored by Senators CHAFEE, DODD, HARKIN, BRYAN, and MOSELEY-BRAUN.

The amendment corresponds to my bill, S. 885, called the Fair ATM Fees for Consumers Act, which currently has 11 cosponsors. It would amend section 903 of the Electronic Fund Transfer Act to prohibit ATM surcharges imposed by ATM operators directly upon noncustomers using their machines.

The big banks would have you believe that if this amendment passes, ATMs are going to disappear. Absolute nonsense. Hogwash. It is simply not true. If they get rid of ATMs, then they are going to have to open up more branches and hire more people, and it is going to cost banks more money. Well, a transaction performed by a teller at a bank branch does cost more money.

Let's take a look at the genesis of the ATMs. When they were initially introduced to the consumer, great promises were made. Indeed, the banking community, I believe, had the support of just about everybody, including consumer groups, when they said: Look, we're moving into the modern era and the utilization of ATMs will save consumers money, it will reduce transactional costs.

Those benefits, indeed, were supposed to be passed on to the consumer. It made sense. Indeed, a network was set up—a network owned by Cirrus and Plus, really owned by the large money center banks. Interestingly, in order to induce others who may have started rival networks, they said: Don't worry, use our network, use the ATMs that we establish, because we will prohibit a double charge, a surcharge on top of an initial fee. So, therefore, those who might go into competition, such as the credit unions, the small community banks, and others, do not have to go through the cost and expense of setting up your own ATMs, because we will let your customers use our ATMs without any additional charge.

Indeed, up until April 1, 1996, the networks prohibited double charges. That was a self-imposition to see to it that all of the financial services that were offered in the banking community would be available, there would be one charge that the consumer's own bank could impose and pass along the money to the ATM operator. The bank would be compensated, but there would not be any additional charge for those who used an ATM that was not their bank's.

Let me say that the Congressional Budget Office reported that there were more than 122,000 ATMs in the United States before double charges were permitted nationwide. So this rubric, this nonsense, this incredible claim that, "Oh, we are concerned about consumers and their choices, and we're concerned that they won't have these ATMs," that is just a lot of nonsense. Look at the facts—122,000 of the existing ATMs, or 74 percent, were in place before double charges.

Now, at last count, there were 165,000 ATMs. So in the past 2 years, you have had approximately 43,000 new machines come into use. That means that 74 percent—three-quarters of all the ATMs in the United States—were in place before they were allowed to double charge.

Now, under the amendment, which has been cosponsored by many of my colleagues, ATMs would still be profitable. They have been raking in huge profits.

The banks were saving money because they saved a dollar for each transaction performed at an ATM rather than at a bank branch—and they made a profit on the use of the ATMs. But they weren't satisfied with that. Oh, no. They had to say that: On top of that, we are now going to add another charge. Guess what we are going to tell the consumer? A little flag goes up and says you will pay $1.25 more.

What is a person who, at lunchtime, has to take out $20, $30, or $40 supposed to do? Go running around looking for an ATM that doesn't have a double charge? No. The people are stuck. They are running late, or maybe it is getting dark. Are you going to go searching for an ATM that doesn't have that little flag going up? Or are they going to look for one that doesn't exist, because their bank, under the inducement years ago that they need not participate and open up their own ATMs, they said, "We will rely on the network rather than try to find that mythical one"?

If you tried to find one in Washington, DC, you would not find one. Ninety percent of them in this region double charge. If you don't go to the institution where you do your banking, you are going to get whacked. This whacking costs the American people more than $3 billion more—$3 billion. The average family that uses another bank's ATM six times a month is going to pay about $200 a year more.

Do you know who it hurts? It hurts the little guy. It hurts the person who draws out that $30, $40 or $50, because the surcharge, which averages about $1.27, is paid in addition to the initial charge. Consumer groups have estimated the two charges average about $2.68 together.

Here is somebody trying to get out their $20 or $30 or $40—a senior citizen, a college student—and there is a $2.68 charge. That is a lot of money coming from the little guy. That is a heck of an interest rate. Years ago that would be called "usury"—usury to get your own money. That is really incredible.

That is why we have come forth with this amendment. Some people say, "Why are you getting into the private sector?" I will tell you why. What you have today is anticompetitive. Banks say consumers always have a choice to use an ATM that does not double charge. That is a joke. Seventy-nine percent of the ATMs are now double charging. I predict that by the end of the year that number will be over 90 percent. This is a situation where the consumer has little, if any, choice.

Many of my colleagues have said to me, "What is the big deal? It is only a couple of dollars." It may not be a big deal to us to pay an extra $3 when you are taking out $100 or $200. But it is a very big deal to senior citizens, to students and to working families who take out $20, $30 or $40 at a time.

ATM surcharges account for more than $3 billion a year. The fees themselves are skyrocketing out of control. The most common surcharge has increased from $1 to $1.50. That is right, when they introduced it, it started at $1. It is now $1.50. Forty-four percent of the ATMs charge $1.50 or more. It is going to go higher and higher unless Congress acts to stop it now. Keep in mind that this is a charge on top of a fee that the consumer is already paying to his or her own bank. It is a hidden bank fee. But they are paying.

A recent U.S. PIRG survey found that 83 percent of the banks charge their own customers an average of $1.18 per transaction whenever they use another ATM. When you add the most common charge to the average fee, that is $2.68. That is about $200 a year for a family that uses an ATM six times a month. That is outrageous.

Several States, including Connecticut—the State of my colleague, Senator DODD—Iowa, and Massachusetts are waging battles to ban double charges at the State level. But there is a question as to whether these measures would apply to federally chartered banks.

That is why Congress has to act. It has to act in order to preserve competition—in order to see to it that this monopolistic practice does not deprive people of real choice.

Mr. President, I hope my colleagues will look to help the little guy. This is an opportunity to give them the protection they so desperately need.

I yield the floor.

Mr. DODD addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. DODD. Mr. President, how much time remains on the amendment of the Senator from New York?

The PRESIDING OFFICER. Ten minutes 29 seconds.

Mr. DODD. Mr. President, I ask that I use, say, 5 minutes and be notified when 5 minutes have transpired so that the author of the amendment has some additional time at the end to conclude his remarks.

Mr. President, there is little question that the surcharges seem to have become the No. 1 complaint by many consumers and consumer groups all across the Nation. Part of the reason for the increasing complaints in this area is the speed with which the surcharges have become attached to the ATM machines.

Frankly, I say to the Chair, and my colleagues, I was not an early supporter of the prohibition of these fees. When it was first proposed by the Senator from New York, I argued that we ought to let the market dictate how these fees would be set, convinced, as had happened with the credit card issue, that competition within the marketplace actually had the desired effect of creating a good level, a less decent level, and an understandable and rational level for fees and surcharges and grace periods, and the like, when it comes to credit cards.

It was my hope that would occur here with the ATM issue. The problem is that it just hasn't happened at all. We have had the opposite effect, in fact. Banks seem to have become more interested in acting like sort of an electronic Jesse James—taking their cut when the consumer wants to get access to their money. In fact, the Congressional Budget Office puts this a little more seriously in their study, noting:

> Paradoxically, the increase in supply of ATM machines has not led to the kind of reduction that would generally follow from supply and demand solutions.

This is the Congressional Budget Office testimony. My concern over the practice of surcharging was augmented by some other developments as well.

First was the decision by a major national bank to sue the State of Connecticut, my home State, to overturn my State's ban on surcharges. This demonstrated to me that the banking industry was unwilling to allow the individual States to make their own public policy decisions about this practice. As a result, it has become very clear that only Federal legislation would allow my State of Connecticut to maintain the protections for its citizens that it has chosen to enact.

In fact, the attorney general of my State, Richard Blumenthal, came to

Washington and testified strongly in favor of the D'Amato amendment. Let me quote him. He said:

Federal legislation is vitally necessary to clarify our State's ability [a State rights issue] to enact such a prohibition. In addition, Federal legislation is necessary to ensure that consumers are protected from such fees whenever they use an ATM.

Also, let me note that despite Connecticut's ATM surcharge ban, the largest bank in my State announced, on July 14, that it was going to close some branches and open more ATMs around the State. The results rebut the argument that banks won't open new ATMs if this amendment passes. This is a living example where you have a ban, a moratorium on any new surcharges, and, yet, they are expanding the ATMs in my State.

So, clearly this ban, this legislation that is being offered by the Senator from New York, would not produce the results that its opponents are claiming.

Second, community banks in my State have expressed deep concerns that ATM surcharging could be used to give large banks with extensive proprietary networks an unfair advantage over community banks with fewer machines. Smaller banks are worried about this—not only consumers, but smaller banks are. This is particularly troublesome because of the regulatory and legislative decisions that allow banks to use the ATMs in the first place where, based upon the concept of universal access to the network, the large banks are reneging on that commitment. That is how they got this in the first place. This was going to be universal access. They have basically backed off that commitment.

Lastly, I have become very concerned over changes in bank underwriting standards for commercial loans and for credit card companies, which I have raised before and which was the subject of a front page Washington Post article today. It is a great concern where you have now these normal banking fees being replaced by surcharges and the like as a way of offsetting lowering the standards for credit. This ought to be a great concern of all of us. And the Washington Post article highlights this. You can lower your standard on credit card allocation, because you can make up whatever the losses would be in this area. I think putting this issue aside is a very dangerous road for us to be going.

As I reviewed the materials in preparation for the Banking Committee hearing, I couldn't help but be struck by the fact that loan standards and credit card underwriting standards have slipped as revenues from fees, which are almost pure profit, have escalated. I can't help but wonder whether the profit from these fees—$3 billion in ATM fees and $1.1 billion from fees charged their own customers when someone else bounces a check—aren't giving bank officials a false sense of security about their lending practices. If true, then this may be the most corrosive effect aspect of the recent boom in consumer banking fees of all types.

For those reasons, Mr. President, I believe the D'Amato amendment deserves to be adopted by this body. I urge my colleagues to do so.

Ms. MOSELEY-BRAUN addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. D'AMATO. I yield 2 minutes to the Senator from Illinois.

Ms. MOSELEY-BRAUN. I thank the Senator from New York. I congratulate and commend the Senator from New York for his leadership in this area.

Mr. President, I am proud to be a cosponsor of this amendment to ban ATM surcharges. Over the past two years, the Banking Committee on which I serve has held numerous hearings on this issue. I think it is important to note that every time we have one of these hearings, more studies confirm what we have said all along: the practice of surcharging is anticompetitive, it exploits consumers and it should be banned.

When I was in law school at the University of Chicago, I was taught that competition in a free market is supposed to be all about lowering prices and providing better services to your customers in order to maintain market share. However, competition in a world of surcharging is like Alice in Wonderland, where nothing is as it should be. Surcharging actually encourages the abuse of a dominant position in the marketplace, promoting predatory prices. Competition in this instance is not about providing the best services for the best prices, rather it is about forcing your rivals out of the marketplace by raising their costs.

And these costs are spreading. ATM surcharges have soared since 1995, and consumers paid between $2.5 and $3 billion in surcharges last year. This figure is in addition to the almost $1 billion in interchange fees already collected for these same transactions. Seventy percent of all banks currently impose a surcharge, and the most common surcharge has risen from $1 to $1.50 over the last year.

If current trends continue, few ATMs will remain that have no surcharge, and consumers, despite surcharge warnings most institutions post on the computer screen or on the machine, will truly have no alternative but to be charged twice for the same transaction—especially now that some institutions are surcharging their own customers.

I am aware that there are some costs to convenience. The number of ATM machines has more than quintupled over the last decade. Americans used ATM machines billions of times last year, accessing their bank accounts and other financial services 24 hours a day, seven days a week. However the practice of surcharging has actually resulted in less convenience for many customers. The result of surcharges is "the incredible shrinking ATM network," far less convenience, longer searches and longer waiting lines for those who seek to avoid these double fees. As the Federal Reserve Bank of New York concluded, "to avoid surcharges, many consumers are likely visiting ATMs that are less convenient than those used previously." I know there are costs associated with deploying these new machines, handling increased transactions, and other maintenance and safety issues. However, consumers are paying quite a bit for the marginal "convenience" of these additional machines. According to David Balto of the Federal Trade Commission, assuming that surcharging has lead to the deployment of 40,000 new ATMs, the more than $2.5 billion in surcharges last year means that customers paid over $60,000 for each new ATM. Furthermore, banks do not just surcharge on new ATMs in remote locations, but on all of their machines. Therefore, many customers who may never use one of these new, remote ATMs pay for the "convenience" of having it exist.

Moreover, it should not be forgotten that banks moved customers to ATMs because, compared to teller transactions, ATMs were cheaper. According to a 1996 Mentis Corporation study, an ATM cash withdrawal from an in-branch ATM costs an average of 22 to 28 cents, while the cost of a teller transaction is 90 cents to $1.15. And in some cases, banks charge customers for completing transactions with a teller if those transactions could have been completed at an ATM.

Certainly ATMs are a convenience for customers, but the truth is that banks have deployed more ATMs because it means lower costs to banks.

I remember when banks paid their customers for the use of their money. Today, however, it's increasingly expensive for the average working family to manage even a simple banking account. Americans who make timely credit card payments, or no payments at all, face higher fees. Americans who avoid special banking services are considered unprofitable customers, and face higher fees.

Now, with ATM surcharges, Americans are discovering that they must pay banks more than an additional $155 each year simply to access their own money.

The market is out of whack. The public knows this is unfair, and their visceral reaction is a response to market excess.

I am hopeful that the financial industry will take the necessary steps to remedy this problem. If they do, I do not believe this provision should become law. Banks in some states have

demonstrated a willingness to address this issue. I call on the rest of the industry to follow their lead. Otherwise, the government has a duty to correct the abuse of double charging people for accessing their own hard-earned dollars. In an era of unprecedented bank profits, it is clearly a case of greed over need. I strongly support this amendment and urge all of my colleagues to do the same.

Mr. President, there are sound economic reasons why this proconsumer amendment ought to be passed. Whether you care about consumer issues or banks, you ought to support Senator D'AMATO's amendment, which I am proud to cosponsor.

I thank the Chair. I thank Senator D'AMATO. I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

Mr. D'AMATO. Mr. President, I do not know if there is anyone here ready to speak in opposition.

I see the Senator from Alabama.

Mr. SESSIONS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. I know this is a good-sounding and popular-appearing bill, but I am not one who enjoys going to banks and going in banks. Over the years, I have thoroughly enjoyed the opportunity to obtain the cash I need on a daily basis from ATM machines. In fact, it allows you to carry less cash in your pocket, and you can find ATM machines everywhere. They are exploding to every corner of America. Businesses have them. Grocery stores have them. And they cost money—$30-, $40-, $50-, $80,000 to put in one of those machines.

So it has been a remarkable, wonderful advancement for the people of America, that they can obtain money on virtually any corner of a city, at their grocery store, at their bank, at their gas station, and so forth. This has been a wonderful advancement.

It seems to me particularly odd that we would say that a bank which is servicing someone who is not their customer, who does not have an account at their bank, and yet they might have spent $50,000 to put in this ATM machine, cannot charge a fee for it; that someone can use their machine without being able to charge a fee. It seems to me that would be an unreasonable thing. I think most banks don't have it free for their own customers.

I wish to make a number of points. While this fee, I don't suggest, would eliminate all ATM machines, I think it is quite reasonable to suggest that it would eliminate marginal machines, and as we know when we take money out of an ATM machine, it pops up on the screen how much the fee is. So if you are at a grocery store and you have your own bank machine down the street, but you would like to get your cash in the grocery store and they are not going to service you but for $1.50, you do have a choice. You have your choice of going to your bank or going to a machine that may charge less.

I hope and expect that as we have an expansion of machines, we may well find some of these fees will begin to drop rather than increase, and that has been the pattern in free enterprise since its beginning. So it seems to me that what we are suggesting is that on a bankruptcy bill, where at least with regard to this committee that deals with bankruptcy we are tacking on a credit card banking issue that was not part of the markup on this bill, it could jeopardize the bill and not be relevant to what we are considering.

I note that the Banking Committee on July 30 on a bipartisan 11-to-7 vote rejected this amendment. They considered it in some detail, and that committee, after careful consideration, balancing the great utility and advantage of having ATM machines at virtually every corner versus the cost of it, have opted in favor of allowing the continued expansion and convenience of more and more machines. I do not think there is any doubt that the growth in availability of machines will end and, in fact, it is likely that we will have a reduction in the number of machines, therefore reducing convenience.

Many bank machines are totally dependent on access fees, and many of these are particularly convenient to small businesses and small grocery stores. Many new ATMs in rural and other low-volume, high-convenience sites operated by nonbanks will be economically unfeasible. They will be closed. They will not exist. You simply have to be able to make a profit if you are going to provide a service. Nobody is going to invest $30-, $40-, $50,000 if they do not have any prospect of a return. We know that. We talk about the big banks, but it is not always big banks that are involved.

Mr. President, I believe that on this bankruptcy bill, we ought not to be dealing with banking issues and credit card issues. Those are matters that ought to be held in those committees and, in fact, they have been considering it. I urge the Members of this body to wait for another forum, another time to deal with this issue and reject this amendment because it is not good economics. It is not good public policy to limit the expansion and the convenience and accessibility of ATM machines.

I thank the Chair.

Mr. BAUCUS. Mr. President, I rise in opposition to the amendment offered by the Senator from New York. First let me say that I have a great deal of sympathy for the problem that the Senator is attempting to address. When banks first began to install ATM machines, I remember the reluctance many consumers expressed about this new technology. They were worried about whether their deposits would be safe, whether strangers would find it easier to get into their bank accounts and steal their money. The banks initially sold consumers on the use of the machines by calling them a cost-saving measure—ATMs were supposed to help banks cut costs by allowing them to serve more people for longer hours, without the need for high employee salaries or costly new branches.

In those early years, it appeared that these claims were paying off. And consumers became addicted to the convenience. No longer did you have to spend your lunch hour at the bank's drive-in window to deposit a paycheck—you could do it after work at the ATM instead. Consumer demand also led to an unexpected growth of ATM machines located in businesses other than banks. Now you can do your banking at the grocery store, the convenience store, the airport—any other place where there is demand.

But the economics of operating ATMs in those remote locations are not the same as operating them in the bank building itself. It is a lot more expensive to service the machines, collect and process deposits every day, or to provide security. And the networking banks have provided means more consumers are using ATM machines at banks other than their own—again with higher operating costs.

The convenience of banking virtually any place at any time has its cost. ATM fees allow banks to recoup at least some of those costs from the consumers using the services.

I know that ATM fees rankle those of us who don't appreciate having to pay a fee to have access to our own money. And I also understand the arguments of the Senator from New York and others who claim big banks are making large profits from their fees.

However, I also believe that ATM fees represent the purest form of user fee. If consumers don't want to pay the fees, they don't have to use the ATMs. But for those who are willing to pay, the fees allow banks to provide ATMs in more locations, making it more convenient to do our banking.

If the D'Amato amendment is approved, two things will happen.

First, banks will immediately reevaluate the economics of all their ATMs, and those that are the least cost-effective will simply be removed. Rural areas, like those in my State of Montana, will be particularly hard hit. The low volume of usage, combined with the higher cost of maintenance because of the distances involved, will make many rural ATMs unaffordable for the sponsoring banks.

Let me give you just one example sent to me by the 1st Bank of Sidney, Montana. Sidney is a town representative of a lot of towns throughout Montana and other rural parts of our country. 1st Bank has an ATM machine at

a 24-hour gas station and convenience store located on the main street through town. Even with the current ATM fee, 1st Bank lost almost $8,000 on that machine in 1997. Now $8,000 doesn't sound like a lot of money, but in states like Montana, believe me it can be.

I don't know whether 1st Bank will close this particular ATM if they are not allowed to recoup at least part of their costs by charging a fee. I do know that right now, hundreds of Montanans who used that machine in 1997 had a choice—if they didn't think the convenience of the machine was worth the $1.00 fee, they didn't have to use the machine.

If the ATM is removed because the bank decides it isn't worth the cost, we have legislatively taken from these consumers the ability to make that choice. They won't be able to decide on their own whether the convenience is worth the cost. We will force them to find other ways to do their banking.

Approval of the D'Amato amendment will also have a second consequence, that I believe we need to consider. Right now, those who use ATMs pay for the convenience. In places where the fees don't cover the costs of operating the machines, those of us who don't use ATMs, or don't use them frequently, help subsidize those who do. Eliminating the ability to charge those who benefit from the convenience of an ATM simply makes it that much more difficult for the rest of us to avoid these charges.

The old adage "there is no free lunch" is very applicable here. Someone has to pay the cost of operating an ATM. If we prohibit banks from charging those who use ATMs, it simply means everybody else will end up picking up the tab. And it won't matter whether we discipline ourselves to do our banking inside the bank, through the drive-in window, or electronically in order to avoid the fees. Every transaction will carry part of the cost of operating that ATM, because it will be built into the banks' operating costs.

Mr. President, I don't think those of us here in Washington, DC, should be dictating to consumers how to do their banking. I believe consumers should be allowed to continue deciding for themselves whether the convenience of an ATM is worth the cost. If enough consumers decide the answer is no, the marketplace will correct itself. Banks will be forced to reduce fees and cull out less profitable locations.

But this will happen in response to consumer demand, not legislative fiat. I believe this it the right answer.

I urge my colleagues to vote against the D'Amato amendment.

Mr. FEINGOLD. Mr. President, I am pleased to support the amendment offered by the Senator from New York (Mr. D'AMATO).

This amendment is about simple fairness.

Mr. President, banks, credit unions, and the other owners of automatic teller machines are entitled to be compensated for the service they offer.

But consumers are also entitled to be treated fairly.

The D'Amato amendment strikes that balance.

This amendment does not fix prices.

It does not limit what ATM owners may charge for using their machines.

It simply prohibits charging consumers twice for the same service.

Mr. President, consumers become subject to ATM charges when they obtain an ATM card through their bank or credit union.

While the consumer's bank or credit union often has its own ATM machines at which account holders can bank, increasingly, banks and credit unions join a network of ATMs to give their account holders greater access.

Mr. President, when your bank or credit union joins an ATM network, it pays what is called an interchange fee to the network, and your bank or credit union may pass the cost of that interchange fee directly to you, or it may just add it into their overall cost of doing business—a cost that account holders help to bear.

But, Mr. President, consumers are now being forced to pay an additional fee, a surcharge, for using a network ATM.

When that happens, the consumer is being billed twice for the same transaction—once by their own bank, and once by the ATM owner.

Mr. President, consumers who are already charged by their own banks or credit unions for using an ATM feel that once is more than enough.

When consumers are charged twice for the privilege of accessing our own hard-earned money through an ATM, it's time for this body to take some action.

Mr. President, not only are consumers now being asked to pay twice for the privilege of accessing their own money, the second fee, or surcharge, often represents a big portion of the cash they want to withdraw.

The Senator from New York noted consumers may be hit with a surcharge of $3 or more just to take $20 out of their account.

This is especially a problem for consumers in under-served areas.

Because they lack ready access to their bank or credit union, those consumers are much more dependent on ATMs for every day financial services.

Mr. President, let me note here that not all ATM networks subject consumers to this double billing.

I understand there have been efforts, especially by community banks, to form networks that explicitly do not charge consumers twice.

While I applaud those efforts, they may not be enough.

Mr. President, in addition to the fundamental unfairness of these double charges to consumers, I am troubled that this fee structure may also put smaller banks and credit unions at a competitive disadvantage.

Customers seeking to avoid these double charges may move their accounts to larger banks that own these broad-based ATM networks, and as we've seen recently, these big banks are now merging with each other, which will only make matters worse for their smaller competitors.

Indeed, Mr. President, in this regard there have been some troubling developments in the past few weeks.

In particular, I was disturbed to hear reports that the Department of Justice is investigating whether or not some of the large ATM networks are engaging in illegal restraint of trade by seeking to prevent smaller banks from forming those very alliances that promise not to double charge consumers.

Mr. President, this amendment will end double-billing at ATMs.

It will ensure fairness for consumers, and it will put a stop to efforts that undermine the ability of our smaller community financial institutions to retain their customer base.

Mr. President, it's time to demand fairness for ATM users.

Paying additional fees at the ATM is something consumers can afford to live without.

Mr. KENNEDY. Mr. President, I rise in support of Senator D'AMATO's amendment to ban ATM surcharge fees.

This is good policy, and we all ought to vote in favor of it.

These fees, which in some instances have reached exorbitant levels like $5 or $10 per transaction, are charged against consumers to access their own money.

The large bank networks, which typically operate the automatic teller machines, already charge a transaction fee to smaller banks for the use of their network.

These surcharges are a second charge, directly to the consumer, for the privilege of using the machine.

Some have argued that consumer behavior has changed, so that consumers can learn how to minimize surcharges. They can do this by getting cash back on debit card purchases, or by taking more money out at one time.

But these are the savvy consumers, or those who are able to take out a large amount of money at one time. The consumers who end up paying these fees are those who have the fewest options: their money is tighter, or they are in an emergency situation, or they don't understand the system enough to avoid these fees. Do we want to protect the rights of the banks to take advantage of those consumers?

The banks now charge the consumer at every turn. They first said that tellers were too expensive and encouraged us to use machines. Now they charge

both the consumer, and the consumer's bank, for the privilege of using the ATM machine.

This gouging of the consumer has to stop!

Some have argued that we should allow banks to police themselves on this issue. In my home state of Massachusetts, for example, the Massachusetts Bankers Association has worked to organize fee free alliances between big and small banks so that consumers can use machines statewide and avoid surcharges. This is a terrific program, and I compliment the MBA for developing it.

Truly progressive organizations, like Fleet Bank which operates throughout New England, have agreed not to charge fees for ATM use in low and moderate income communities. This is progressive corporate policy, and I salute them for it.

These financial institutions can be a model for the nation.

Unfortunately, there are not enough banks like those in my home state.

And so we must pass this amendment. We have heard from consumers, and they have had enough.

I know banks have heard from their customers in response to these charges. They have complained about it, loud and clear.

If banks had been proactive and responded by policing themselves, we would not be compelled to pursue an amendment such as this.

These exorbitant charges are an outrage! The Senate must act to protect the consumer from excessive charges.

In a time in which we are debating bankruptcy legislation, which has been supported strongly by banks and credit card companies, we also need to enact some provisions which will help the working men and women of this country.

We must end the gouging of the American consumer! I urge my colleagues to join with me in supporting Senator D'AMATO's amendment.

Mr. SPECTER. Mr. President, the D'Amato amendment to limit fees charged by financial institutions for the use of automatic teller machines is a very close question, in my opinion, because it pits the consumer's interest in avoiding potentially excessive bank charges against existing market forces where ATM machines provide significant convenience for the depositor's access to cash.

On this state of the record, I do not believe that there has been a showing of excessive charges on the part of the banks. This issue might well be revisited in the Banking Committee with hearings, as opposed to being a floor amendment on this bill where the Judiciary Committee, on which I serve, did not have the benefit of an evidentiary record on the issue of excessive charges.

On the other hand, I do believe that there is substantial benefit and convenience to the consumer who has access to a cash withdrawal, far from home, at unusual hours and under circumstances where it is a significant convenience to be able to get the cash.

I know that when I go to a convenience store, for example, to buy milk, and pay a higher price, I dislike it; but I am mindful of the fact that it is late at night or I don't have to stand in a long line in a supermarket or it is on my way home. So, I grin and bear the somewhat higher charge.

In addition, there may be substantial merit to the contention that if the Congress acts to affect the market on this issue that the ATM machines will not be available or may be very few in number to reduce this convenience.

Accordingly, on this state of the record, on a very close question, I am voting against the D'Amato amendment.

Mr. DORGAN. Mr. President, I rise to discuss briefly my thoughts about the automated teller machine (ATM) fee ban amendment offered today by Senator D'AMATO to the bankruptcy reform bill.

I share the concerns that Senator D'AMATO and others have about the rapid, and seemingly unchecked, increases in ATM fees across this country over the past few years. There is compelling evidence that some banks are charging exorbitant ATM charges that impose an unnecessary and unfair financial burden on bank customers. For many consumers, this happens every time they use an ATM that's not owned by their bank. And there appears to be no end in sight to this explosion in ATM fees. I do applaud the work of Senator D'AMATO and others for bringing attention to this growing problem.

But regrettably, I was forced to vote against Senator D'AMATO's amendment, as drafted, because it failed to recognize that many of our rural communities have significantly higher costs for providing many kinds of services. I'm afraid that adopting Senator D'AMATO's approach may actually be harmful for people living in these higher-cost areas. In my judgment, this amendment might have forced some of our banks to shut down existing ATMs in more sparsely populated areas in our state or made it too costly for them to install new ones in places where they are needed.

Let me be clear on this point. I would have liked to support a proposal to stop those ATM owners who are charging excessive and, in some cases, outrageous fees. And I'm willing to consider other approaches to help put the brakes on ATM price gouging. Unfortunately, the amendment that Senator D'AMATO offered today is one that I could not support because it may inadvertently hurt rural America.

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. I ask unanimous consent that at the conclusion of the debate, the pending D'Amato amendment be temporarily laid aside and the Senate proceed to the debate on the Dodd amendment. I further ask that at 2 p.m. the Senate proceed to a vote in relationship to the Dodd amendment, to be followed immediately by a vote on or in relationship to the D'Amato amendment, with no intervening action and 2 minutes of debate between each vote. I further ask that the partial-birth abortion debate begin immediately following the vote in relationship to the Dodd amendment under the 4 hours outlined in the previous consent agreement.

The PRESIDING OFFICER. Is there objection?

Mr. DODD. Reserving the right to object, I think the Senator means the D'Amato amendment, at the conclusion of the vote on the D'Amato amendment.

Mr. GRASSLEY. Yes.

Mr. DODD. I think the Senator said the Dodd amendment. I think he means the D'Amato amendment. Is that correct?

Mr. GRASSLEY. Yes.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. D'AMATO addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

Mr. D'AMATO. Might I inquire how much time I have remaining.

The PRESIDING OFFICER. The Senator has 2 minutes 53 seconds.

Mr. D'AMATO. Mr. President, I ask unanimous consent, because I do not believe it will impede on the time allocated for consideration of the Dodd amendment—we will not go past 2 o'clock—that we have an additional 5 minutes for the proponents because I have some Members here who would like to speak to this.

The PRESIDING OFFICER. Is there objection?

Mr. SESSIONS. Mr. President, reserving the right to object, there are a number of amendments on this bill, and we have to finish this bill by 2 o'clock. I just think that there has always been an advantage on floor time for the proponents and not opponents. I know Senator GRASSLEY has no time. I reluctantly object.

Mr. GRASSLEY. I suggest we amend it by giving 5 minutes to Senator SESSIONS.

Mr. D'AMATO. Sure. If he would like, 5 minutes each. I would ask that we have——

Mr. SESSIONS. I would certainly go along with Senator GRASSLEY. I am not sure I will use any time. If Senator GRASSLEY is comfortable with it, I withdraw my objection.

Mr. D'AMATO. I thank the Senator.

I yield 3 minutes to Senator BRYAN.

Mr. BRYAN. Mr. President, I thank the distinguished chairman of the subcommittee for his leadership on this

issue. The banking industry is enjoying its sixth straight year of record profits, which topped $60 billion last year. That is good news. But unfortunately, as part of a growing trend, these record profits are coming from an increasing proliferation of fees on bank customers. The number of these separate bank fees has grown from 90 to 250 over the last 5 years.

Last year, banks made more than $3 billion alone on ATM surcharges. That is the new cash cow. And this is in addition to the $1 billion banks are paid as part of the interchange fee, which covers their cost of ATM transactions. So, that is where the surcharge comes in. The banks are already compensated through an interchange system. They are imposing an additional fee, a surcharge, which Senator D'AMATO and I and others object to, which, in effect, imposes a charge twice on the customer.

Mr. President, $1.50 or $2 for every ATM withdrawal may not seem like a lot, but over the course of a full year it adds up to several hundred dollars. Many banks for years prohibited these ATMs. In fact, three out of every four ATMs that are in place today were built before surcharges were prohibited, so the argument that somehow prohibiting the surcharge would limit the availability of ATMs is simply a specious argument. Two States that come to mind immediately, Connecticut and Iowa, prohibit ATM surcharges, and there is no evidence to suggest that customers in those two States are deprived of the option to use ATMs.

So, people, in effect, kind of feel entrapped. Initially the banks offered ATMs because they reduced the costs of their transactions. They are much less expensive than the teller transactions. Customers responded because of the convenience. A win-win proposition. Once customers got induced to use ATMs, then they got hooked, and now they are being reeled in by the bankers with these new charges, because the average ATM transaction cost is about 27 cents while a transaction involving a teller costs the bank roughly $2.93.

ATM charges are unfair, because the consumer is charged twice for the same transaction. Additionally, ATM surcharges have the anticompetitive effect of pressuring people to leave small banks—which may be their choice—for their larger banks, to avoid this double charge or the surcharge. I urge my colleagues to support the able and distinguished chairman and to support this.

Let me just tell you, both in Nevada and around the world, this is how the public views the ATM surcharge. You will note from the chart there, the ATM reaches out with a loaded pistol and the customer is held hostage. That is what these ATM surcharges are all about.

I urge support for my colleague's thoughtful legislation, I yield the floor, and thank the Senator for extending the privilege of the floor to me.

The PRESIDING OFFICER. The Senator from New York.

Mr. D'AMATO. Mr. President, I commend both my colleague from Connecticut and Senator BRYAN from Nevada for their thoughtful presentations.

I tell you, when I look at the ATM cartoon over there, that Senator BRYAN has put up, it is interesting because that is exactly what is taking place, particularly to so many young people who don't have a choice, to the student who is at his college campus and there are only one or two of those ATMs around and everyone of them is double charging. It is excessive—to think they are paying $2.68 to take out their own money. If you are taking out $30 or $40 at a time, as many of the young people are, and many of our senior citizens, that is usurious by any standard.

The argument that somehow this is going to hurt competition is rather pathetic. This has really hurt the small banks, the credit unions, because they were deceived into not getting into competition while a huge network was built; 122,000 out of the 165,000 machines were installed well before the double charges.

Let's take a look and see. Since the double charges, in the past 2 years, have been imposed—17 percent double charged going into 1996. The next year, it jumped to 59 percent. And the following year, 79—79 percent of all of the ATMs are now double charging. They came into existence and were making a profit before the surcharges. This is just a way of really doing what Senator BRYAN's description, the chart, showed so eloquently. You are really holding up the consumer, because it is anticompetitive, antichoice. This number, 79 percent—that is temporary. We have seen them grow. You will top out at over 90 percent by the end of next year, there is no doubt.

So there is little choice. There is no reason. It is anticompetitive, antipeople, and we should have the courage to say enough is enough. Let our States determine whether or not this should be permitted. When the State of Iowa and the State of Connecticut have attempted to ban double charges, surcharges, they have not seen a diminution. But now, even their law will be threatened, and is in court, as it relates to those States that want to protect consumers. So we are whipsawing them both ways, and there is only the Federal Government that can make a difference.

I hope my colleagues will join with me in voting to give people a real choice without that additional burden being placed on them.

Mr. President, I yield the floor. I thank my colleagues for permitting us the additional time to make known our thoughts and our views.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. D'AMATO. Mr. President, may I inquire of the manager, does he intend to make a motion to table now? And then we will lay that aside and we can ask for the yeas and nays now? Would that save time?

Mr. GRASSLEY. I move to table the D'Amato amendment.

Mr. D'AMATO. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. GRASSLEY. I move the D'Amato amendment be set aside.

The PRESIDING OFFICER. By a previous order, the Senator from Connecticut is recognized.

AMENDMENT NO. 3598 TO AMENDMENT NO. 3559

(Purpose: To amend the Truth in Lending Act with respect to extensions of credit to consumers under the age of 21)

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

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Connecticut [Mr. DODD] proposes an amendment numbered 3598 to amendment numbered 3559.

Mr. DODD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

At the appropriate place, insert the following new section:

SEC. ___. EXTENSIONS OF CREDIT TO UNDERAGE CONSUMERS.

(a) IN GENERAL.—Section 127(c) of the Truth in Lending Act (15 U.S.C. 1637(c)) is amended—

(1) by redesignating paragraph (5) as paragraph (6); and

(2) by inserting after paragraph (4) the following:

"(5) APPLICATIONS FROM UNDERAGE CONSUMERS.—

"(A) PROHIBITION ON ISSUANCE.—No credit card may be issued to, or open end credit plan established on behalf of, a consumer who has not reached the age of 21 unless the consumer has submitted a written application to the card issuer that meets the requirements of subparagraph (B).

"(B) APPLICATION REQUIREMENTS.—An application to open a credit card account by an individual who has not reached the age of 21 as of the date of submission of the application shall require—

"(i) the signature of the parent or guardian of the consumer indicating joint liability for debts incurred by the consumer in connection with the account before the consumer has reached the age of 21; or

"(ii) submission by the consumer of financial information indicating an independent means of repaying any obligation arising from the proposed extension of credit in connection with the account.".

(b) REGULATORY AUTHORITY.—The Board of Governors of the Federal Reserve System

may issue such rules or publish such model forms as it considers necessary to carry out section 127(c)(5) of the Truth in Lending Act, as amended by this section.

The PRESIDING OFFICER. The Chair might say, under the previous order, there is 40 minutes equally divided.

Mr. DODD. Mr. President, one of the most troubling developments in the hotly contested battle among the credit card issuers to sign up new customers has been the aggressive way in which they have targeted people under the age of 21, particularly college students. We are engaged, obviously, in a debate about the bankruptcy bill here. The authors of this bill, and I commend them for it, recognize there has been an explosion of people who are taking advantage of the Bankruptcy Act to avoid their financial obligations.

It seems appropriate in the context of this bill that we also recognize that there has been an explosion of efforts to sign up younger people, particularly on college campuses, to credit cards, recognizing that, as many have pointed out, these students are ill prepared to meet their own financial obligations. Inevitably, they either incur debt and end up in tremendous difficulty or their parents assume the responsibilities, which can occur with upper-income people who can afford it.

Just this past August, to make the point, a fellow by the name of John Simpson, who is an administrator at the University of Indiana, said:

This is a terrible thing. We lose more students to credit card debt than academic failure, at the University of Indiana.

What I am trying to lay out here is a proposal that is not outrageous. Basically, what it says is if you are between the ages of 18 and 21—no contract is valid for someone under 18, so a credit card obligation for someone under 18 would be voided anyway. But between 18 and 21, either show that individual has independent economic means—a job or whatever—or parental permission. If you can do that, fine, then you can market and issue a credit card to those individuals. We set up separate standards on drinking in this country for those 21 and under, and for tax purposes. It seems to me this little window in here could save an awful lot of students, an awful lot of families, the kind of hardship.

Let me lay out the case for you here on a factual basis. Solicitations to this age group have become more intense for a variety of reasons. First, it is one of the few market segments in which there are always new faces to go after. It is also an age group in which brand loyalty can be established. In the words of one major credit card issuer, we are in the relationship business and we want to build relationships early on. Recent press stories have reported that people hold on to their first credit card for up to 15 years.

In fact, people under the age of 21 are such a hot target for credit card marketers that the upcoming card marketing conference this year—this is the card marketing conference 1998, which is going to be held in Las Vegas. They have a seminar beginning at 12 noon on the day of this conference that is entitled "Targeting Teens: You Never Forget Your First Card," to give you an idea of how much a part of this the credit card companies have in mind. As I say, this is indicating their deep interest in this constituency.

Credit card issuers are also enticing colleges and universities to help promote their products. Professor Robert Manning at Georgetown University here in Washington told my staff that some colleges receive tens of thousands of dollars per year for exclusive marketing agreements. Other colleges receive as much as 1 percent of all student charges from credit card issuers in return for marketing or affinity agreements.

Even those colleges who don't enter into such agreements are making money. Robert Bugai, president of College Marketing Intelligence, told the American Banker that colleges charge up to $400 per day for each credit card company that sets up a table on campus. That can run into the tens of thousands of dollars by the end of just one semester.

Last February, I went to the main campus of the University of Connecticut to meet with student leaders about this issue. Quite honestly, I was surprised by the amount of solicitations going on in the student union, and I was also surprised the degree to which the students themselves were concerned about the constant barrage of offers they were receiving.

The offers seemed very attractive, Mr. President. One student intern in my office this summer received four solicitations in just 2 weeks. One promised "get eight cheap flights now while you still have 18 weeks of vacation." That is the solicitation, part of it geared to this young woman in my employment.

Another promised a platinum card with what appeared to be a low interest rate, until you read, of course, the fine print that it applied only to balance transfers, not to the account overall.

Only one of the four, Discover card, offered a brochure about credit terms, but in doing so, often offered a spring break sweepstakes in order to attract these students. In fact, the Chicago Tribune reported just last month that the average college freshman will receive 50 solicitations during their first few months at college. The Tribune further reported that college students get green-lighted for a line of credit that can reach more than $10,000 just on the strength of a signature and a student identification card.

Mr. President, there is a serious public policy question about whether people in that age bracket can be presumed to be able to make the sensible financial choices that are being forced on them from this barrage of marketing. While it is very difficult to get reliable information from the credit card issuers about their marketing practices to people under the age of 21, those statistics that are available are deeply, deeply troubling.

The American Banker newspaper reported that Visa found that 8.7 percent of bankruptcy filers were under the age of 25. A Chicago Tribune article from August 16 of this year cited that bankruptcies "among those under 25 have doubled over the last 5 years from 250,000 to 500,000."

The bankruptcy legislation, the underlying bill, is going to make it harder to take the bankruptcy act. I understand that. I am not opposed to that idea. But if simultaneously you are going out and aggressively sending eight solicitations to an 18-year-old in my office promising them free vacation breaks or flights, I think there is something wrong here.

I don't mind getting tougher on the bankruptcy laws, but I think we have to get a little tougher to say the 18-, 19- and 20-years-olds who have no independent financial means and without parental permission are getting signed up merely on a student ID card and signature, incurring $10,000 worth of debt.

The same survey found that 27 percent of undergraduate student applicants had four or more credit cards—27 percent, four or more credit cards—and found that 14 percent had credit card balances between $3,000 and $7,000, while 10 percent had credit card balances greater than $7,000. This figure of 24 percent with credit card debts in excess of $3,000 is more than double the number from last year.

Moreover, while there is evidence that student debt is skyrocketing, some surveys by credit card issuers themselves show that this same group of consumers is woefully uninformed about the basic credit card terms and issues. A 1993 American Express/Consumer Federation of America study found that only 22 percent of more than 2,000 college students surveyed knew that the annual percentage rate is the best indicator of the true cost of a loan. Only 30 percent of those surveyed knew that each bank set the interest rate on their credit card, so that it is possible to shop around for the best rate. Only 30 percent knew that interest was charged on new purchases if you carry a balance over from the previous month.

Some college administrators, bucking the trend to use credit card issuers as a source of income, have become so concerned that they have banned credit card companies from their campuses and have even gone so far as to ban credit card advertisements from the campus bookstores. Roger

Witherspoon, Vice President of Student Development at John Jay College of Criminal Justice in New York, banned card solicitors saying indebtedness was causing students to drop out:

Middle-class parents can bail out their kids when this happens, but lower-income parents can't—

Mr. Witherspoon said in an interview.

Kids only find out later how much it messes up their lives.

That is a quotation from the American Banker.

The amendment I am proposing today does not take any such Draconian action against the credit card companies. Let me state, by the way—and I should have said this at the outset—many credit card companies do require parental notice or approval or evidence of independent means. There are many who do this, but there are some who do not at all. As most laws, it is not targeted to those who show good judgment and good sense, but to the few who do not. Unfortunately, here we have a few who do not at all.

This amendment does not go so far as to ban credit cards or ban advertising. It merely says, look, between the ages of 18 and 21, either show you have the independent means to meet the obligations or get a signature from a parent that they understand that their child is about to take out a credit card.

I agree with those who argue, as I said, there are millions of people under the age of 21 who hold full-time jobs who are as deserving of credit as anyone over the age of 21. I agree with that. I also believe students should continue to have access to credit, and we should not prohibit the market from making that available.

I also recognize the period of time from 18 to 21 is an age of transition from adolescence to adulthood, and as we do many places in Federal law, extra care is needed to make sure mistakes made from youthful inexperience does not haunt these people for the rest of their lives or a good part of it.

All my amendment does is require a credit card issuer, prior to granting credit, to obtain one of two things from the applicant under 21: Either they get the signature of a parent or guardian, or they obtain information that demonstrates the existence of an independent means of paying off the amount of credit offered.

Federal law already says people under age 21 shouldn't drink alcohol. Our Tax Code makes the presumption if someone is a full-time student under the age of 23 that they are financially dependent on their parents or their guardians.

Is it so much really to ask that credit card issuers, in the midst of a bankruptcy bill that will make it tougher for people to take this act, is it so much to ask that we try to find out if someone under the age of 21 is financially capable of paying back their debt or that their parents are willing to assume the financial responsibility?

Mr. President, it is my understanding that most, as I said, responsible credit card issuers already require this information in one form or another. Is it too much to ask the entire credit card industry to strive to meet their own best practices when it comes to our children?

Mr. President, I do not believe this amendment is either unduly burdensome on the credit card industry nor is it unfair to the people under the age of 21. The fact of the matter is that these abusive solicitations assume that if the young adult is unable to pay, they will be bailed out by their parents. Many times this means that parents must sacrifice other things in order to make sure their child does not start out their adult life in a financial hold with an ugly black mark on their credit history.

By adopting this amendment, Mr. President, the Senate will send a clear message to those aggressive credit card companies that we will no longer countenance this abusive behavior. This amendment corrects that behavior by making those overly aggressive companies, credit companies, exercise their best judgment—instead of their most craven instincts—when it comes to people obtaining their own credit cards for the very first time.

Mr. President, I note as well in an interview on an NPR program just a few days ago on this very issue, Nancy Lloyd, who is the editor-at-large for Kiplinger's Personal Finance magazine, had this to say about this practice. She said:

. . . that the real reason that credit-card companies are going after college students is that they know that after a parent has spent several tens of thousands of dollars to educate their student, that if they fall behind on their bills that the parent will bail them out, even though legally they don't really have to [if they are younger than 18].

Mr. President, I do not think this is a radical proposal here. It is again a huge problem. NBC, I think last evening, ran a special report on the "Fleecing of America" where they talked about this problem. I think there have been a number of other reports on this.

We began this issue last December in raising the question when I went to my own campuses in Connecticut, as I mentioned a moment ago, to find out how widespread this was. And, again, the information we have been able to gather indicates, I think based on the data we have, limited as it is, that this is a growing problem. The debt has doubled now in the last year. It is going to get worse.

If we adopt the underlying bill, which I hope we do, then obviously the ability to use the Bankruptcy Act to excuse obligations are going to get tougher. So it seems to me if we are going to do a favor to the banks by making it tougher for people to avoid their financial responsibilities, which we should, we should also send a message that we do not believe you ought to be dumping, as we did last year in this country, 3 billion credit card solicitations but particularly dumping these where there is a student ID and a signature from a 19-year-old, without independent means or parental approval, to assume $3,000, $4,000, $5,000, $6,000, $7,000, $8,000, $9,000, $10,000 worth of financial debt. I think that is wrong. I think we ought to try to stop it. I think this amendment brings us in the right direction, and I urge its adoption.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I know this amendment is well intentioned, but, look, I was a building tradesman as a young 16-year-old. I made a pretty good living as a building tradesman. I could have wound up as a building tradesman, which I was very proud to be. In fact, I have had some colleagues say I should have stuck with it. In fact, one of them, when they found out I was a janitor at one time putting myself through college, said I should have stuck with it. Maybe so.

But I would hate like heck to have some artificial rule or some regulatory rule by some regulatory agency of Government say that I, as a hard-working carpenter, would not be able to get a credit card and get credit that I might need for my family to make our lives a little easier because of artificial rulings like what happens as a result of this well-intentioned amendment.

This is a slap in the face of every 18-, 19-, 20-year-old—and 17-year-old, 16-year-old even—people who can work; 16-, 17-, 18-, 19-year-olds who work hard, who are supporting their families. They may not be college graduates, they may not look like they quite have the future of some who have gone to college and done the things that they have done—might look like—but they are not going to be able to get credit cards under this without going through some big rigmarole decided by Government.

This amendment would unfairly discriminate against young adults. I think it has to be opposed. I hope our colleagues will think about this. The amendment would require parental consent for extensions of open-ended credit to young adults under the age of 21—think of that—a lot of young adults who are supporting their families and doing what is right but have not been to college, or even those who have been to college or who are working well in college, as I had to do, unless they could demonstrate "an independent means of repaying" the obligation.

While it is not entirely clear what would constitute an "independent means of repaying" a debt, one thing is clear: This amendment would have the

bizarre effect of requiring an emancipated but temporarily unemployed 20-year-old mother to obtain her parent's consent before receiving a credit card, or an unemployed 20-year-old carpenter who, because of seasonal layoffs, might not have a job for a couple of weeks, or maybe 3 weeks or maybe a month or two. I understand that life; I understand how difficult it is.

The same would be true with respect to a 20-year-old plumber or a construction worker, like I have mentioned, who is between jobs, in between jobs, and with respect to a 20-year-old recently discharged from the U.S. military and looking for civilian employment—somebody who is honorable and decent, would pay back any debt no matter what happened but could not get a credit card because of these artificial restraints.

Moreover, the amendment makes no provision whatsoever for a young adult whose parents or guardians may be deceased. It is also not clear what responsibility, if any, the amendment would impose on a lender to verify that the signature of a parent or a guardian was authentic.

In short, discriminating against individuals between the ages of 18 and 21 when it comes to obtaining credit simply cannot be justified just because we know it is pretty easy to get a credit card out there and it is abused from time to time. But this amendment furthers the abuse only in the opposite direction. Also, it is important to note that individuals under 18 cannot enter into binding contracts and, therefore, any credit inadvertently extended to them is unenforceable.

I encourage my colleagues to join me in opposing this amendment, notwithstanding some of the arguments on the other side of the aisle. It is important to note that not all 18-, 19- or 20-year-old kids are college students or unemployed or irresponsible or bums, if you want to say it. Some have families, some serve in the military and are asked to defend our country. It puts their ability to gain credit in doubt. Or should we just call it the way it is? In the hands of Federal regulators.

You know, there is a limit to everything. Yes, there are some abuses here. Yes, some of these credit card companies get some of these young people hooked on credit cards just thinking they can live with that credit card. But in the interest of solving that problem, do you abuse all the other honest, hard-working, decent young people between the ages of 18 and 21? Do you discriminate against them so that they cannot get a credit card that might make their lives maybe a little bit better or a little more livable or a little more sustainable?

My attitude is that this amendment ought to be defeated because it is a one-sided amendment that, in my opinion, has not been well thought through. That is not a knock at my colleague because I know he is sincere. I know he has good intentions here. I know there are some values that he is trying to defend. But I think the overwhelming weight of maturity is on the side of young people in that age group who deserve to have a credit card, who would pay back their credit card, who are responsible citizens, and who do not need the Federal Government to tell them what they can or cannot do in this area. The fact that we have a few credit card companies that abuse the system does not mean we should pass this type of an amendment.

I am happy to yield 5 minutes to the distinguished Senator from Alabama.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, I thank the Senator from Utah for his excellent remarks in pointing out a lot of people age 18 to 21 are not in college. I just had two children graduate from college, and I still have one in college. I believe a credit card is a good thing for them to have. Almost every college student is going to have a credit card. The fact that we have some competition in the credit card industry—they are offering lower rates and less charges if you will use their credit card—that is good. We have needed that.

In my opinion, the biggest complaint about credit cards is they charge too much interest. Those rates have been driven down because of competition. There are 6,000 credit card companies, and they are sending out mailings, and they are encouraging people to use their credit cards. What is bad about that?

What troubles me is we are saying if you want a young person to have a credit card, they may have to get their parents to sign as a cosigner and be financially responsible for their debt. That doesn't seem to me to be fair or correct. Maybe a parent says if you want to get a credit card you can, but it is your debt to pay, not mine. The requirement we are debating now would prohibit them from getting a credit card under those circumstances.

What about young persons whose parents are deceased?

The Federal Government should not be stepping in and telling a credit card company you can't take a chance on a young person, or that you have to get the parent to cosign before giving a young adult a credit card. This seems unhealthy to me. I am sure it is true that credit card companies like to get young people accustomed to using their cards and hope they will use them throughout their career. I don't know that there is anything wrong with that.

Mr. President, a 20-year-old who may be temporarily unemployed may find a credit card to be very valuable. Suppose you have to drive to a job interview and the guy down at the car inspection place says your vehicle emits too much pollution and you have to spend $400 to fix it; or your tire blows out and you have to have $75 to get the car towed and another $50 to put a tire on it. A person may not have that cash in their pocket at times such as these, when they really need it. That is why credit cards are a good thing.

Credit cards have been helpful in many ways for citizens in America. The problem is with people who abuse them and who don't show personal discipline. We all know that is a problem. We need to encourage personal discipline, not have the Federal Government telling a young person they can't have a credit card unless their parent agrees to pay their debt.

Mr. DODD. Mr. President, we have no intervening business between now and 2 o'clock. Several of our colleagues want to speak on this amendment. I ask unanimous consent we take the time between now and 2 o'clock and equally divide it between opponents and proponents of this amendment.

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

Mr. DODD. Mr. President, I yield to my colleague from North Dakota.

Mr. DORGAN. Mr. President, I rise in support of the amendment. I have listened to the debate; it is an interesting debate, but I think all of us know what is happening in this country with respect to credit cards.

I noticed an article this morning in the Washington Post on the front page:

Banks Risk New Wave of Bad Debt: Report Cites Easing of Credit Standards.

They are talking about commercial loans in response to competition; even though the risks will rise, they are easing standards, lowering lending standards.

What are the standards of lending for credit cards? Go to a college campus and look in the mailboxes and see the solicitations for these kids that have no jobs, no income, no independent means of paying. They get solicitations from companies halfway around the country.

The solicitation says we have something to offer you. You don't have money? We have money. We will give you a piece of plastic, and you get a preapproved range of credit. Sign this, send it in, and it is all yours.

It is Byzantine to me to see what is happening with the "blizzarding" of these credit cards all around the country, even to people without money.

Yesterday in our mail, my son got a solicitation from the Diners Club. My son, Brendon, is a great young guy. In fact, do you know what Brendon told me he wanted to do when he gets big? Brendon told me he wants to be like his grandpa.

Now, I know that doesn t sound surprising. But do you know why? It s because he wants to be retired, just like his grandpa.

You see, Brendon went to Arizona to see his grandpa, and Brendon watched his granddaddy and thought, that's what I want to do—sleep late, get up and golf a little bit, come home, have some lunch, take a nap, then watch television.

Brendon says, "I like what grandpa has. I want to be retired." Brendon is only 11.

The Diners Club wrote to Brendon. Doreen Edelman, Senior vice president at Diners Club, wrote:

Dear Brendon, Whether you travel for business or pleasure, wouldn't you like a Card that rewards your spending with something you could really use—frequent flyer miles on the major airline of your choice?

It says get our Diners card. You can go to lounges, you can go to fancy restaurants, you can rent cars, you can pay for your airline ticket.

I didn't show Brendon this last night because the fact that Brendon would like to be retired might persuade him that he would like a Diners Club card, too, but he is only 11. He doesn't have a job. He doesn't have any money. He isn't going to have a Diners Club card.

I don't know whether Doreen Edelman, senior vice president of the Diners Club, listens to this debate. In fact, it looks like she is from Sioux Falls, SD. Holy cow, I didn't think anybody from either of the Dakotas would think this way—that an 11-year-old boy ought to get a Diners Club card.

I know why he got this. They don't know him from a head of lettuce. They don't know Brendon Patrick Dorgan. They gathered the name someplace and sent him a little letter that says they would like him to get a Diners Club card.

It would serve them right to have all these 11-year-olds send this in, get the Diners Club card and go spend some money.

I come from a town of 300 people. If someone in business on the main street of my hometown said, Do you know what I want to do? I want to send some 11-year-old an invitation to have credit with us. That person would have to be drunk or just dumb. What are they thinking? That is what is happening.

I know this debate is a little more serious than that. It is about the explosion of credit cards to college kids and so on. I understand that. But this is a wonderful example of how ridiculous it has become, isn't it? It is just indiscriminate. Are you alive? Do you breathe? Do you have a name? Are you on a list? Congratulations, we would like to offer you some preapproved credit.

What kind of standard is that? What kind of business behavior is that?

I happen to support the underlying bill. I believe the pendulum has swung too far on bankruptcy. I think it ought to swing back some. I am prepared to support the underlying bill. I also believe those in this country who run these businesses and send solicitations to 11-year-old boys and solicit every college student in the country with credit cards with preapproved limits, I think they have some responsibility, as well. That is what the Senator from Connecticut is saying today with his amendment. They have some responsibility, too.

I am pleased, on behalf of Brendon, to support the amendment by the Senator from Connecticut. Perhaps we will make some progress in saying to those who extend credit in this country, yes, we believe bankruptcy laws ought to be adjusted some; you are right about that. We also believe you have some responsibility, which you have been ignoring with the solicitations you are making indiscriminately around this country.

I yield the floor.

Mr. DODD. Mr. President, I thank my colleague for his eloquent, and if it weren't so sad, quite humorous story.

Unfortunately, Brendon is not alone. This wasn't just a mistake. Unfortunately, parents can tell you all across the country that this happens with regularity.

Let me address, if I can, the argument of my good friend and colleague from Utah and why he is opposed to this bill. The great irony is the 20-year-old who is out working and not in college is disadvantaged. That individual has to prove that they have independent economic means.

Listen to this recent report:

All the rules have been suspended when it comes to college students. They get a green light, a line of credit that can reach more than $10,000 just on the strength of a signature and a student ID. Almost comically, [the report says], low standards become much different after graduation and bona fide adulthood.

So the individual who is out working, who is not in school, who may have a real need for a credit card, has to go through far many more hoops than the students between the ages of 18 and 21 who can get these solicitations.

This wasn't Brendon. This was a 19-year-old—get eight cheap flights now while you still have 18 weeks of vacation. How about a platinum card to a 19-year-old without any indication of whether or not she can meet her payments?

I don't think it is outrageous to say, look, just show your independent economic means. You have a job, fine. Or get a parental signature. That is not asking too much. Just listen to the administrators at these universities. A terrible thing. We lose more students to credit card debt than academic failure now. The numbers have doubled. It is not overreaching to say to an 18- or 19-year-old that we are going to insist that you prove an independent economic ability to pay—the same as an 18- or 19-year-old would have to do were they not in college—or have a parental signature. Everybody knows that if you are under 18, you can't enter into a contract and have it binding. People have said, "Why not just make it 18?" Well, those contracts don't hold up and the bankruptcy laws would not cover it.

So between 18 and 21, we are just trying to cover those areas here, statistically. I talked about this study that was done and I failed to identify who did it. Nellie Mae, a major student loan provider in New England, conducted a survey of students who had applied for student loans. "The results of the credit card examination is alarming." Those are their words, not mine. They found that 27 percent of the undergraduate student applicants had four or more credit cards, and 14 percent of the credit card balances, debt, between $3,000 and $7,000, and 10 percent in excess of $7,000. That is before they graduated from college, in addition to student loans.

So our efforts here—while the credit card companies see this, apparently, as draconian—will provide relief in the underlying bill. Requiring a little higher standard for college students before they get credit cards is not asking too much. I know the ranking member on the committee wanted to be heard on this, and I see my colleague from Utah.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER (Mr. SANTORUM). The Senator from Utah is recognized.

Mr. HATCH. Mr. President, I find it somewhat ironic and, frankly, indefensible that some of my colleagues on the other side of the aisle who are now arguing for parental consent here in order to obtain a credit card, would also argue against requiring parental consent for children who want to get an abortion. I have spent 22 years listening to that.

Now, Mr. President, they are arguing for parental consent for young adults between the ages of 18 and 21. Look, if they are willing to amend the amendment—every State in this Union, to my knowledge, refuses to give credit or allow credit to be granted to young people less than 18 years of age. So I think Senator DORGAN's son already fits within that category. We are talking about 18-, 19- and 20-year-olds who work, who are in the service, are capable of doing this, who should not have to get parental consent, should not have to justify it. I am talking against discrimination against young people of that age.

My friends on the other side argue for parental consent for young adults between 18 and 21. These are not even minor children. How can anybody argue, on the one hand, that if you are between 18 and 21 and you want a credit card, you have to get your parents' consent, and on the other hand you should not have to get parental consent if a minor wants to get an abortion? I don't know about you, Mr.

President, but to me that sounds a little bit inconsistent—maybe a smidgen.

Every State in the Union, to my knowledge, refuses to give the right to grant credit to young people below 18 years of age. At least that is my understanding. So that is not even an issue. Despite all of the enjoyment we had from the remarks of the Senator from North Dakota, that isn't an issue. Are we going to discriminate against hard-working young people who are 18, 19 and 20 years of age, who should have a right to credit, just because we have some excesses in our society that really are not justified?

Mr. President, one of the arguments that I hear again and again is that the bankruptcy crisis in this country is the fault of credit card companies because they offer credit too freely to low- and moderate-income Americans. Opponent of reform have, during the hearing process, shown us piles of credit card solicitations to make their point. They want us to believe that the nation's bankruptcy crisis is the fault of easy access to credit, and not of the individual who abuses the bankruptcy system with all of its present loopholes.

First, I would like to say a few words about taking personal responsibility for our actions. In a free world, each of us is confronted with a variety of offers on a daily basis, some of which we should accept, and some of which we should not. It is the responsibility of the individual to decide whether or not to take on debt and it is the responsibility of the individual to live with the consequences of that decision. Before we can begin to make meaningful reform to the bankruptcy laws, we simple must stop the finger pointing and accept personal responsibility for our spending and borrowing practices. That said, if we look at the objective facts, it is apparent that credit card debt is only a small fraction—about 16 percent—of the debt of a typical bankruptcy filer.

The reason I have this chart up is because the yellow part of that, the higher part of it, shows the total consumer debtload. You will notice that between 1980 and 1997 the consumer debtload has remained about the same. But look at the red part, increase in consumer bankruptcy filings, which this bill would help to resolve. The increase in consumer bankruptcy filings has continued to go up off the charts. So the debtload doesn't appear to be the major problem. What is the major problem is the abuse of the bankruptcy system, which this bill would correct.

Surprisingly, as Americans continue to use consumer credit at about the same level as they have historically over the last few years, bankruptcy filings have more than quadrupled. In other words, as this chart demonstrates, the debt load that individuals carry has not changed very much. What has changed is the attitude of Americans toward bankruptcy. People turning to bankruptcy today are not in significantly more difficult debt that those in the past. But rather than taking responsibility and working their way out of debt, too many people are choosing bankruptcy as a first resort.

As I have said before, excessive bankruptcy filings hurt all of us. When someone who could pay their debts instead opts for bankruptcy, the rest of us effectively pay their unpaid bills for them. Bigger businesses and creditors raise prices and interest rates to offset their losses, and small businesses may actually be forced into bankruptcy themselves.

But his issue is not just about the impact of bankruptcy on the rest of us. It is about personal integrity and personal responsibility. When you borrow money from someone else, you make an implicit promise to do whatever you can to pay that money back. Our present bankruptcy laws undermine this basic principle. This bill will help solve that. They allow people who can repay their debts to avoid doing so because they find their debts "inconvenient" or because repaying their debts would require them to change their lifestyle.

Ironically, many of the people who say that we do not need to reform the bankruptcy code because easy access to credit is to blame, are the very same people who argue that poor and moderate income individuals desperately need, and should not be denied, credit. These are the same groups who, fifteen years ago, complained that the credit industry granted credit only to the elite and wealthy, and deprived lower-income Americans of the important opportunity to use credit. And, these are the same people who vociferously argued just a few weeks ago in favor of the Community Reinvestment Act or CRA, which requires banks to extend loans and credit to low and moderate income Americans who live in low income areas.

Rather than reform the bankruptcy code, some have suggested imposing burdensome credit qualification standards on the credit card companies. Let me be clear: amending this bill to require onerous credit qualification standards will result in an immediate reduction in the availability of credit to lower-income individuals. And, imposing burdensome requirements on credit card companies that do nothing to help consumers—and that in fact hurt consumers by adding to the cost of being a credit card holder—is nothing more than an obvious attempt to derail bankruptcy reform. On the other hand, I remain open to measures that will help people become fully aware of the implications of debt before they incur it.

Mr. President, the explosion in bankruptcy filings has less to do with causes and more to do with motivations. The stigma of bankruptcy is all but gone. Bankruptcy has become a routine financial planning device used to unload inconvenient debts, rather than a last resort for people who truly need it. The rest of us end up footing the bill for abuses in the bankruptcy system in many forms, including higher prices and higher interest rates. What this legislation will accomplish is straightforward: If a person is able to repay some of what they owe, they will be required to do so. We must restore personal accountability to the bankruptcy system. If we do not, every family in America, many of whom struggle to make ends meet but manage to live within their means, will continue to shoulder the financial burden of those who abuse the system.

Mr. President, I do not mean to suggest that the bankruptcy system has failed us altogether. It provides a way for individuals who have experienced a a financially devastating event to get back on their feet. The problem we face is that current law does not simply allow bankruptcy filers to get back on their feet * * * it allows abusers of the system to get ahead of Americans who make good on their debts. S. 1301 is a common-sense bill that will provide a much needed adjustment to the bankruptcy system.

Again, I will end with what I started with. If my colleagues on the other side want to exclude those below 18 years of age, as the States basically do, so that credit card companies cannot solicit them, I would be more than happy to do that. I would be more than happy to grant that right now, right here on the floor. But if they are going to discriminate against 18-, 19-, and 20-year-old people who are hard-working, decent kids, some of them working at trades in society as I did, some of them working in the military, some of them who may be temporarily out of work but are good, honest people, then I have to say we have to fight against this amendment.

Last but not least, I will say that I find it ironic that they would require parental consent to get credit card credit while at the same time not requiring parental consent with regard to getting an abortion.

I reserve the remainder of my time.

Mr. DODD. Mr. President, how much time remains on our side?

The PRESIDING OFFICER. Two minutes, 40 seconds.

Mr. DODD. How much time remains on the other side?

The PRESIDING OFFICER. Four minutes, 30 seconds.

Mr. HATCH. Mr. President, I would be happy to yield our remaining time to the distinguished Senator from North Carolina.

The PRESIDING OFFICER. The Senator from North Carolina is recognized for 4 minutes.

Mr. FAIRCLOTH. I thank Senator HATCH.

Mr. President, I agree with Senator DODD. I, too, have been concerned about the problem that we see as a mounting one. We ought not to be putting college students in debt, particularly at such an early stage of their life. But my concern is that this law has to be carefully crafted. I do not feel that it has been. My concern is that this has to be put together in such a way that we do not deny credit to students who might need it while they are away from home. But further, I don't want to stop or impede credit to non-college students under the age of 21.

We have not had hearings on this. And we have not attempted to curb the credit cards through any private methods. Senator DODD is on the Banking Committee. So am I. I would prefer to defer this, and hold hearings, and move legislation independently out of the Banking Committee, where it should begin, and then to the floor.

I think the Senator from Connecticut has certainly identified a real and continuing problem. But I have struggled with how to legally cut off credit to college students for some time. I have noticed card solicitations at college bookstores and the marketing efforts that have been put forth that are aimed solely at young people. But why do we tell someone in the U.S. Army, who is under the age of 21, whom we without any hesitation send into harm's way to be killed, or whatever, that they can't get a credit card? This will diminish the chances of getting one, very likely.

That is why I think we should take more time and care in crafting this proposal so that we do it right. It needs to be done, but it needs to be done right. What do you do with the people who lie on their application? These are some of the things that are going to be difficult to legislate unless we take time and do it right.

You have to remember that while there may be only really a few credit card brands, they are offered by literally thousands and tens of thousands of institutions. All of the burden of administering this requirement is going to be absorbed by them. Those costs are going to be passed along to you know who. And that is all of us who do business with banks or use credit cards.

Again I say, let's carefully consider this before we legislate. Let's bring it to the Banking Committee. Let's have hearings on it and at that point craft a bill that would serve the purposes and go in the direction that Senator DODD is trying to go. I would be happy in the subcommittee that I chair to hold hearings on it just as soon as possible. It really is a problem. But we need to take our time and correct it.

Thank you, Mr. President.

Mr. DODD addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. DODD. Mr. President, I yield 3 minutes to the distinguished Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. DURBIN. Mr. President, I thank the distinguished Senator from Connecticut.

I would like to ask several brief questions to clear up this debate.

It has been said on the floor of the Senate that because of the amendment of the Senator from Connecticut, that someone serving in the U.S. military under the age of 21 could not get a credit card. Is that true or false?

Mr. DODD. That is absolutely false. That person has independent economic means, being a paid member of the military.

Mr. DURBIN. It has also been said that someone with a job with low income under the age of 21 would be unable to get a credit card under the Dodd amendment. Is that true or false?

Mr. DODD. That is false. A person who is unemployed might have unemployment compensation and independent means, and would certainly qualify.

Mr. DURBIN. I thank the Senator from Connecticut, because I think there have been some things said on the floor which mischaracterize his amendment.

This debate has had a lot of reference to personal responsibility. We ought to keep a board up here to check off every time someone says "personal responsibility." We are talking about bankruptcy, and I think people who go into bankruptcy court should be personally responsible. I agree. Most Democrats agree. Most Republicans agree. There are some people abusing the bankruptcy system. We ought to change it.

The purpose of this bill is to tighten it up so that the abusers cannot take advantage of bankruptcy to the disadvantage of everybody else in America.

But in addition to personal responsibility, can't we discuss corporate responsibility here? Don't the credit card companies have some responsibility to make certain that they don't offer risky credit, luring children and people who are unwitting into credit situations, and then watching it topple over them? Those same credit card companies which come to us and say, once these people have fallen deep in debt, once they have all this credit card debt that they can't get out of, and go to bankruptcy court, be strict and tough with them—I agree with that, but shouldn't we also have a standard which says these companies should be responsible in dealing with American consumers?

Senator DODD offers an amendment which is timely. Listen to this. Bankruptcies among those under the age of 25 have doubled in the last 5 years. It is estimated that a college student in the first few months on campus will receive 50 solicitations for credit cards. A student without virtually any income is going to be that target customer. As Senator DODD has said over and over again, too many kids who are lured into easy credit before they have an income or the maturity to handle it end up deeply in debt, and many of them jeopardize their education as a result of it.

The Senator from Alabama said he wanted his children to have a credit card at college. I wanted mine to have one as well. He would have gladly signed for that. I would have as well. That is exactly what the Dodd amendment says. If a parent will put a signature on the line, the credit card is there for the college student.

But I salute the Senator from Connecticut. I support his amendment. I think we are talking about corporate responsibility and personal responsibility.

Mr. DODD. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Connecticut has 1 minute.

Mr. DODD. Mr. President, I thank my colleague from Illinois.

Just to make the case once again, we have watched consumer debt double to $455 billion in the last couple of years. It has tripled and quadrupled. It seems to me that to listen to what university people are saying, we have more people dropping out of school—as the official at the University of Indiana said, "We lose more students to credit card debt than academic failure"—we have some indication of what is going on here. To say between the ages of 18 and 21 just to get a parental signature, or an indication of independent economic means, as you would if you were not a student, is not asking too much. It seems to me that is the bare minimum standard of what we ought to be asking of the credit card companies. It is my understanding that most responsible credit card issuers already require them.

Is it asking too much that the credit card companies strive to meet their own best practices in order to do something to protect our children? If you are under 18, the law already protects you. It is that window between 18 and 21.

Mr. President, I hope that our colleagues will recognize that it is really not fair for middle-income families to get saddled with a $10,000 debt because of solicitations that were made to a student in school. This is a license for us to do something about it.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. DODD. I urge adoption of the amendment.

Mr. GRASSLEY. Mr. President, I move to table the Dodd amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table the Dodd amendment. 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 Georgia [Mr. COVERDELL] is necessarily absent.

Mr. FORD. I announce that the Senator from South Carolina [Mr. HOLLINGS] is necessarily absent.

The result was announced—yeas 58, nays 40, as follows:

[Rollcall Vote No. 274 Leg.]

YEAS—58

Abraham	Gorton	McConnell
Allard	Gramm	Murkowski
Ashcroft	Grams	Nickles
Bennett	Grassley	Reid
Biden	Gregg	Robb
Bond	Hagel	Roberts
Brownback	Hatch	Roth
Burns	Helms	Santorum
Campbell	Hutchinson	Sessions
Chafee	Hutchison	Shelby
Cochran	Inhofe	Smith (NH)
Collins	Jeffords	Snowe
Craig	Johnson	Specter
DeWine	Kempthorne	Stevens
Domenici	Kohl	Thomas
Enzi	Kyl	Thompson
Faircloth	Lott	Thurmond
Feingold	Lugar	Warner
Frist	Mack	
Glenn	McCain	

NAYS—40

Akaka	Dorgan	Lieberman
Baucus	Durbin	Mikulski
Bingaman	Feinstein	Moseley-Braun
Boxer	Ford	Moynihan
Breaux	Graham	Murray
Bryan	Harkin	Reed
Bumpers	Inouye	Rockefeller
Byrd	Kennedy	Sarbanes
Cleland	Kerrey	Smith (OR)
Coats	Kerry	Torricelli
Conrad	Landrieu	Wellstone
D'Amato	Lautenberg	Wyden
Daschle	Leahy	
Dodd	Levin	

NOT VOTING—2

Coverdell	Hollings

The motion to lay on the table the amendment (No. 3598) was agreed to.

Mr. GRASSLEY. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3597

The PRESIDING OFFICER. The Senate will now consider amendment No. 3597, the D'Amato amendment, with 2 minutes equally divided.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the next vote in this series be limited to 10 minutes.

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

Who yields time?

Mr. D'AMATO addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

The Senate will come to order. The Senator from New York is recognized. The Senate will please come to order. The Senate will please come to order for 1 minute of debate on each side before we vote.

The Senator from New York.

Mr. D'AMATO. Mr. President, my amendment would stop one of the most predatory, outrageous practices that consumers throughout America are facing, double charging at ATMs. There are fewer opportunities to avoid that. Since the ban has been lifted, we have gone from 17 percent of the ATMs double charging to 79 percent in 2 years. There is no consumer choice. At the end of next year, it will be over 90 percent, and it will cost the average consumer $2.68 for that transaction.

For people who say, "Oh, we'll lose the ATMs if we do not have these double charges," 74 percent of the ATMs that are in existence today existed prior to the double charges.

If you want to help the little guy, here is an opportunity. Vote for the ATM ban; vote for the consumer. Give that little guy a choice and give people an opportunity to vote. I am urging people to vote no against the motion to table.

The PRESIDING OFFICER. The Senator's time has expired. Who yields time?

Mr. GRASSLEY. I yield back our time.

The PRESIDING OFFICER. The yeas and nays have been ordered on the motion to table the D'Amato amendment.

Mr. LOTT. Parliamentary inquiry.

The PRESIDING OFFICER. The majority leader.

Mr. LOTT. I did want to move to table and ask for the yeas and nays. Have the yeas and nays been ordered?

The PRESIDING OFFICER. That motion has been made.

The question is on agreeing to the motion to lay on the table the D'Amato amendment, No. 3597. 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 Georgia (Mr. COVERDELL) is necessarily absent.

Mr. FORD. I announce that the Senator from South Carolina (Mr. HOLLINGS) is necessarily absent.

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

The result was announced—yeas 72, nays 26, as follows:

[Rollcall Vote No. 275 Leg.]

YEAS—72

Abraham	Byrd	Dorgan
Akaka	Campbell	Enzi
Allard	Cleland	Faircloth
Ashcroft	Coats	Ford
Baucus	Cochran	Frist
Bennett	Collins	Gorton
Biden	Conrad	Graham
Bond	Craig	Gramm
Breaux	Daschle	Grams
Brownback	DeWine	Grassley
Burns	Domenici	Gregg
Hagel	Leahy	Santorum
Hatch	Lott	Sessions
Helms	Lugar	Shelby
Hutchinson	Mack	Smith (NH)
Hutchison	McConnell	Smith (OR)
Inhofe	Murkowski	Snowe
Inouye	Nickles	Specter
Jeffords	Reed	Stevens
Johnson	Reid	Thomas
Kempthorne	Robb	Thompson
Kerrey	Roberts	Thurmond
Kyl	Rockefeller	Warner
Landrieu	Roth	Wyden

NAYS—26

Bingaman	Feinstein	McCain
Boxer	Glenn	Mikulski
Bryan	Harkin	Moseley-Braun
Bumpers	Kennedy	Moynihan
Chafee	Kerry	Murray
D'Amato	Kohl	Sarbanes
Dodd	Lautenberg	Torricelli
Durbin	Levin	Wellstone
Feingold	Lieberman	

NOT VOTING—2

Coverdell	Hollings

The motion to lay on the table the amendment (No. 3597) was agreed to.

Mr. D'AMATO. Mr. President, I ask unanimous consent for 3 minutes to make some comments with regard to this vote.

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

Mr. D'AMATO. Mr. President, first let me thank my colleagues who have given me the opportunity to at least bring this to a vote. Needless to say, the great power and the great number of dollars involved were felt. It is a lot of money that a lot of little people are paying that they shouldn't be paying.

Indeed, some Members have indicated to me that notwithstanding their opposition to intruding generally into the private sector, they would reconsider their votes in the future if they continue to see the predatory price-gouging practices that are anticonsumer and monopolistic; if they continue to see not only the number of ATMs that are double charging continue, but lack of consumer choice; and escalating fees.

Indeed, the Senate majority leader told me, and he is on the floor now, that he has indicated to those in the banking community that they had better look carefully at what they are doing. If they continue to impose these fees on the little people, he may not be nearly as supportive.

This is a close issue as it relates to when should government become involved in the private sector. I believe that time has come.

Having said that, this is a battle, but it is not the end. I lost this battle, but I am prepared to continue this battle and win the war until and unless we see a rollback in what is taking place now—and that is taking advantage of the consumer, the little guy, the working families of America.

Again, I thank my colleagues who have yielded me this time to make this observation. We lost the battle, but not the war.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The majority leader.

UNANIMOUS CONSENT REQUEST—S. 2279

Mr. LOTT. Mr. President, I had earlier made a unanimous consent request to bring up the FAA issue, now known as the Wendell Ford National Air Transportation System Improvement Act. This is a bill we really need to get done before we leave. If we don't get it cleared, cloture will take so much time, we may wind up not being able to complete this bill.

It is important for airports, air passengers, the airline industry, the entire country.

Again, I ask unanimous consent that it be in order for the majority leader, after consultation with the Democratic leader, proceed to the consideration of S. 2279, the National Air Transportation System Improvement Act. I further ask that during the pendency of S. 2279 only relevant amendments be in order to the bill.

Mr. DASCHLE. Mr. President, I object.

Let me explain, briefly. I share the majority leader's determination to complete work on this legislation. We need to get this bill done before the end of the session. The Senators from Maryland and at least the Democratic Senator from Virginia, as well as the Senators from Illinois, are still attempting to work through some problems relating to the legislation and their respective States. I am hopeful we can come to some successful conclusion in those discussions at an early date, but until that has been completely worked through, we will have to object.

I hope that we continue to put the pressure on those who are interested, as we are, in coming to closure on this, to get it done soon.

I yield the floor.

The PRESIDING OFFICER. The objection is heard.

Mr. McCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, 3 days ago the distinguished majority leader asked unanimous consent, and it was objected to. I come to the floor, again, to say I am happy to work with any Senators. The Senator from Virginia, Senator WARNER, is now in agreement. I believe that the Senators from Illinois are, although unhappy, willing to let this bill move forward. If the Senators from Maryland have a problem, I am happy to consider their amendments in the normal legislative process.

Mr. President, let me point out something very important here. We are talking about aviation safety, security, capacity, and noise projects, and we are talking about billions of dollars' worth. I hope that we will be able to move forward on this bill very quickly. There are over $2 billion worth of projects that can be held in abeyance because of our failure to reauthorize the FAA. We are talking about safety, Mr. President, which is a very big burden for all of us to bear. So I want to tell my colleagues on the other side of the aisle—especially the Senators from Maryland—I am ready to sit down at any time and see if we can work out any differences that we have to their satisfaction so that we can get this very important reauthorization completed before the end of the fiscal year.

I ask unanimous consent that two letters regarding this legislation be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

AMERICAN ASSOCIATION OF AIRPORT EXECUTIVES, AIRPORTS COUNCIL INTERNATIONAL,
Alexandria, VA, September 14, 1998.

Hon. JOHN MCCAIN,
Chairman, Committee on Commerce, Science, and Transportation, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR MCCAIN: We are writing you with an urgent request for assistance. Congress is scheduled to adjourn for the year in less than one month and the Senate has still not taken up pending "must pass" legislation to reauthorize programs of the FAA. The current authorization expires September 30. If Congress fails to reauthorize the Airport Improvement Program (AIP) prior to adjournment, the FAA will be unable to find critically needed safety, security, capacity or noise projects at airports in every state in the nation.

Please do what you can in your role as chairman of the authorizing committee to bring this bill to the Senate floor immediately so that a final version of the measure can be adopted and signed into law prior to adjournment. Without swift congressional action, critically needed federal funding for runways, taxiways, security and hundreds of other projects will stop after September 30.

Thank you for your immediate attention on this important matter.

Sincerely,

CHARLES BARCLAY,
President, AAAE.
DAVID Z. PLAVIN,
President, ACI–NA.

SEPTEMBER 11, 1998.

Hon. TRENT LOTT,
Majority Leader, U.S. Senate, Washington, DC.

DEAR MR. LEADER: We are writing with an urgent request. Congress is scheduled to adjourn for the year in less than one month and the Senate has still not taken up pending "must pass" legislation to reauthorize programs of the FAA. The current authorization expires September 30. If Congress fails to reauthorize the Airport Improvement Program prior to adjournment, the FAA will be unable to fund critically needed safety, security, capacity and noise projects at airports in every state in the nation. The House of Representatives has already passed its version of the legislation, H.R. 4057.

Please bring FAA reauthorization legislation to the floor immediately, so that a final version of the measure can be adopted and signed into law prior to adjournment. Without swift congressional action, critically needed federal funding for runways, taxiways, security and hundreds of other projects will stop after September 30.

Thank you for your immediate attention on this important matter.

Sincerely,

Charles Barclay, American Association of Airport Executives; Paula Bline, Airport Consultants Council; T. Peter Ruane, American Road & Transportation Builders Assn.; Stephen Sandherr, Associated General Contractors; Luther Graef, American Society of Civil Engineers; Peggy Hudson, American Portland Cement Alliance; Henry Ogrodzinski, National Association of State Aviation Officials; David Plavin, Airports Council International-North America; Phil Boyer, Aircraft Owners and Pilots Association; Stephen Alterman, Cargo Airline Association; Carol Hallett, Air Transport Association.

PARTIAL-BIRTH ABORTION BAN ACT OF 1997—VETO

The PRESIDING OFFICER. Under the previous unanimous consent agreement, the Senate will now proceed to the consideration of the veto message on H.R. 1122.

The Presiding Officer laid before the Senate a message from the House of Representatives, which was read as follows:

The House of Representatives having proceeded to reconsider the bill veto message to accompany H.R. 1122 entitled "An Act to amend title 18, United States Code, to ban partial-birth abortions", returned by the President of the United States with his objections, to the House of Representatives, in which it originated, it was

Resolved, That the said bill pass, two-thirds of the House of Representatives agreeing to pass the same.

The PRESIDING OFFICER. The question is, Shall the bill pass, the objections of the President of the United States to the contrary notwithstanding?

The time for debate will be limited to 4 hours, to be equally divided between and controlled by the majority leader and the minority leader or their designees.

Who yields time?

Mr. SANTORUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SANTORUM. Mr. President, today we begin debate on the issue of partial-birth abortion, the override of the President's veto, which he vetoed last year.

I believe this is one of the most important issues, if not the most important issue, we will face in this session of Congress because it deals really at the core with who we are as a country and to what degree we respect life in this country and recognize life, recognize an individual's inclusion into our family and our society. In many cases, just as we did in voting with respect to banking laws, we have to draw lines. Part of the legislative process is, in fact, drawing lines. Sometimes those lines are not clear. Sometimes the votes are very difficult, and it is hard

to understand in the area of gray where exactly you do draw the line.

I have always felt, with respect to the issue of partial-birth abortion, that it was a very good place to at least draw the first line, in a very emotional and confrontational issue, because we are not really talking about abortion at that point, we are talking about infanticide. I think if you took a poll in this Senate and asked whether Members of the Senate were in favor of infanticide, I hope and pray that the answer would be 100 percent "no," that they are not in favor of infanticide. Well, I believe, as many Senators have said, that this is infanticide. This is a baby that is just 3 inches from being delivered and is brutally killed.

Let's do a little rundown of how we got to the point where we are today. In the last session of Congress, Congress passed a bill to ban this procedure, sent it to the President, and he vetoed it. We had a vote to override in September of 1996. We had 59 votes on the floor of the Senate. They overrode in the House. Last year, the Senate and House passed the bill. The House, in July of this year, overrode the President's veto with a vote of 296–132, I believe. So now it comes to the Senate.

Earlier this year, we had 64 votes on the floor of the U.S. Senate to ban this procedure. Unfortunately, as overwhelming a vote as that is, it is three short of the votes necessary to override a Presidential veto. So that is the state of play; three votes in the U.S. Senate separate us from what I believe is a clarion call to the world that we are a civilized country that respects life which is born in this country, or nearly born in this country, and a signal to the country that we are just not quite ready to open our arms as a society and welcome every member to it.

Let's first go through the particulars of what this procedure is, because I think it is important to define the procedure so everybody knows exactly what we are talking about. These charts that I am going to show you, while they are not particularly easy to look at, they do accurately describe, according to several doctors who perform them, what a partial-birth abortion is. It is performed on babies that are at 20 weeks of gestation, roughly halfway through the gestational process. Between 20, 24, 26, and longer, it can be performed. One of the reasons, in fact, that this procedure was developed was to perform it on solely late-term and very-late-term babies. So at 20 weeks, and thereafter, this procedure is used. The baby, as you see, in the mother's womb is usually in a head-down position at that age. The doctor, over a 3-day period, will begin to dilate the cervix, open up the cervix, so the doctor can reach in with forceps and grab the baby's foot and turn the baby around and pull the baby out in a breach position.

I want to state that again. This is a 3-day procedure. It starts with the dilation of the cervix over a 2-day period. On the third day, when the cervix is sufficiently dilated, the doctor goes in with these forceps, grabs one of the baby's limbs —usually the foot—pulls the baby, turns the baby around into a breach position, and begins to pull the baby out of the birth canal in the breach position. As most people understand, that is a very dangerous position for a normal delivery. You try to avoid breach births because of the danger to the mother, as well as the baby. In this situation, they deliberately turn the baby around and deliver the baby in a breach position. The baby is then pulled out feet-first until all of the baby is outside of the mother, with the exception of the head. The reason for that is, the head being a hard part of the body, even at that age—certainly a harder part of the body at that age—and it is the biggest single part of the body, it is left inside of the mother.

The third thing that happens is, the physician reaches in with one hand and finds the back of the baby's skull. You can't see the back of the baby's skull because the skull and neck are still inside of the mother. So they probe and find the soft part here, right at the base of the skull. Then they take what is called a Metzenbaum scissors and thrust it into the back of the baby's skull, open up a hole in the baby's skull, introduce a suction catheter, which is a high-powered suction device, and suck the baby's brains out, which causes the collapse of the skull, and then a dead baby is delivered.

This is the brutal procedure that the President of the United States has said must remain legal. This is the brutal procedure that we have the opportunity here in the U.S. Senate to say has no place in a civilized society.

I would think that would be enough reason—that simply its brutality, its shocking, barbaric, horrific nature would be enough reason to ban this procedure. But there is much more. There are so many reasons to ban this procedure beyond its horrific and barbaric nature.

In a few minutes, I will detail exactly all of those reasons. I will detail all of the lies that have been put out by the other side to protect this rogue procedure, which is not done in any hospital, not taught in any medical school, has not been peer-reviewed and studied by others to make sure that this was a proper, safe procedure. This is a rogue procedure done only in abortion clinics, when no one else is watching.

Mr. President, I will yield the floor, as I know the Senator from Missouri is here and has other time commitments. I will yield and turn it over to the Senator from Missouri, Senator BOND.

The PRESIDING OFFICER (Mr. SMITH of Oregon). The Senator from Missouri is recognized.

Mr. BOND. Mr. President, I very much appreciate the courtesy of my distinguished colleague from Pennsylvania. I congratulate him on his leadership on this issue. These are very, very difficult procedures to describe and I know that no one here on the floor enjoys hearing them. But the fact that they are so horrendous I think is one of the reasons we are here today.

Mr. President, the Senate will soon vote on whether to override the President's veto of the Partial Birth Abortion Ban Act. This legislation would ban a particularly hideous form of late term abortion known as "partial birth" abortion. Unfortunately, while a majority of Senators supported the ban last year, the vote count was not enough at that time to override the subsequent veto by President Clinton.

I hope that some Senators will have had a change of heart since then and will vote to override the veto.

This is a horrible procedure. The Senator from New York, Mr. MOYNIHAN, has likened it to infanticide. Remember that these are "late-term" abortions, meaning they take place during or after the 5th month of pregnancy. A fully developed fetus is brought down the birth canal, feet first, and then delivered, all but the head. Then the abortionist takes a pair of scissors, inserts them in the back of the baby's neck, and collapses the brain, and the baby is delivered: dead.

I would note the American Medical Association, representing thousands of doctors, believes the ban is justified and that there is no room in medicine for this procedure.

The overwhelming majority of the American people and Missourians are rightly revolted by this. Some states have banned the procedure, and the state of Missouri has come very close to banning it. Few other issues have generated so much mail and so many phone calls to my office. People feel very very strongly about banning this procedure. And it is easy to see why.

And, the partial birth abortion ban has passed in both the House and the Senate by large majorities. In fact, the issue would be settled if President Clinton hadn't vetoed the bill last year, against the wishes of an overwhelming number of Americans.

Rarely have I seen a President, like this one, who is willing to ignore the wishes of the overwhelming majority of the American people. The overwhelming majority is opposed to this hideous procedure.

I have been asked why we are holding this vote in the Senate, when we are likely to fall short of what is needed to override the veto? We are holding this vote today because the President made a terrible mistake in vetoing the bill. It is up to Congress—it is up to Congress on this issue to listen to the people, to try to reverse it.

Tomorrow we will have the opportunity to correct the President's mistake. We are going to work on it. I ask our constituents and the constituents of other Senators who may be undecided to let them know how important overriding this veto is. I hope—I sincerely, honestly, and devoutly hope—that we will muster the necessary votes to override the veto tomorrow.

I thank the Chair. I particularly thank my colleague from Pennsylvania.

Mr. SANTORUM. Mr. President, I thank the Senator from Missouri for his excellent comments and for his strong support for this legislation.

Mr. President, I think it is important to understand a little bit more about this procedure and what has been said about this procedure over time by those who defend its use. I think it is very instructive to understand the history of what has been said so we can better understand what really is the final thread that those who oppose this ban hold onto in order to justify their vote against banning this procedure.

The first, I guess, almost incredible thing was when this bill was first introduced in the House—and in the Senate, by BOB SMITH here in the Senate—the original response by those who were opposed to this bill was that—this is the National Abortion Federation that called the ". . . illustrations of partial birth abortions highly imaginative, artistically designed but with little relationship to truth or to medicine."

Myriad other reports denied that this even occurred; that there is no such thing as partial-birth abortion; or, as they like to call it, intact D&X. The truth is that Dr. Haskell, who was one of the originators of this procedure, described this procedure at a National Abortion Federation meeting in 1992—by the way, the original quote that I quoted from was in 1995—3 years later. Yet, 3 years prior, a doctor spoke before the group and described this very procedure using the very drawings that you saw earlier. Yet, 3 years later, that same federation that Dr. Haskell spoke before denied it exists and denied those pictures and depictions of the procedure had anything to do with reality. Lie No. 1.

Lie No. 2: This was used by several of the people you may hear from. Those who will defend this procedure on the floor today cite several women who have come forward to say that this procedure was necessary to preserve their health and future fertility, or life. One of the women who has been used—in fact, the President called her up to the White House and brought her before the American public in testimony that she has given. She said she was told by her anesthesiologist that the fetus would endure no pain. This is because the mother is given a narcotic, analgesia, at a dose based upon her weight. The narcotic is passed via the placenta directly into the fetal bloodstream. Due to the enormous weight difference, a medical coma is induced in the fetus and there is a neurological fetal demise. There is never a live birth. The baby dies.

This was the testimony of a doctor who does this procedure before the House Judiciary Committee. Obviously, lots of anesthesiologists who provide anesthesia to women who are going through labor and delivery become incensed that someone would make such a statement—that by giving a woman anesthesia, enough would pass into the baby to kill the baby. In fact, they came up here to the House and Senate pleading to testify to set the record straight, because there were women who were not taking anesthesia because of what they had heard.

This is Norig Ellison, president of the American Society of Anesthesiologists, 4 years ago:

> In my medical judgment it would be necessary—in order to achieve "neurological demise" of fetus in a "partial birth" abortion—to anesthetize the mother to such a degree as to place her own health in serious jeopardy.

In other words, it wouldn't happen. Another lie.

Third lie, again, about anesthesia, that:

> The fetus dies from an overdose of anesthesia given to the mother intravenously.

Again, Planned Parenthood said the first one.

Dr. Haskell, who, again, is one of the abortionists who does this procedure, said to the American Medical News:

> "Let's talk about whether or not the fetus is dead beforehand. . . ." Haskell: "No, it's not. No, it's really not."

Lie No. 3, being perpetrated on the American public and the Congress, in almost all cases rebuffed by their own people.

Lie No. 4—this was a doozy:

> Partial-birth abortion is "rare."

Once they got past the point of accepting the fact that it happened, that they admitted that it happened, they then went out and said that this was "rare"; it only happened a few hundred times a year:

> This surgical procedure is used only in "rare" cases, fewer than 500 per year. It is most often performed in the cases of wanted pregnancies gone tragically wrong, when a family learns late in pregnancy of severe fetal anomalies, or medical condition that threatens the pregnant woman's life or health.

This was signed by a slew of abortion rights organizations: The Guttmacher Institute, Planned Parenthood, National Organization of Women, Zero Population Growth, Population Action International, National Abortion Federation, and others. They all signed this. They all signed this letter to Congress. They testified in a letter to Congress that this was the fact, that it was only tragic cases and there were only a few. But according to the Bergen County Record—and I have to tip my cap to them because, unfortunately, the entire press corps in Washington, DC, read this letter and accepted it as fact and reported consistently that that was the fact. I asked many of the press corps did they bother to check, did they bother to check to see whether, in fact, the number and the circumstances were accurate? Did anyone bother to call a local abortion clinic in their city and ask?

The answer was a resounding—that's right—nothing. The Bergen County Record was one newspaper that did. September 15, 1996, just 10 days before the vote to override the President's veto in 1996:

> But interviews with physicians who use the method reveal that in New Jersey alone, at least 1500 partial-birth abortions are performed each year—three times the supposed national rate.

Several months later we find out what really was going on.

> Ron Fitzsimmons has suggested that between 3,000 and 5,000 partial-birth abortions could be performed annually.

Now, how do we know that he is right? We have absolutely no way of knowing he is right. I will quote from the American Medical Association, Journal of the American Medical Association just last month with respect to how we know how many of these are done.

> First of all, States do not provide abortion-related information to the CDC.
>
> Second, data gathered varies widely from State to State with some States lacking information on as many as 40 to 50 percent of abortions performed within their jurisdiction.
>
> Third, the category the CDC uses to report the method of abortion does not differentiate between what is called dilation and evacuation, D&E, and intact D&X, or partial birth abortion.

We have no way of knowing, and even if they accurately reported it, some States don't collect the data and those that do, don't report 40 to 50 percent of the data. So how do we know? Those of us who are here trying to argue that this procedure should be banned have to rely upon Ron Fitzsimmons for the information. And who is Ron Fitzsimmons? He is the chief lobbyist for all the abortion clinics in this country that oppose this bill. So we have to use the information given to us by those who, by the way, have consistently lied, who also don't want the procedure to be banned. We have to accept their numbers as fact because there is no other way to independently check them. So I would just allow you to use your imagination as to what the number really is in this country. If they admit to 3,000 to 5,000, what is the real number?

Lie No. 5. "Partial-birth abortion is only used to save a woman's life or health or when the fetus is deformed."

This is Ron Fitzsimmons 2 years previous. Let's rewind 2 years back to 1995.

The procedure was used rarely or only on women whose lives were in danger or whose fetuses were damaged.

And I can give you lots of other quotes, by the way, from the Senate floor and from the House floor that maintained this position, as well as all the other organizations that you just saw on the last chart, that that was the reason this procedure was created for those who it is used on, and that is why it needs to remain legal.

The truth: New York Times February 26, 1997:

Ron Fitzsimmons admitted he "lied through my teeth" when he said the procedure was used rarely and only on women whose lives were in danger or whose fetuses were damaged.

Ron Fitzsimmons, again quoted in the American Medical News March 3, 1997:

What the abortion rights supporters failed to acknowledge, Fitzsimmons said, is that the vast majority of these abortions are performed in the 20-plus week range on healthy fetuses and healthy mothers. "The abortion rights folks know it, the antiabortion folks know it and so probably does everyone else," he said.

Well, of course, we knew it. We knew it because Dr. James T. McMahon, who is now deceased, about 6 years ago said that he performed most of the abortions, partial-birth abortions on healthy mothers with healthy babies late in pregnancy, in his case up to the eighth and ninth month of pregnancy. He classified only 9 percent of that total of the 2,000 partial-birth abortion procedures he alone did, he classified only 9 percent of that total as involving maternal health indications of which the most common maternal health indication that he gave as a reason for doing the abortion was depression; 56 percent were for "fetal flaws," and those are his words, that included many nonlethal disorders, a sizable number as minor as cleft palate.

Yes, we knew. We came to the floor and we said here are the facts. And the other side stood behind the lies. They parroted them knowing that they weren't true. They parroted them either knowing they weren't true or praying that they could hide behind others who would try to fool the American public.

The sixth untruth and the final one, at least to date the final one. This is the last untruth that those who continue to oppose banning this procedure hold on to, this last thread of deception. And that is that "partial-birth abortion protects women's health."

President Clinton, in his veto message, April 10, 1996, when he vetoed the first ban:

I understand the desire to eliminate the use of a procedure that appears inhumane. But to eliminate it without taking into consideration the rare and tragic circumstances in which its use may be necessary would be even more inhumane.

Fast forward to October 10, 1997, a year ago, when he vetoed this bill.

H.R. 1122 does not contain an exception to the measure's ban that will adequately protect the lives and health of the small group of women in tragic circumstances who need a an abortion performed at a late stage of pregnancy to avert death or serious injury.

One comment first. This bill clearly has a life-of-the-mother provision. If this procedure is in any way necessary to prevent the death of the mother, it can be used.

The President says "to avert the death or serious injury." To try to convince the American public that we do not have a life-of-the-mother exception, again, is disingenuous at best.

"Serious Injury," let's go to the American Medical Association. Who is the American Medical Association? Most people know it is the largest association of doctors in this country. What is the American Medical Association position on abortion? They are in favor of abortion rights; very strongly in favor of abortion rights.

What is the American Medical Association's position on banning medical procedures? They abhor banning medical procedures. They believe that medical procedures should be left to physicians to determine what is good medicine and bad medicine. So, on two counts we should have a tough time getting the American Medical Association to endorse a ban on a medical procedure having to do with abortion. But the American Medical Association last year endorsed the Partial-Birth Abortion Ban Act. They stated that it was "not medically indicated."

Let me quote from a group of obstetricians, several hundred across the country, most of them board certified:

The partial-birth abortion procedure, as described by Dr. Martin Haskell, the Nation's leading practitioner of the procedure, and defined in the Partial Birth Abortion Ban Act, is never medically indicated and can itself pose serious risks to the health and future fertility of women.

Four female OB/GYNs were here today to have a press conference, here on Capitol Hill, to talk about partial-birth abortion, and all of them indicated that not only is this not medically necessary, but this procedure, this rogue procedure, is incredibly dangerous to women and to women's health.

So, I go back to the point that I made before. There is enough grounds on its sheer barbarism and the fact that it is an affront to our sensibilities and to our culture that we would allow this kind of horrific procedure to occur. When you compound that with the fact that it is not medically necessary, ever, to protect a woman's health, when you compound that with the fact that it is medically dangerous to women to have this procedure done, and it is always done at an abortion clinic, where there are inadequate facilities to deal with these circumstances promptly if something should go wrong, if you combine just those facts it appears obvious that this procedure should be banned.

So, what I ask my colleagues on both sides of the aisle to do is to do something that is very, very difficult to do here on the issue of abortion. When you mention the word "abortion" on the floor of the U.S. Senate or the U.S. House of Representatives, people dive into their trenches. They dive into their trenches that they feel comfortable with because the last thing you want to do is, during this battle, jump from trench to trench, to try to get to both sides. That is because you end up getting shot at a lot, if you go from what would be considered the pro-life side and try to run the battlefield over to the pro-choice side, or vice versa. So what all the political consultants say is, "Stay in your trenches when you hear the word 'abortion'." That is both sides. "Do not lift your head up because you either get shot by those who you are trying to join or your folks will shoot you in the back."

So let me say, first, to the Members of the Congress, the House and the Senate, for those Members who are "traditionally on the other side of this issue," who are in the other trench, for them to climb out of that trench to face the fire and to stand with us, as they will tomorrow and vote for what they know in their heart is morally, ethically, and medically right, I salute them and I thank them. That is political courage.

You hear a lot of talk these days about political courage. Will we have the political courage to do the right thing with respect to the President? Just let me suggest that there are many Members of this Senate who tomorrow will show political courage and do the right thing. It is political courage to follow your heart, to follow what you know inside you is right, not just right for the children or for the mothers, but what is right for our society and the message we send to all the people listening and watching what goes on here.

For those who have yet to climb out of the trench, I will tell you a couple of things. No. 1, the fire is not that intense once you climb out. The American public overwhelmingly supports banning this procedure. All of the medical evidence that has been out there to support keeping this procedure legal has been debunked and discarded. There is nothing left except zealotry, except this concept that we cannot infringe on this right of abortion—even if, as I would argue, this is not even abortion, as others have argued this is not even abortion once the baby is outside the mother's womb. But we cannot even touch limiting that right.

I would say there is not a right in America that does not have a limit on it. There is not one. Certainly, when it

comes to taking the life of a little baby, we in Congress should be able to muster the courage to put some limit, to draw some line that says "enough."

I would also say that for those to whom I have talked, who have run that gauntlet and come over and voted on this issue to support this ban, there has been communicated to me a great sense of relief and satisfaction that they could break those chains and stand up and do what in their heart they knew was right; what in their conscience they knew was right. So I appeal to your conscience, I appeal to your heart. And I appeal to your reason—I appeal to facts. On every score, on every score, we must override the President's veto.

I see the Senator from New Hampshire is here—I am sorry, I turned my back and he is gone. Let me just say something about the Senator from New Hampshire. The Senator from New Hampshire, Senator SMITH, was the first person to introduce this bill in the last session of Congress. He did so when there was not a whole lot of popular support in the polls for this because the knowledge of the American public was minimal at best. He stood here when the votes were a lot closer than they were today and the public was a lot less informed, and all these lies that I showed to you were all out there being accepted by the press as truth. But the Senator from New Hampshire stood here in the well, armed with what he knew was truth. He stood here and argued and tried to focus the American public's attention for the first time on this gruesome, gristly procedure. He is one of the heroes in trying to bring the consciousness of the people to this Chamber. So I salute him for that. I suspect he will be back in a minute. It gives me the opportunity to talk about a couple of other things.

I want to get back to the moral issue at hand. What we are talking about are babies who are in the 20th week of gestation and later. Now, for most Americans, they have a hard time understanding, "Well, what's the 20th week? What does the baby look like? What are its chances of survival? What are we talking about here?"

At 20 weeks gestation, a normal baby, "healthy" baby, most normal healthy babies delivered at 20 weeks of gestation will be born alive. That doesn't necessarily mean that they will survive. In fact, very few, if any, babies born at 20 weeks will survive. But they will be born alive.

Let me give you some of the statistics we have, if we can get that chart, about survival rates of babies who are subject to partial-birth abortion.

When the Supreme Court came down with the decision on Roe v. Wade, back in the—actually early seventies, but in the late seventies, the information I have, the viability, the time of viability was considered to be around 28 weeks. Babies born before 28 weeks gestation were not considered to be able to be saved. They were not considered to be viable. So much has happened with medical science since that time, and the numbers have changed and changed dramatically.

Let me share with you some numbers from The Journal of American Medical Association. It is an article I referred to earlier, and I will give the citation. It is called "Rationale for Banning Abortions Late in Pregnancy," by Leroy Sprang, M.D., and Mark Neerhof, D.O., Northwestern University Medical School, Evanston Northwestern Healthcare.

Here are some of the numbers that we have used in past debates.

According to a 1987–1988 NIH study of seven hospitals, you can see at 23 weeks, about a quarter of the babies survive; 24 weeks, 34 percent; 25 weeks, 54 percent.

From 1986 to 1994 at Minneapolis Children's Medical Center, 45 percent at 23 weeks; 53 percent at 24 weeks; 77 percent at 25 weeks; and 83 percent at 26 weeks. Remember, these weeks gestation during Roe v. Wade when the decision was decided, all of these were considered zero.

In a Michigan study from 1994 to 1996, you see the numbers—27, 57, 77 and 82 percent.

Let me give you some updated numbers from this report that was published last month:

> Recent data from our institution [at Northwest]. . . indicate a survival rate at 24 weeks—

The second line. A survival rate of 24 weeks of 83 percent—83 percent and at 25 weeks at 89 percent.

Remember, these are all children born at that hospital, some of whom had abnormalities, some of whom had severe problems. They are not all healthy babies being born, and even at that, the survival rate is in the eighties. If you filtered out those who had fetal anomalies who would have died irrespective of when they were born, I suspect this number is substantially higher. So we are performing partial-birth abortions most commonly on babies who would be almost certain to be able to live.

Some people suggest I shouldn't draw that distinction. A baby at 20 weeks, whether the baby can survive or not, is still a baby. I happen to subscribe to that. We draw lines that don't exist in our society about what is life and what isn't. There is no doubt in my mind that when my wife became pregnant with a child, I knew that was going to be a little boy or little girl and there wasn't much doubt that it was going to be a dog or a cat. But we draw lines here as to what is life and what isn't.

Some people feel comfortable drawing lines here. It comes to viability, whether they can live outside the womb. The Supreme Court was one of those entities that did decide that was the place they had to draw the lines, where the rights of the child would increase and the rights of a woman to kill her child would diminish. By not banning this procedure, we allow little children—imagine, most of them, the vast majority, according to the people who perform it, healthy babies, healthy mothers, with very high probability of surviving, who for just one small period of time in the life of that child it is unwanted. For but a moment in the life of a child, that baby is temporarily unwanted by the one person who has absolute control over its destiny.

We read in the paper so much about parents who are seeking to adopt children. There probably isn't a person here in the room who doesn't know someone who has gone to extraordinary lengths, who has waited an extraordinary long period of time to adopt a baby, to love a baby, to accept it, that little gift from God as their own. And yet because for just a moment in time of what could be a long and beautiful life, that baby is unwanted, and because it is not wanted at that very moment in time, its life is taken away.

We are talking about if the mother didn't want to carry the pregnancy to term, if the feeling was, "Well, I just don't want to be burdened with this pregnancy anymore," deliver the baby, give the baby a chance. There is no medical need to kill the baby. There may be medical needs to terminate pregnancy. The doctors today talked about that at their press conference. There may be the need for the health or life of the mother to terminate a pregnancy, but there is never a need to kill a baby in the process of terminating the pregnancy. There is never a need to drag this baby out—a baby that feels pain. In fact, in Great Britain right now the Parliament is considering requiring doctors who perform abortions after 19 weeks to anesthetize the baby because of conclusive research that shows that these babies feel pain. In fact, there are articles that have been written by physicians who say they feel pain more intensely than we do.

I quote again from this Northwestern study that says:

> When infants of similar gestational ages are delivered, pain management is an important part of the care rendered to them in the intensive care nursery. However, with intact D&X—

Partial-birth abortion—

> pain management is not provided for the fetus who is literally within inches of being delivered. Forcibly incising the cranium with scissors and then suctioning out the intercranial contents is certainly excruciatingly painful. It is beyond ironic that the pain management practice for an intact D&X on a human fetus would not meet Federal standards for the humane care of animals used in medical research.

We have laws in this country—imagine—we have laws in this country that require us to treat animals—animals—better than we treat these little gifts from God. What is to become of us when we simply cannot see what we do?

I see the Senator from Illinois is here. I have used a lot of time on our side. I would be happy to yield the floor to Senator DURBIN.

Mr. DURBIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, thank you for the recognition.

I thank my colleague from Pennsylvania. Let me say at the outset that my colleague from Pennsylvania comes to this floor to discuss this issue with heartfelt emotion. I am convinced of his commitment to this cause. I have served with him in both the House and the Senate. I would never question his motives. And I know a little bit about his family situation. I am sure that they are sincere.

I also say to you that this may be the most difficult issue for any politician to deal with in America today. I have been in and around public life for 32 years. It has not gotten any easier in 32 years, at least not since the Roe v. Wade decision, because the American people are basically conflicted internally about this issue of abortion.

There are some who would argue no abortions under virtually any circumstances and others who would argue that the State—Government—should not restrict abortions under any circumstances. But the vast majority of Americans, I think personally, fall into some middle ground where they understand that a woman's right to make this decision, in concert with her doctor, her family and her conscience, is something that should be protected under law—it is currently protected under law—but they want to see us do everything we can as a Government and as a people to reduce the likelihood of abortion in this country. The number of abortions have diminished some over the past few years, but it is still a very widespread practice and medical procedure in America.

My own personal views on it—I personally oppose abortion but I believe that we should take care where we draw the line about the Government's involvement in that decision. You would think after serving on Capitol Hill for 16 years, and facing literally hundreds of votes on the issue, that this would become rote, that it would be an easy, automatic, reflexive vote. It has never been that for me. It never will be. I pause and think and worry over every vote on this subject because I know what is at stake is very serious.

Today, the Senator from Pennsylvania comes to the floor and asks us to vote to override President Clinton's veto of his bill banning what is known as the partial-birth abortion procedure. I will be voting to sustain the President's veto. I will be voting in opposition to the Senator from Pennsylvania, but I want to make it clear why I am doing so.

It is my belief that this bill, as far as it goes, addresses one challenge before us. This bill addresses one abortion procedure. But there are many different kinds of procedures. As terrifying and troubling as this procedure is, there are others. And the Senator from Pennsylvania would ban this one procedure, if I am not mistaken, at any stage in the pregnancy. Many of us believe that this issue should be addressed in a different manner.

When it comes to the issue of late-term abortions, allow me to try to explain what I mean when I use that term. In the Roe v. Wade decision—I believe in 1972, if I am not mistaken—the Court, the Supreme Court across the street, divided a pregnancy into three sections, three different trimesters, three different periods of 3 months and basically said in the first two trimesters, the first 6 months of the pregnancy, that they would give the paramount right to the woman to make the decision whether she continued the pregnancy. They made it clear that in the third trimester, the end of the pregnancy, that the State would be able to impose restrictions.

They drew a distinction between that time when the fetus could survive outside the mother's womb and that time when it could not. And if it could not—the previability phase—then they felt that this was more a decision for the woman to make. After viability, that is, the ability of the fetus to survive outside the womb, then the State—the Government—could step in and say, "We will limit the circumstances under which a woman can seek an abortion."

Unfortunately, the bill before us today does not make that distinction. It does not draw that line. I fear it is fatally flawed from a constitutional viewpoint, from the viewpoint of the case of Roe v. Wade which guides us in this debate. As a result, I am not certain that this bill, even if it were enacted over the President's veto, would survive a Court test. I believe the Court has said repeatedly, "We are serious about drawing that line." This particular bill does not draw that line.

Having said that, though, let me tell you that I am not going to engage this debate just on pure legalisms and interpretations of Roe v. Wade. Let me go to the real question before us. Let me try to address some of the points which the Senator from Pennsylvania has made.

I am not a medical doctor. Some Members of Congress are; I am not. When I hear medical doctors say that this procedure, this partial-birth abortion procedure, is never medically necessary, I take that very seriously.

Recently, in the Chicago Tribune, in my home State of Illinois, a professor from, I believe, Notre Dame University, Douglas Kmiec—I hope I am pronouncing it correctly—wrote an article on July 27 in which he quoted a man whom I respect very much, C. Everett Koop, a medical doctor who served as our Surgeon General and who I have worked with closely on the tobacco issue. He quoted Dr. Koop as saying that this medical procedure, this "Partial-birth abortion is never medically necessary to protect a mother's health or future fertility."

As I said, such a statement from a medical doctor, and someone of Dr. Koop's reputation, I take very seriously. As a result, I came back to my office and wrote a letter the following day, on July 28, 1998, to a group which I respect, the American College of Obstetricians and Gynecologists here in Washington, DC. I did not try to color this letter or to influence their reply in any way. I wrote to them and said, "Tell me, is Dr. Koop right? Is this abortion procedure never medically necessary?"

A few days later I received a reply from Dr. Ralph Hale, executive vice president of the American College of Obstetricians and Gynecologists. I ask unanimous consent that the letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AMERICAN COLLEGE OF
OBSTETRICIANS AND GYNECOLOGISTS,
Washington, DC, August 13, 1998.

Hon. RICHARD J. DURBIN,
364 Senate Russell Building,
Washington, DC.

DEAR SENATOR DURBIN: I am writing in response to your July 28th letter in which you asked for the College's response to Dr. Koop's statement that "Partial-birth abortion is never medically necessary to protect a mother's health or future fertility."

The College's position on this is contained in the statement of policy entitled Statement on Intact Dilation and Extraction. In that statement we say, "Terminating a pregnancy is performed in some circumstances to save the life or preserve the health of the mother." It continues, "A select panel convened by ACOG could identify no circumstances under which this procedure, as defined above, would be the only option to save the life or preserve the health of the woman." Our statement goes on to say, "An intact D & X, however, may be the best or most appropriate procedure in a particular circumstance to save the life or preserve the health of a woman, and only the doctor, in consultation with the patient based upon the woman's particular circumstances can make this decision." For this reason, we have consistently opposed "partial-birth abortion" legislation.

Please find enclosed ACOG's statement on intact D & X. Thank you for seeking the views of the College. As always, we are pleased to work with you.

Sincerely,

RALPH W. HALE, MD,
Executive Vice President.

Enclosure.

ACOG STATEMENT OF POLICY ON INTACT DILATION AND EXTRACTION

The debate regarding legislation to prohibit as method of abortion, such as the legislation banning "partial birth abortion," and "brain sucking abortions," has promoted questions regarding these procedures. It is difficult to respond to these questions because the descriptions are vague and do not delineate a specific procedure recognized in the medical literature. Moreover, the definitions could be interpreted to include elements of many recognized abortion and operative obstetric techniques.

The American College of Obstetricians and Gynecologists (ACOG) believes that the intent of such legislative proposals is to prohibit a procedure referred to as "Intact Dilatation and Extraction" (Intact D & X). This procedure has been described as containing all of the following four elements:

1. deliberate dilation of the cervix, usually over a sequence of days;
2. instrumental conversion of the fetus to a footling breech;
3. breech extraction of the body excepting the head; and
4. partial evacuation of the intracranial contents of a living fetus to effect vaginal delivery of a dead but otherwise intact fetus.

Because these elements are part of established obstetric techniques, it must be emphasized that unless all four elements are present in sequence, the procedure is not an intact D & X.

Abortion intends to terminate a pregnancy while preserving the life and health of the mother. When abortion is performed after 16 weeks, intact D & X is one method of terminating a pregnancy. The physician, in consultation with the patient, must choose the most appropriate method based upon the patient's individual circumstances.

According to the Centers for Disease Control and Prevention (CDC), only 5.3% of abortions performed in the United States in 1993, the most recent data available, were performed after the 16th week of pregnancy. A preliminary figure published by the CDC for 1994 is 5.6%. The CDC does not collect data on the specified method of abortion, so it is unknown how many of these were performed using intact D & X. Other data show that second trimester transvaginal instrumental abortion is a safe procedure.

Terminating a pregnancy is performed in some circumstances to save the life or preserve the health of the mother. Intact D & X is one of the methods available in some of these situations. A select panel convened by ACOG could identify no circumstances under which this procedure, as defined above, would be the only option to save the life or preserve the health of the woman. An intact D & X, however, may be the best or most appropriate procedure in a particular circumstance to save the life or preserve the health of a woman, and only the doctor, in consultation with the patient, based upon the woman's particular circumstances can make this decision. The potential exists that legislation prohibiting specific medical practices, such as intact D & X, may outlaw techniques that are critical to the lives and health of American women. The intervention of legislative bodies into medical decision making is inappropriate, ill advised, and dangerous.

Approved by the Executive Board, January 12, 1997.

Mr. DURBIN. Let me speak to the contents of this letter, because I think it is an important letter when we consider the medical debate here—not the legal or political debate but the medical debate.

Dr. Hale wrote to me:

DEAR SENATOR DURBIN: I am writing in response to your July 28th letter in which you asked for the College's response to Dr. Koop's statement that "Partial-birth abortion is never medically necessary to protect a mother's health or future fertility."

Dr. Hale goes on to say:

The College's position on this is contained in a statement of policy entitled "Statement on Intact Dilation and Extraction."

That term, "intact dilation and extraction," is the technical medical term for what we term "partial-birth abortion."

Dr. Hale goes on to say:

In that statement we say, "Terminating a pregnancy is performed in some circumstances to save the life or preserve the health of the mother." It continues, "A select panel convened by [the American College of Obstetricians and Gynecologists] could identify no circumstances under which this procedure, as defined above, would be the only option to save the life or preserve the health of the woman."

The statement goes on to say,

An intact D&X, [partial-birth abortion] however, may be the best or most appropriate procedure in a particular circumstance to save the life or preserve the health of a woman . . .

And listen closely,

. . . and only the doctor, in consultation with the patient based upon the woman's particular circumstances can make this decision.

For this reason, we have consistently opposed the partial-birth abortion ban legislation.

He encloses the statement in full.

So what are we to do? Members of the Senate have conflicting medical opinions here. Some medical associations in my home State, some doctors whom I respect, like Dr. Koop, feel that it is never necessary; and the American College of Obstetricians and Gynecologists says it may be the best or most appropriate procedure and only the doctor can decide.

It puts us in a dilemma. Some think it is an easy call—never will we need it; never should we use it. Then you read from the doctors who work with these women who have come upon complications in their pregnancy that they never expected.

When this matter was first debated, I met a woman from a suburb of Chicago, from the Naperville area, who has been kind enough or brave enough to come forward and explain what happened to her. Her situation opened my eyes to the fact that this debate is not as easy as it sounds. She was the mother of a child, pregnant with another child, and had determined through ultrasound that she was about to have a little baby boy. She and her husband had picked out a name. She had painted the nursery. They had bought the furniture. They were ready and expecting parents, only to learn late in the pregnancy that the child suffered from a serious deformity which precluded the possibility that it would survive after birth, and that the continued pregnancy could jeopardize her health or her ability to ever have another child.

I spoke to her about what happened after the doctor made that diagnosis. She spoke of sitting up all night crying with her husband over what they were to do. They did not believe in abortion. Yet what a terrible dilemma they faced. Continue the pregnancy at the risk to her health, at the risk of never having another baby, or terminate the pregnancy of a fetus, a baby—whatever term you use—that could not survive. They made the decision to go ahead with the procedure that would be banned by this legislation.

She told me that story. Then she introduced me to her new baby in the stroller she was pushing. They made the decision to go forward and look to the future with another baby.

I won't presume that everyone listening to this debate would have made that same decision. Others might have seen it quite differently. In her case, she thought she and her husband, with their doctor, did the right thing, and their decision resulted in another baby boy that they are very proud of and happy to have brought on this Earth.

So the belief that many people engage in this procedure for casual reasons—at least in this case—did not apply. We have to take care in this debate that when we ban certain procedures and say doctors can never use them, we apply them to all situations, including the one that I have just described.

Here is what I think we should do. I will vote to sustain the President's veto. I don't know if I will prevail or whether the Senator from Pennsylvania will prevail. But I hope that we can leave this debate without saying that they have had another wild debate in Washington, the issue went unresolved, and they will probably return to that same debate next year—we have done that year after year after year.

A number of us, today, came forward and said that we hoped that we could take this debate to another position, another level, a more constructive level, I hope, after we consider this legislation. I joined Senators in the press gallery today who have agreed to be original cosponsors of legislation which I have introduced. This is legislation that is supported by Democrats and Republicans: Senators OLYMPIA SNOWE and SUSAN COLLINS, Republicans of Maine; Democrats TORRICELLI, MIKULSKI, ROBERT GRAHAM, LANDRIEU, and LIEBERMAN are my cosponsors on this legislation. I hope that in introducing this bill we can move this debate to another level, a different level, and one that is not inconsistent with the philosophy of my friend from Pennsylvania.

What we attempt to do in this bill is say the following: Let us restrict all late-term abortions, regardless of the procedure—whether it uses this procedure or some other procedure—to two specific examples: Situations where the life of the mother is at stake—in other words, if she learned in the seventh, eighth, or ninth month of pregnancy that if she continued the pregnancy she would die; or situations where that same mother learns late in the pregnancy that if she continues the pregnancy she runs the risk of grievous injury to her physical health, like the case that I just described. Those are the only exceptions. No other reasons.

It is not a question of being depressed or changing your mind—as if anybody would make a decision on an abortion for that matter. I don't know that they ever would, but it is specifically prohibited under this law.

And we say that not only the doctor who performs the abortion must certify these medical circumstances, but in addition, a second nontreating doctor must be brought in. He or she must certify in writing that these medical conditions exist. Then and only then could there be any abortion procedure, including this one, in a late-term pregnancy.

We believe this is a constructive and, I hope, promising approach. It builds on an amendment offered last year by Senator TOM DASCHLE, the Democratic minority leader, one that I supported. We have added the second doctor's opinion because criticisms were raised—I didn't agree with them—that the doctor who performed the abortion might make a certification that was dishonest. We think the second doctor's opinion will argue against that.

The penalties involved in this are very serious. A doctor who would ignore the law which we seek to have enacted in the bill which we will introduce today faces a fine of $100,000 for the first instance, and a possible loss of his medical license. In the second case, a fine of $250,000 and the loss of his medical license.

I don't know how you can be more serious than the approach we have taken, to say we want to make certain that late-term abortions are limited to these situations.

Some people have asked, Why don't you just vote for the bill that is before the Senate as well as your own? I cannot do that. The reason I cannot do it is because there is no provision made in the bill offered before the Senate for cases where a woman discovers late in her pregnancy that to continue the pregnancy would present the risk of grievous injury to her physical health. There is a life-of-the-mother exception, but no exception for grievous injury to physical health. That is the reason I will vote to sustain the President's veto. Later today, at the appropriate time, I will introduce the legislation which I have coauthored and described.

Let me say in closing that I respect the Senator from Pennsylvania and his views and I respect those who disagree with him. I believe this debate is a debate over an issue of conscience and one that many of us struggle with on a regular basis. I hope that what we have tried to do today on a bipartisan basis, to suggest an alternative approach, could lead us away from this long-term debate, to a resolution in a fair and humane manner.

I yield the floor.

Mr. SANTORUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. Mr. President, if I can take a moment to specifically respond to a couple of things from the Senator from Illinois. I commend him for coming forward and expressing his views. We don't agree, but as is appropriate here in the U.S. Senate, we can disagree without being disagreeable. I respect his right to articulate his viewpoints.

With respect to the letter from the American College of Obstetricians and Gynecologists that the Senator from Illinois read, they did say they:

> . . . could identify no circumstances under which this procedure would be the only option to save the life or preserve the health of a woman.

And they do go on to say:

> . . . however, [it] may be the best or most appropriate procedure in a particular circumstance to save the life or preserve the health of the woman.

However, no specific examples or circumstances under which an intact D&X would be the most appropriate procedure are given. In fact, they have never been given. They have never put forward any procedure, any circumstance in which they say it may be, but they have never given any hypothetical where it says it would be. That is somewhat troubling, to sort of hang your hat on a possibility when the very organization you are hanging your hat on refuses to give a possibility of whether it meets their definition.

With respect to the constituent in the Senator's State, I can't tell you how sorry I feel for her and for what she had to go through. But, unfortunately, many people in this country do not get the best medical information. One of the things I hope we can accomplish with this discussion—and I think to some degree we have—is to improve the quality of information women get in this country with respect to decisions about pregnancy, particularly late-term, and particularly when it comes to disabled children or children who maybe just aren't perfect.

I just know from all of the information we have been provided from the AMA, from the physicians—and Senator FRIST is going to talk about it from the point of view of a physician—in every case the President cited, including the case the Senator referred to in Illinois, there were other, better alternatives available to her that would have been safer for her to have as opposed to this. It doesn't mean her doctor didn't want to perform this. The doctor may well have. But the fact is, we don't always get the best doctors who give us the best advice. We went to the experts, and what the experts have told us is that this procedure is not the safest.

With that, I yield to the Senator from Tennessee, the only physician in the U.S. Senate, to talk about that very subject.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. FRIST. Mr. President, I rise to really cut through a lot of the emotion and a lot of the rhetoric and really bring together how I view this particular issue. And really I will take very few minutes because, to me, it becomes very clear once the facts are put on the table.

I speak as a U.S. Senator, as someone who understands an obligation to his fellow man, as being a trustee in the U.S. Senate to the American people; but I also want to speak as a physician, one who has spent his entire adult life in the practice of medicine, reaching out to people, being trained at hospitals across this country, exposed to accepted therapeutic procedures, understanding what peer review is about, and to let you know how I assess where we are today.

It really comes down to a single statement, which is as follows: Partial-birth abortion should never—should never—be performed, because it is needlessly risky to the woman, because it is an unnecessary procedure, because it is inhumane to the fetus, and because it is medically unacceptable and offends the very basic civil sensibilities of people all across this country.

Several points. No. 1, there has been this whole myth of how common this procedure is. Let me just say that the procedure is being done today as we speak. Initially, it was billed as being a very rare procedure, that really just a handful are being done, and therefore we don't need Federal legislation. Well, one of the byproducts of this ongoing debate over the last 2½ to 3 years has been that we know this procedure is being performed every day. In fact, we looked at information that has come out and we know that one facility has reported almost 1,500 of these in 1 year. One physician reported doing more than 700 of these procedures, and another, over 2,000 of these procedures. Remember, these are brutal procedures.

A second point. This procedure has been defined on the floor, and it will be defined again, because it is important for people to understand what a brutal procedure this is. But an equally important point is that this procedure poses substantial risk for the mother,

for the woman. It is a dangerous procedure being performed every day on the fringe, outside of mainstream medicine.

It is important for people to understand that this procedure is not taught in any medical school in the United States of America. It is important for the American people to understand that generally accepted textbooks do not even mention this procedure. It is not defined. It is important for America to understand that there are no peer-reviewed, credible studies on partial-birth abortion that evaluate in any way its safety. It is important for the American people to know that our OB/GYN, obstetrics/gynecologic, residencies who train residents to deliver babies in the future do not have this procedure as a part of their curriculum. Why? Because it is dangerous, it is fringe, outside of the mainstream. It has not been evaluated. Yet, it goes on every day, hurting women all across this country.

What are the complications? Well, there are a number of standard complications that occur during a third-trimester abortion. That includes perforation of that organ, the uterus, which contains the fetus. There is a second risk of infection when an abortion is performed in that third trimester. There is a third, and that is of bleeding. But, in addition, because the way this procedure—this fringe, brutal procedure—is performed—and remember, it is performed in a blind way, with the hand inserted into the uterus with scissors thrust up underneath that head and into the base of the skull. That is all done blindly, in a uterus which is large, containing the fetus, which is engorged, has huge blood vessels within a centimeter of where these scissors are blindly being thrust into the base of the skull.

I describe it that way because that is the reality, and the risk is there for this procedure, and it is not for other types of procedures, of laceration, of hemorrhage, of bleeding, of having those scissors nick one of those blood vessels and have the patient suffer. One of the problems is because these procedures are not performed at the Massachusetts General Hospital where I practiced, or Vanderbilt Medical Center where I practiced, or Stanford Medical Center where I practiced, where there is peer review, where people are looking in. And because these procedures are performed in clinics not subjected to peer review, we never hear about those complications. But the complications are there, and hospitals see these patients admitted after this procedure. It is a dangerous procedure. The risks are there to women. Yet, we as an American people have allowed that to occur all across this country.

A third point. This really applies, I think, and enters the field of ethical considerations, which is what we do to the fetus. Remember, the fetus is very far along. This is just prior to delivery of that infant. I want to make this point, and I don't want to dwell on the point, but that taking of scissors and thrusting it into the base of the skull, the expansion of those scissors and the ultimate evacuation of the brain, those contents, is painful to that infant. That infant feels that pain. Thus, it is an inhumane procedure in which no specific pain management is given, and that forcible incising of the cranium, or head, is painful.

Fourth point. This procedure is unnecessary. It is never —never—the only option. According to the Society of Obstetricians and Gynecologists, who will be referred to again and again, "We could identify no circumstance under which this procedure would be the only option to save the life or preserve the health of the woman." That statement is a very important one because it basically says this is an unnecessary procedure.

There will be colleagues to follow—and there will be comments by many of my colleagues—saying, "Yes, that is right. We can't identify any particular circumstance where there is not a safer accepted mainstream procedure that could be used." But I don't like the Federal Government doing anything and saying it is against the law to do any particular procedure, even if you could find it in detail like you have. I don't want them coming in just in the event something will come up.

Again, let me go back. This is a fringe procedure. It is out of the mainstream, not subjected to peer review. We know it is dangerous. There are always alternative procedures available.

It is a common procedure performed frequently. It is a dangerous procedure—dangerous to the woman. It is an inhumane procedure thrusting those scissors into that fetus' head. It is an unnecessary procedure. Never is it the only option. Alternative procedures are always available.

Over the last couple of years as I have studied this issue, a lot of things have been made apparent to me. We need data collection. We need peer review of these sort of fringe procedures that are performed outside of the mainstream.

There has been, I believe, extraordinary medical consensus that has come forward. It was difficult 2½ or 3 years ago, because physicians who are trained in our 125 academic and medical centers and medical schools have never been exposed to this procedure. It is only the fringe physicians in clinics outside of the major hospitals doing the procedure. Most people didn't know what a partial-birth abortion was. We have educated physicians. We have educated people in the health care arena. And, as a product of that, there has been this extraordinary medical consensus that has emerged.

Yes, on the floor you can always hear people who stand up and say, "We are against the Federal legislation because it infringes on our right to make decisions about our patients." They don't come out and defend the procedure.

We need to come back again and again and recognize that this is not a debate about pro-life, or pro-choice, or abortion to me in any way. Because of the way the bill is written, it focuses very narrowly on a specific procedure that is unnecessary.

Mr. President, I look forward to coming back and continuing our discussion. I know we have a number of people on the floor who want to speak on this particular issue.

But let me just close with one final comment before turning back to the Senator from Pennsylvania and the Senator from New Hampshire, who have done an outstanding job in terms of leadership, and say once again that partial-birth abortion should never be performed because it is needless risk, it is inhumane, it is ethically unacceptable, and it is totally unnecessary.

Mr. SANTORUM. Mr. President, I thank the Senator from Tennessee for his expert witness testimony here on the floor of the U.S. Senate. We are fortunate to have an expert in the area of medicine to provide us with this kind of information. I, very much, appreciate his willingness to come forward and speak so intelligently and forcefully on this issue.

I also thank the Senator from New Hampshire, who has been very patient letting the Senator from Tennessee and now the Senator from North Carolina, Senator FAIRCLOTH, be recognized for 5 minutes.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. FAIRCLOTH. Thank you, Mr. President.

Mr. President, it saddens me that we are here again debating partial-birth abortion. I feel inadequate at this point after hearing Dr. FRIST give a thorough, methodical, and definitive reason why it is such a cruel and brutal procedure that it never even should be considered. How anybody could vote to sustain a veto after hearing Dr. FRIST, Senator FRIST, explain the brutality and the fringe element that is doing this procedure is more than I can imagine.

There are 125 medical centers and schools in this Nation, and not one of them teaches the procedure as a method of medicine. It is totally a fringe element, as he well says.

I feel so inadequate here following him, who is an authority, and spent his life in medicine, and understands the medical reasons why we should not be doing it.

But the very idea of just taking a pair of scissors and driving them into the skull of a child that is practically ready to be born, to me is horrible beyond anything we can think of—the

pain to the child, and the danger to the mother. It is absolutely incomprehensible to me how anyone could vote to continue this procedure.

It was said by Dr. FRIST that it is done by a fringe element, but they are doing a lot of them. They are not even taught by medical doctors in medical schools. Yet, we are here authorizing it.

Again, how many times will President Clinton stand in the way of the Congress and to overwhelming feelings of the people of America and veto our attempt at outlawing this horrible procedure?

For me, this is about values, our values. It is one of the great moral questions of our time. It is a moral question. We know that late-term abortions are wrong. We know it from everything we are taught—from our religious beliefs, to our medical authorities, which we just heard. We need to summon the moral courage to draw a clear line of conscience by saying simply flat and straight out, "no more partial-birth abortions," not just from the facts that we heard from Senator FRIST, but just the overall facts. The American Medical Association says that partial-birth abortions are medically unnecessary. That one statement is true is enough to outlaw this procedure. But it actually is not even done in the medical profession. It is a fringe procedure that goes far outside the normal circles of medicine.

Former Surgeon General Everett Koop said partial-birth abortions may harm a mother's fertility. We hear from other segments of the American medical society that it probably will harm a mother's fertility. Spiritual leaders from every segment of religion in the country—religious leaders such as Billy Graham, Pope John Paul—have spoken out on the horrible procedure that this is and how it should be eliminated from our society forever and outlawed forever.

We are talking about taking the life of a child who can survive outside the mother's womb. We just heard Senator FRIST describe it can survive, and how that life is taken by the cruel process of pushing a pair of scissors into it and expanding it and removing the brain.

It is a horrible procedure. Both pro-life and pro-choice should be able to agree that those children deserve our law and protection.

I am asking my colleagues—and, most importantly, President Clinton—to put values ahead of votes and end the tragedy of partial-birth abortion.

Thank you, Mr. President. Mr. President, I yield any time I may have.

Mr. SANTORUM. Mr. President, the Senator from California is here, and she said she is not quite ready so we will proceed with another speaker. The Senator from New Hampshire has been very patient. I yield to him such time as he needs.

The PRESIDING OFFICER (Mr. GORTON). The Senator from New Hampshire.

Mr. SMITH of New Hampshire. I thank the Chair. I thank the Senator for his leadership.

I wish to start my remarks by saying what an honor and privilege it is for me to stand here on the Senate floor with such distinguished colleagues as Senator FRIST, Senator FAIRCLOTH, Senator SANTORUM and others who have spoken out so eloquently against this terrible practice that takes place, unfortunately, too many times in the United States of America.

I was particularly impressed with the remarks from our distinguished colleague, Senator FRIST, who today I think is more important as a doctor than as a Senator perhaps, listening to his very impressive and technical remarks about just exactly what this procedure is and how it is not necessary for the health or the life of the mother, to save the life or to enhance the health of the mother, and he noted, as has been said, the fringe element who perform these horrible procedures.

In addition to that, I would just mention that here in this notebook—Senator FRIST you heard from. He had a press conference this morning with four distinguished physicians, obstetricians and gynecologists, who spoke out saying the exact same thing that Senator FRIST said. Here in this book are 180 letters. These are just the ones I have received in my office. These are from all the doctors who say that it is unnecessary to save the life of the mother or to enhance the health of the mother—180. I am sure there are many other Senators who have received similar correspondence saying exactly the same thing.

But having been involved for almost 4 years now in this debate, coming to the floor, fighting your heart out, losing, it is pretty tough, and it is very emotional. And I know it has been the same for my dear friend and colleague, Senator SANTORUM of Pennsylvania, who has poured his heart and soul into this issue.

I remember very clearly, and I am sure the Senator does as well, in 1995, when I was pretty much alone on the floor of the Senate—and I want to get into that a little bit in a moment as to why I was here—there was a newly elected Senator, fairly newly elected Senator from Pennsylvania named SANTORUM who was not saying anything but listening to the debate. There was a very emotional exchange privately between the Senator and myself. He just indicated to me that he had to get involved in this because of the horror of it, and he has. He has been a great leader, and I certainly appreciate another horse in the harness, so to speak.

This is beyond, I should say, the in-your-face politics that we have endured on the floor in the past. I know I have gotten beyond it. I don't want to get into anybody's face on abortion or partial-birth abortion. I want to get in your heart. I want to get in your hearts because that is what this is about. I know that as we debate on the floor you don't see a huge crowd here. Hopefully, somebody is watching on the monitor. Of that 36 out there who have yet to see our way, maybe somehow, some way, some will see that it is wrong to continue to tolerate this in America and their votes will change, at least enough votes will change to end this horror.

This is America, supposedly the moral leader of the world. What does it say to our children when we kill children, their colleagues, with a pair of scissors and a suction hose as they exit the birth canal? What does that tell them? How do you say to your children, "Be good today; do your homework; mind your parents; do what's right; live a good life; be a good Christian; do unto others; be good"—how can you say that and support this? What message are you giving them?

No one should be surprised about the immorality that we see in our country today because we are not setting the example. We have an awesome responsibility as leaders in this country, whether we are in the Senate or whether we are just ordinary parents every day setting an example for our children. It is an awesome responsibility.

I remember when I spoke in the Chamber 3 years ago, I was chastised by a colleague for showing those same medical charts that Senator SANTORUM has shown in front of young pages sitting in the well. Well, I think they had to see that. I think they needed to know what we as adults are doing to their younger colleagues, the unborn children who have done nothing against anybody. This is the execution of a child as it enters the world. You cannot color it up. You cannot make it any nicer.

You can talk about all the legalities. I heard my colleague, Senator DURBIN from Illinois, a few minutes ago say we had to follow the guidance of Roe v. Wade. I might change that slightly and say the misguidance of Roe v. Wade. This is not about technicalities. It is not about legal definitions. It is not about falsely creating definitions of what threats to health or threats to life are. This is about real children really dying every day as we speak. As this debate occurs, more will die, and we are letting it happen. And three votes in this Chamber tomorrow morning, three more than we had the last time, will end it all, will stop it. So when you think about whether your vote counts, whether it matters, my colleagues, it matters. It matters.

I stood in the Chamber 3 years ago. Initially, I didn't know what this was. I could not believe that anything that

would even resemble a so-called partial-birth abortion would occur in this country. I didn't believe it. So I checked it out. I talked to people who actually assisted and performed them. I took the charts. I came down in the Chamber. I held up the same medical doll that four doctors held up in a press conference today. I showed exactly what happened with a medical doll—not a plastic fetus, as the critics in the press like to call it, but a medical doll. I simply showed the same size as a real child, the same size as that child who is being held by the abortionist, to simply show what happens.

I said then and I will say now, in any community in America—you pick it, you name it, your hometown, wherever it is—if you picked up your hometown paper tomorrow and in that hometown paper it said all the puppies and cats in your local humane society were going to be killed with no anesthetic, with a scissors to the back of the skull, open the skull and insert a tube to suck the brains out, I think you would probably be pretty upset. And you know what? It would probably be stopped. It probably wouldn't happen. But it is happening to children and we are letting it happen right here, tomorrow, on the floor of the U.S. Senate unless three Senators have the courage to put the politics aside and change their vote.

When I came down here in 1995, I had one cosponsor because, frankly, people didn't know what this was. Senator PHIL GRAMM of Texas was an original. We have come a long way since then, and we are not there yet. When the partial-birth abortion ban first passed the Senate on December 7, 1995, it did so with the support of 54 Senators. When the Senate voted whether to override President Clinton's veto on September 26, 1996, 57 Senators voted, and when the Senate passed H.R. 1122, on May 20, 1997, 64 Senators voted in favor.

You see, in here it is a numbers game. It is a game of numbers. But out there every day in those abortion clinics, it is a life game. It is a little child that is being killed for no other reason, other than it is not wanted. That is the reason.

I, as I total up those thousands, and I think about it, I ask myself how many times have I said this, night after night, as I thought about the horrors of this—how many of these children may have grown up to be a physician? Maybe a chaplain? Maybe a President? Maybe a scientist, to cure cancer?

Jefferson wrote so eloquently the Declaration of Independence that we have "the right to life, liberty, and the pursuit of happiness." You cannot have liberty, you cannot pursue your dreams, if you are killed before you are born. I do not often quote from the Bible, but you reap what you sow, and we will reap what we sow if we do not end this practice in America.

When the historians write about this age and this era—and I am standing right now at the desk of Daniel Webster. I think about it every time I speak. It is the only original desk in the Senate. There was a resolution passed in the 1960s that said for now and ever more, this desk belongs to the senior Senator from New Hampshire. Nobody else will ever get it. That is one of the highest honors that anybody could ever have.

But the point I am making is we are here for only a short time. Webster occupied this desk. It did not belong to Webster, and it does not belong to me. It belongs to the people of New Hampshire and the people of America. The years will go by and the historians will look back, just like they look back on Lincoln and the Civil War, and they are going to write about this era. I know one thing, Senator SANTORUM, we are on the right side. History is going to judge us as being on the right side, I promise you that. Don't worry about it. It is a done deal. We are on the right side, for the same reason that Abraham Lincoln was on the right side.

Can you imagine Abraham Lincoln taking a poll on whether or not we should end slavery? Putting his finger to the wind and trying to decide what the politically expedient thing to do is, to end slavery? Could you imagine Patrick Henry taking the floor of the Virginia Assembly and saying I wonder if these folks want liberty or whether they want death? Maybe I ought to poll them before I make this speech.

Those were men of principle. Those were men of principle. They were not afraid of the political ramifications. When Patrick Henry said "Give me liberty or give me death," he meant it. He was prepared for death if he could not have liberty. He meant every word of it. And Lincoln meant every word of it when he said slavery was wrong and it was immoral. And I mean every word of it when I say that this is wrong and this is immoral, and we will be judged on the basis of this vote. We have the chance to override the veto and send a powerful message.

Today, 3 votes short, 67 votes. There have been a lot of facts presented here today and there will be more, probably, before the day is over. Take a fresh look, I ask my colleagues. I beg you. Examine your consciences. This is a huge conscience issue.

I believe the reason we have made so much progress towards our goal of outlawing partial-birth abortion is that more and more Senators are realizing that the opposition to this bill was built on a foundation of lies—lies. I do not use that word lightly. I am using the very word that one of the Nation's leading abortion industry lobbyists used, Ron Fitzsimmons. He has been quoted here earlier, but he publicly admitted last year that he "lied through [his] teeth" when he helped orchestrate the campaign against partial-birth abortion.

When I stood on the floor here, I was told that there were just a few dozen a year, that I was some kind of an extremist, a radical. President Clinton, Vice President GORE, Mrs. Clinton, came to New Hampshire in 1996 and campaigned against me in the last week of the election on this issue.

In an interview published in the New York Times on February 27, 1997, and in an article published in the American Medical News on March 3, 1997, Fitzsimmons made the surprisingly candid admission that he had "lied" when he claimed that partial-birth abortions are rare.

In those same interviews Fitzsimmons also conceded that he "lied" when he claimed that partial-birth abortions are performed only on women whose lives are in danger or whose unborn children are severely disabled. "It made be physically ill," he told his interviewer. "I told my wife the next day, 'I can't do this again.'" A man of conscience. In seeking to justify his veto of the Partial-Birth Abortion Ban Act last year, the New York Times points out, "President Clinton echoed the argument of Mr. Fitzsimmons." In other words, in justifying his veto, Mr. Clinton relied on the same statements of "fact"—or wrong facts—that have now been conceded by a key leader of the abortion industry to be "lies."

In summary, the President used Fitzsimmons' argument; Fitzsimmons was lying, and the President should change his position. If the President of the United States, tonight, would say to his colleagues in the Senate, "I was wrong, override me," imagine the impact that would have on this Nation.

Regarding the President, I called upon the President a couple of years ago with a personal, handwritten note, to meet with me, to meet with my colleagues privately, publicly, any way he wanted to; on the record, off the record, with doctors, with his doctors, with my doctors—any way he wanted, any location, any way, any how, any shape or form, to discuss this issue so I could present, in 5 or 10 minutes—that's all I asked for—what I believe to be the truth and to show where he was being told things that were wrong. He never answered my letter. Never answered my letter.

Let me repeat it tonight, Mr. President, and I think I speak for Senator SANTORUM. We would love to come over and talk to you tonight about this. We will bring our doctors. You can have all of yours. I appeal to you to take me up on this. What have you got to lose? Maybe you will agree with us. If you do, you can ask your colleagues in the Senate to change their votes.

The truth, Mr. Fitzsimmons told the New York Times, is that "[i]n the vast majority of cases, the [partial-birth

abortion] procedure is performed on a healthy mother with a healthy fetus that is 20 or more weeks along." Five months. And, as Mr. Fitzsimmons told the American Medical News, "[t]he abortion rights folks know it, the anti-abortion folks know it, and so, probably, does everybody else." Except, Mr. Fitzsimmons might have added, for President Clinton, who vetoed this bill, even though the reasons he gave to justify his previous veto had turned out to be lies.

Mr. President, following Mr. Fitzsimmons' startling revelations, on March 4 the Washington Post ran an unusually blunt editorial entitled, "Lies and Late-Term Abortions." After recounting Mr. Fitzsimmons' lies and his candid admissions that he lied, the Post editorial drew the final conclusion:

> Mr. Fitzsimmons' revelation is a sharp blow to the credibility of his allies. These late-term abortions are extremely difficult to justify, if they can be justified at all. Usually pro-choice legislators such as Senator Daniel Patrick Moynihan and Representatives Richard Gephardt and Susan Molinari voted for the ban. . . . Opponents of the ban fought hard, even demanding a rollcall vote on their motion to ban charts describing the procedure from the House floor. They lost. And they lost by wide margins when the House and Senate voted for the ban. They probably will lose again this year when the ban is reconsidered. And this time, Mr. Clinton will be hard-pressed to justify a veto on the basis of misinformation on which he rested his case last time.

Please listen, Mr. President. Please listen to those words.

When the President vetoed H.R. 1122, he did so on the same discredited basis that he used before. Partial-birth abortions, he said, are "sometimes necessary to preserve the woman's health."

That is a false statement. We have had doctor after doctor say it. We had Dr. FRIST say it on the floor, and we have had other testimony, and, as I said, 180 letters from other physicians saying it as well.

Mr. President, President Clinton's assertion that partial-birth abortions are sometimes needed to protect a woman's health, again, is not true. Even the AMA, who has been quoted today, has said that. The American Medical Association said in the New York Times, May 26, 1997:

> The partial delivery of a living fetus for the purpose of killing it outside the womb is ethically offensive to most Americans and physicians. Our panel could not find any identified circumstances in which the procedure was the only safe and effective abortive method.

In other words, as Senator FRIST has said on the floor, it is a fringe element that performs that.

There you have it, Mr. President. My colleagues can take a look at these choices: On the one hand, the claim by the President that partial-birth abortions should remain legal because it is needed to protect a woman's health; on the other hand, the American Medical Association, which is, by the way, pro-choice, saying that partial-birth abortions should be banned because it never was needed to protect a woman's health. I will take the American Medical Association on this one.

Aside from the Fitzsimmons revelations and the AMA's dramatic decision to support H.R. 1122, I believe another reason why the partial-birth abortion ban continues to attract greater and greater support in the Senate is that Senators are coming to realize that this issue really does transcend abortion. I never made any secret about my position on abortion. All abortions are wrong. I am speaking for myself. They all are a taking of a human life, and they are all wrong, which is why I have introduced a human life amendment to the constitution of the amendment. I am proud of it. I don't care if I only get five cosponsors. I am proud of it. I stand on that record, and I think I will be judged correctly for having introduced it, whether I get any cosponsors or not.

Indeed, as one Senator, Senator MOYNIHAN, who supported us on the veto override in the last Congress, put it, partial-birth abortion is "too close to infanticide." Let me go one step further, and it has been said here, it is infanticide. All abortion is wrong, but this is not abortion. This is infanticide. This is taking a child in your hands and executing it.

We need to move away from the partisan rhetoric—not partisan, but the rhetoric on the pros and cons whether the pro-life community or the pro-choice community supports this; get away from that and look into your hearts. It is never too late to change your position on something. I have done it, and others have in here, I am sure. This was a pretty stark, truthful way to put it by Senator MOYNIHAN, Mr. President. It took courage for him to say it, and I commend him for it. It takes a real person with a lot of courage and a lot of guts to say he was wrong and change his vote.

Another Senator who didn't support the bill the first time around also joined us on that override, Senator ARLEN SPECTER, who believes, he says, that partial-birth abortion is more like infanticide than it is abortion. Senator SPECTER said it on the Senate floor September 26, 1996:

> In my legal judgment, the medical act or acts of commission or omission interfering with, or not facilitating the completion of a live birth after a child is partially out of a mother's womb constitute infanticide.

I stood on that Senate floor in 1995 with Senator SPECTER arguing with me heatedly and differing with me. To Senator SPECTER's credit, he studied it, he looked at it, and he had a change of heart. Again, that takes courage. The line of the law is drawn, Senator SPECTER said:

> When the child is partially out of the womb of a mother, it is not an abortion, it is infanticide.

When you hear about this being an abortion to protect the health of the mother or the life of the mother, how does it help the health or life of the mother to restrain a child from being born, holding it in the birth canal, head only, until it is killed? No doctor has told me yet how that enhances the health or the life of the mother.

Those are strong words from Senator SPECTER, a pro-choice Senator. It took a lot of guts for him to say it, but he said it.

We are picking up support in the Senate. As I have argued today, more and more Senators are realizing that the case against this bill is on a foundation of what have now conceded to have been "lies."

We are also picking up greater and greater support because more and more Senators are realizing that this issue transcends abortion—that the tiny little human being whom we are talking about is a partially born baby who is just inches from drawing her first breath.

To those Senators who are still considering joining the ever-increasing majority of Senators who support the Partial-Birth Abortion Ban Act, let me address a few more comments to you. Perhaps the Nation's most respected and revered doctor—"America's Doctor"—is the former Surgeon General of the United States, C. Everett Koop. I am particularly proud of Dr. Koop because he is a part-time resident of my home state of New Hampshire.

This is what Dr. Koop has to say: "Partial-birth abortion is never medically necessary to protect a mother's health or future fertility. On the contrary, this procedure can pose a significant threat to both her immediate health and future fertility."

We all know that Dr. Koop is not a man who uses words lightly. On the contrary, Dr. Koop is a doctor who chooses his words with care and precision. Listen to those words again: "Partial-birth abortion is never medically necessary to protect a mother's health or future fertility."

Now, of course, Mr. President, as I mentioned earlier, even the American Medical Association, which is "pro-choice" on abortion, has endorsed the Partial-Birth Abortion Ban Act. So, my colleagues, if you are worried about protecting women, listen to the words of Dr. Koop and listen to the American Medical Association. They are for the Partial-Birth Abortion Ban Act because partial-birth abortion is never necessary to protect a woman's health.

In addition, Mr. President, I urge my colleagues who are still undecided about this bill to look at it in light of our beloved Nation's history. We all know those beautiful and majestic words that Thomas Jefferson wrote for

our Declaration of Independence: "We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness."

Mr. President, one does not have to agree with my view that human life begins at conception to see that a living baby who is in the process of being born has, in Jefferson's words, been endowed by her Creator with the unalienable right to life. Can anyone seriously doubt where that great American, Thomas Jefferson, would stand on that question?

Another of America's greatest leaders, Abraham Lincoln, made one of the most dramatic and prophetic statements of his life in a speech that he delivered on June 16, 1858. In that speech, Abraham Lincoln said "I believe this government cannot endure permanently, half slave and half free." Today, Mr. President, as we debate this Partial-Birth Abortion Ban Act in this great Capitol of the Union that Lincoln saved, I would say this: The moral foundation of this government cannot endure permanently when even the half born are not free to live. Can anyone really doubt where that moral giant, Abraham Lincoln, would have stood on the question before us here today?

Let us rise to the moral level to which our Nation's history calls us. Let us recognize the unalienable, God-given right to life of the partially-born. Let us protect the partially-born from a brutal death. Let us be worthy of the Nation that Jefferson helped create and that Lincoln surely saved. Let us pass the Partial-Birth Abortion Ban Act with a two-thirds' majority and thus override President Clinton's unconscionable, immoral, and dishonest veto of this bill.

I was honored when, in 1996, the National Right to Life Committee recognized my work in the Senate on behalf of the Partial-Birth Abortion Ban Act by presenting me with its "Proudly Pro-Life Award" at a banquet at the historic Waldorf-Astoria Hotel in New York City. The most memorable moment of the evening, however, was not when I received the award. Rather, it was when I heard Gianna Jessen sing.

Gianna Jessen is a beautiful young woman whose life was nearly ended before she was born. Gianna's teenage biological mother had her aborted in the final three months of pregnancy by the so-called saline solution abortion procedure, but Gianna miraculously survived.

Though she survived the abortion attempt, Gianna weighed just two pounds at birth and was afflicted with cerebral palsy. She spent the first few months of her life in a Southern California hospital. Though her doctors doubted that she would ever be able to sit up, to crawl, or to walk, after years of physical therapy and surgeries, Gianna, now 21 years old, today enjoys an active, productive, and happy life.

As Gianna Jessen stood before the crowd at the Waldorf-Astoria that night and sang "Amazing Grace," there was not a dry eye in the house—including mine.

In July of this year, a media report reached my office about the first known survivor of an attempted partial-birth abortion. According to the Associated Press and other media accounts, personnel at the A–Z Women's Center in Phoenix, Arizona, told a 17-year old mother that her unborn baby was between 23 and 24 weeks' gestational age (in other words, between 5 and 5½ months).

Reportedly, after beginning the partial-birth abortion procedure, abortionist John Biskind found himself dealing with a 6-pound, 2-ounce baby girl of about 37 weeks (near full term), and he delivered her alive. She was kept in the hospital with a fractured skull and "two deep lacerations" on her face, but no brain damage.

When I learned about this baby, who pro-life activists call "Baby Phoenix," I immediately thought of Gianna Jessen. How wonderful it is that Baby Phoenix will now be able to grow up in this great country of ours. She may some day stand in front of a pro-life dinner and sing "Amazing Grace." She may become a scientist and help find a cure for cancer. She may become a United States Senator. She may become the first woman President of the United States. She may become a Supreme Court Justice and vote to overturn Roe v. Wade. With life, anything is possible. I praise God that Baby Phoenix lives.

The case of Baby Phoenix, the first known survivor of an attempted partial-birth abortion, illustrates that we are dealing with real human beings here. For Baby Phoenix, once that partial-birth abortion procedure was started, all that stood between her and a full life was an abortionist. In his hands, he held the power of life and death.

Thankfully, Mr. President, the abortionist in Baby Phoenix's case, John Biskind, had a conscience. He saw that he was dealing with a little human being—all 6 pounds and 2 ounces of her. And he didn't brutally punch a hole in her skull. He didn't take a suction device and remove her brain. He didn't kill her. He let her live.

Unfortunately, Baby Phoenix is the only known survivor of an attempted partial-birth abortion. All the other abortionists who perform the partial-birth abortion procedure don't have the conscience of John Biskind. They, too, know that they are dealing with little human beings. They manipulate their little living bodies. They feel those tiny babies move. Then, with unspeakable brutality, they forcibly restrain those little babies from being born, brutally poke scissors into their little skulls, and then literally suck the lives out of them.

Today, we can put a stop to the unspeakable brutality of partial-birth abortion. Two-thirds of the United States House of Representatives has said "Yes, stop partial-birth abortion." The American Medical Association has said "Yes, stop partial-birth abortion." President Clinton has said, "No, I want partial-birth abortion on demand to be legal." Today, the United States Senate can say to President Clinton, "You are wrong."

I plead with my colleagues. Listen to two-thirds of the House of Representatives. Think about Baby Phoenix. Listen to the American Medical Association. Don't listen to the cravenly political deceptions of President Clinton.

Vote your conscience. Vote your heart. Vote to stop partial-birth abortion. Vote to override the President's veto and let the Partial-Birth Abortion Ban Act become the law of this land. We will be a better country for it.

I can go on, Mr. President. I know there are lots of other things that I can say, but I will close at this point in the debate by again reminding my colleagues to separate yourself from the heated exchanges that we have all had. I see the Senator from Nebraska on the floor. We have had a couple of exchanges in the past on this issue. But try to look into your hearts and see if we can't get out of each other's faces and into each other's hearts and see if we can't get three more votes to change this horrible procedure.

I yield the floor, Mr. President.

The PRESIDING OFFICER (Mr. GORTON). The Senator from California.

Mr. KERREY addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. KERREY. Mr. President, I yield such time——

The PRESIDING OFFICER. The Senator from California controls time. Does the Senator yield to the Senator from Nebraska?

Mrs. BOXER. I do, as much time as he may consume.

Mr. KERREY. Mr. President, first of all, in the spirit of the suggestion made by the distinguished Senator from New Hampshire and earlier, as well, by the Senator from Pennsylvania, I reached my conclusion as to what our law ought to be. This is unquestionably a decision that required not just a considerable amount of research about what our laws and our Constitution permit us to do, but also a considerable amount of soul-searching.

In Nebraska, there are many people—friends, family and people whom I do not know—who have offered their prayers for me during this deliberation. Before I offer my own words as to why I believe the law as proposed is both unconstitutional and incorrect, let me

say that I very much appreciate those prayers. I have offered them myself on this particular issue. I have had a career now of some 14 years serving the people of Nebraska and have told them almost from day one that though I may sound from time to time as if I am absolutely convinced on an issue, I have never, if the evidence proves otherwise, been unwilling to change my position.

I say to my colleagues, I nearly did so in this case, on account of very good friends who were urging me otherwise, on account of the prayers and concerns and the good wishes that were extended to me by people in Nebraska.

Mr. President, abortion is a choice a woman makes and, at least in my limited conversations with women who have had to make that choice, is a decision that produces a considerable amount of grief, a feeling that something has been ended no matter at what stage, whether it is done in the first week or whether it is done in the 15th week. No matter when it occurs, it produces a considerable amount of grief. Even when the termination is spontaneous, when it is a spontaneous abortion, a miscarriage, there is a sense of loss. Something has happened that was unanticipated. The idea of something good happening has been interrupted by something that is, to the woman's mind anyway, bad.

It is very important, it seems to me, to begin with that understanding. I was very moved, I must say—in fact, I told the distinguished Senator from Pennsylvania—by an article not long ago about the struggles he and his wife endured. It was a very moving piece. It does, I think, something that very often is missed by the public—this comment is unrelated to this particular debate—it shows the human side of our Members. It is unfortunately true that people often see us through our positions, through the positions we have taken, our identity as a Democrat, a Republican and they form an impression. Sometimes we love you, sometimes we hate you, just based upon that position. I appreciate very much the willingness of the Senator from Pennsylvania to allow that story to be told because it shows the human dimension of this issue, and the grieving and the terror and the soul-searching that does occur.

I say that, Mr. President, because one of the things that needs to be understood is, the law does not direct women to make this choice. It merely gives them the choice, the opportunity to make this decision. It does not make the decision any easier, it does not make the decision free of soul-searching and prayer, and, again, from my experience in talking with women who have made this decision, it does not produce a feeling that they have just done something wonderful. Indeed, some of the most powerful people in opposition to a woman's right to choose, to the current law, are people who have gone through this procedure. So people need to understand that we begin by extending our prayers, not just to us lawmakers, but to people who are going through this decisionmaking process.

What we have attempted to do over the course of this debate is to balance the rights of the woman who is carrying the fetus and the fetus itself—not an easy debate. The Senator from New Hampshire again makes a case, I believe, that abortion in all circumstances should be illegal. It is very moving, and I am impressed by his passion and the commitment to this issue.

But in the process of trying to settle this debate, Mr. President, we have been given guidance by the U.S. Supreme Court, and the guidance of the Supreme Court in both the decision known as Roe v. Wade and the decision known as the Casey decision in Pennsylvania. The language of these decisions needs to guide this Congress and needs to guide the American people in drafting legislation, drafting laws that determine how we are going to balance those rights. Otherwise, you should come as, again, the distinguished Senator from New Hampshire has said he would like to come, and change our Constitution. He wants to change the Constitution so the Supreme Court can reach a different decision than they did in either the Roe v. Wade decision or the Casey decision.

Again, Mr. President, I am coming to the floor very mindful of the wishes and prayers of many people in Nebraska who have listened and heard this procedure described. And they say, "It's awful. How can you allow it to go on under the law?" And I am going to describe how I reached the conclusion that this piece of legislation would be, I believe, both unwise and, I believe, unconstitutional.

First of all, listen to the language—first the language of the decision in 1973:

> For the period of pregnancy prior to this compelling point [that is the moment of viability; approximately 24 weeks into pregnancy], the attending physician, in consultation with his patient, is free to determine, without regulation by the State, that, in his medical judgment, the patient's pregnancy should be terminated. If that decision is reached, the judgment may be effectuated by an abortion free of interference by the State.

That is us. That is what we do with our laws; we determine whether additional laws need to regulate this decision.

Again, going on:

> With respect to the State's important and legitimate interest in potential life, the "compelling" point is at viability . . .

I emphasize that. Very often I will hear people who are pro-choice advocates say, "Well, why are you doing this at all?" The Court did say there is a legitimate interest. The Court did provide us guidance as to how we can pass laws and restrict this type of health service. There are instructions that enable us to, if we wanted to. We could write legislation that followed this guidance. I will get to that point later:

> This is so because the fetus then presumably has the capability of meaningful life outside the mother's womb. State regulation protective of fetal life after viability thus has both logical and biological justifications. If the State is interested in protecting fetal life after viability, it may go so far as to proscribe [prevent] abortion during that period, except where it is necessary to preserve the life or health of the mother.

Those are the instructions. And I am willing to vote, and have in the past, to place restrictions, to proscribe, and say that abortions cannot be done if the life or the health of the mother is not at stake. That is what the Court has said. And in many instances there have been challenges brought by people who have different views and say the Constitution does not provide that right.

Again, most recently, in Planned Parenthood v. Casey, the Court confirms:

> Roe's essential holding, the holding we reaffirm, has three parts. First is a recognition of the right of the woman to choose to have an abortion before viability and to obtain it without undue interference from the State. Before viability, the State's interests are not strong enough to support a prohibition of abortion or the imposition of a substantial obstacle to the woman's effective right to elect the procedure. Second is a confirmation of the State's power to restrict abortion after fetal viability, if the law contains exceptions for pregnancies which endanger a woman's health.

So again, Mr. President, the Court has held—they have heard the arguments, and they have come back and said yes, to those who say that Government should not be engaged at all in writing laws, the State does have a legitimate right to proscribe abortions after viability. Again, I emphasize, I have voted for such restrictions.

But the Court has held that there must be a protection for the woman's right to choose if either life or health are at stake. That is the language of the Court. That is what the Court has said under challenge from those who believe that the Court erred in its judgment in 1973.

Thus, when the AMA comes and argues that this procedure should be banned, I give them heavy weight, substantial weight. But I have as well to give substantial weight to the Constitution and those who are interpreting that Constitution on our behalf, the U.S. Supreme Court.

We should attempt, when we write laws governing abortion—for those of us who believe that a woman should have the right to make a largely unburdened decision, burdened only by her own conscience, which is substantial; I say it again for emphasis, I am troubled very often in this debate that an insufficient amount of attention is

paid to the grieving, to the suffering, to the difficulty that a woman faces at this particular moment and afterwards—to balance the rights of the woman against the right of the fetus. That is what we should do. We should write a piece of legislation that keeps a constitutional balance in place.

Mr. President, I believe this particular piece of legislation fails that test. It might, indeed, be a useful exercise, but it is going to be thrown out. It is going to be thrown out, Mr. President, because it does two things that the Court has said repeatedly are unconstitutional.

First of all, let me just read the language, Mr. President. It is a fairly short and clear description of what the proponents would like the law to be. It says that:

Any physician who, in or affecting interstate or foreign commerce, knowingly performs a partial-birth abortion and thereby kills a human fetus shall be fined under this title or imprisoned not more than two years, or both.

That brings the State into it, obviously. The doctor could be fined or placed in prison as a consequence of doing this procedure in all States. It gives a right of legal action to the father. It gives a right of legal action to, I believe, the woman s parents as well. It gives the State the right to come in and bring a case against that doctor—but not, Mr. President, only post-viability.

The language of this law does not reference either Roe or Casey. It does not say that this would apply only post-viability; it applies in all cases. And though it is quite true that many, as I understand it, of these procedures are done post-viability—and, by the way, there are many other procedures that are done, most of which, as they have been described to me, are equally grizzly and therefore difficult, on a personal basis, to sustain the argument that this is a good thing to do—many are done before viability. But the Constitution says that we are to provide that woman with an uninhibited choice in that previability stage. And this law makes no distinction between pre- and post-viability.

Indeed, one of the reasons I supported Senator DASCHLE's proposal last year, which was sharply criticized as a way to provide political cover, is because it did address the legitimate interests of the State in the post-viability period.

I have no idea whether or not there will be additional bills, or whether or not the President's veto will be overridden, but my guess is, even if the veto is overridden—assume for the moment that it will be—this will not be the last time that we address the question of the State role to regulate abortion, particularly post-viability.

I say to my colleagues here, and to the people of Nebraska who have offered their prayers, that I am willing to enter into earnest negotiations with the goal of placing additional restrictions around abortions late in pregnancy. And this will probably involve some careful definitions around the issue of a health exception, and therefore the circumstances under which a woman can legally choose abortion.

This bill would create an unspecified prohibition on a particular procedure—a prohibition that would result in the State putting restrictions on pre-viability choices and decisions that a woman and her doctor make. Thus, I believe strongly that the Court would find this legislation, this law, unconstitutional and that it would strike it down.

Even more compelling—and I know we have had this debate before, and I don't want to drag it out because I want to merely offer my thoughts not so much to my colleagues, who I suspect have mostly made up their minds on this particular piece of legislation, but to the people in Nebraska—the Court over and over has used the words "life or health."

I heard the distinguished Senator from New Hampshire say he did not find any doctor who could justify this procedure. I don't remember his exact language. However, our reference in this case can't be only physicians. Our reference has to be the Constitution. The Court has given us instructions. They told us what we can do and what we can't do. Unless we change the Constitution, we are not going to be able to simply ignore the Court's repeated opinion that post-viability restrictions must include both life and health exceptions.

Again, I come to the floor, having heard the prayers of thousands of Nebraska friends and people who I don't know quite so well, who have hoped that I would cast a vote to override this veto. I cannot. Not because I do not believe that the government has a legitimate interest to restrict abortions after viability. In fact, I believe it is in all of our interests to do so.

This legislation does not do that. This legislation deals with a single procedure across the span of pregnancy. As a consequence of that, I cannot in either good conscience, or in faith to this Constitution, cast my vote to override the President's veto.

I yield the floor.

Mr. SANTORUM. Mr. President, I yield 15 minutes to the Senator from Michigan.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. ABRAHAM. Mr. President, I thank the Senator from Pennsylvania. I begin by thanking the Senator for the work he has done on this legislation. This is, obviously, an issue of great importance, one of the most important issues we have dealt with in this Congress. His leadership on this issue has, I think, been a great motivation to many people here. He has had a great deal of influence in the national debate on this issue. I compliment him for what he has done and what I know he will continue to do between now and the vote on this tomorrow morning.

I am here to urge my colleagues to override the President's veto of the ban on partial-birth abortion. The abortion issue has been a difficult and a divisive one for this country. The unfortunate procedure of partial-birth abortion need not be. The vast majority of Americans—even those who call themselves pro-choice—oppose partial-birth abortion.

This overwhelming opposition helped produce legislation to ban that procedure. Unfortunately, the legislation was vetoed by President Clinton. Now is the time for the Members of this body to stand up and to say no to the unnecessary, dangerous and morally troubling procedure of partial-birth abortion.

We now know that this practice is not rare and that it is not undertaken only in cases of severe fetal deformity. Literally thousands of partial-birth abortions are performed in this country every year. Abortion lobbyist Ron Fitzsimmons has said at least 3,000 to 5,000 partial-birth abortions are performed nationwide each year. According to the prominent abortion doctor, W. Martin Haskell, over 80 percent of the partial-birth abortions he performs are purely elective. Ron Fitzsimmons reports that in the vast majority of cases the procedure is performed on a healthy mother with a healthy fetus.

I know that not everyone shares the pro-life position. But in my view, it is clear that any reservations about restricting abortion need not, and should not, apply to partial-birth abortion. Regardless of where one stands on the broader abortion debate, all of us should be able to see partial-birth abortion for what it is—an unjustifiable and wholly unnecessary tragedy.

People on the other side of the pro-life debate often say that the decision of whether or not to undergo an abortion should be left to a woman and to her doctor. Shouldn't we then listen to the official position of the American Medical Association, the official professional association of doctors in America? The AMA has come out unequivocally against partial-birth abortion in endorsing this legislation. Dr. John Seward, executive vice president of the AMA, referred to partial-birth abortion as a procedure "we all agree is not good medicine." The AMA has made a professional judgment based on the medical expertise of its members that partial-birth abortion is simply not good medicine.

Further, our former Surgeon General, C. Everett Koop, has observed that:

. . . partial-birth abortion is never [and that is his emphasis] never medically indicated to

protect a woman's health or her fertility. In fact, the opposite is true. The procedure can pose a significant and immediate threat to both the pregnant woman's health and fertility.

Those are quotes from Dr. Koop.

Earlier today, we heard from the Senate's only physician Member, Dr. FRIST, who spoke, I thought, both eloquently and with great insight based on his own scientific knowledge and his background as a physician, essentially reaching the same conclusions as the American Medical Association and Surgeon General Koop:

There is simply no valid reason for this procedure to exist. It saves no lives. It puts mothers at increased risk for sterility and other complications, and it is in and of itself, in my judgment, morally unacceptable.

I reference a recent story from the Associated Press that shows just how dangerous this procedure can be. According to the AP, on June 30 of this year, Dr. John Biskind delivered a full-term baby girl. Unfortunately, this little girl was almost killed. She suffered cuts to her face and a skull fracture. Luckily, this little girl survived and was adopted by a loving couple. But she literally came within a hair's breadth of being killed on the threshold of life. This little girl has survived, but we should not lose track of the cause of her injuries.

Dr. Biskind attempted to perform a partial-birth abortion. The 17-year-old mother had come to Dr. Biskind's A to Z Women's Center seeking an abortion. The clinic performed an ultrasound, determining what they had was a 23½-week fetus, and decided to perform a partial-birth abortion. Dr. Biskind thought he was performing this procedure on a fetus two-thirds of the way to term; that would be bad enough. But, in fact, the clinic had made a mistake in the ultrasound. The girl actually was approaching full term and Dr. Biskind did not realize this fact until he had already begun aborting her.

This is astounding. According to Dr. Gerster, a Phoenix physician, a 24-week-old fetus weighs an average of 2 pounds, whereas a 36-week-old fetus weighs, on the average, about 6½ pounds. As Dr. Gerster commented:

I don't know how such a grave error could be made in estimating the size. There shouldn't be that kind of discrepancy in an ultrasound. It is horrendous.

Horrendous, indeed, Mr. President. Yet, this is the kind of situation we are attempting to address with this legislation. I think cases like this are why it is time for us to override the President's veto and pass this bill.

As I have said throughout my discussion here today, there are reasonable differences—we understand that—in this Chamber and across this country over the substantive issue of abortion rights. Even those who advocate abortion rights are frequently saying—including the President of the United States—that abortion should be safe and legal and rare. It is hard for me to believe that these types of abortions, partial-birth abortions, don't fit outside that definition.

Mr. President, we all have to come to these decisions in our own way, and I am not here today to tell people who have reached different conclusions that they are in any way going about it in the wrong fashion. But I think that this issue is one that is so important, an issue that I think the country is so united behind, that it is time for us to take ourselves out of the context of the debate on abortion rights and look at this from the perspective of what is morally right. In my judgment, Mr. President—and I know not what decisions others are going to make tomorrow—it is just not morally right to allow this kind of procedure to continue.

Each of us here has our own stories, and I respect the stories of my colleagues on both sides. In our own family, we have had several instances of children born very early. In my own case, we have twins who were born several weeks early. We were fortunate; they did not have serious complications, but they were in a neonatal unit of a hospital for about 3 weeks. While we were there, we saw less fortunate situations around us. We saw children that were much smaller, born much earlier than our babies, clinging to life, children that were born weighing less than 2 pounds, children that were born 10 and sometimes 12 weeks early. The fight those children all made to survive left me with an indelible impression about life that I really hadn't had before that experience.

Yes, I was pro-life, but I had never touched or felt or seen in that fashion exactly what is at stake. The notion that some of those babies we saw fighting for life, who had been born in the very timeframe that partial-birth abortions are occurring, the knowledge that these tiny infants were real people, the realization of that, left me with a memory that I will never forget and left me committed to support the efforts Senator SANTORUM has led here today, which I hope will finally result in the end of this practice.

Mr. President, I intend to vote to override tomorrow. I hope that enough of my colleagues will join in that effort so we are successful. I recognize that this is an issue that people have different views on. I hope that finally, at the end of this debate, we can come together and move forward with something that I think is in the best interest of our country, and more importantly, in the best interest of our children.

I thank the Senator from Pennsylvania, and I yield the floor.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. I yield myself such time as I may consume.

Mr. President, I was touched by the remarks of the Senator from Michigan about having premature babies of his own. I stand here today as a mother, a grandmother, and a Senator. When my babies were born, one was born 2 months early and one was 6 weeks early. There wasn't one prayer that I didn't say, there wasn't one emotion I didn't feel. And I feel that same emotion toward any child born in that circumstance. My babies grew up healthy and they are now in their thirties, and one has made me a grandmother.

But that is not what this debate is about. This debate is about whether we are going to protect the lives of women and whether we are going to protect the health of women. I say here today that, as long as I am here, I will work to do that. These are women who find themselves in tragic situations, traumatic situations, with a pregnancy that has gone terribly wrong. With a pregnancy which could endanger their health, their life, their fertility, and their ability to have a family in the future.

This bill is extreme. It is dangerous for women. Why do I say that? It has no exception to protect women's health. The exception for a woman's life is very narrowly drawn. It is not the true life exception that we have used in other bills. So this bill is extreme, the bill is dangerous, and the bill turns its back on the health of women. As Senator KERREY from Nebraska has said, clearly, it is unconstitutional. I am not standing here just because the bill is unconstitutional. Very clearly, the constitutional law that governs is Roe v. Wade, which says you must always consider the life or the health of a mother.

I am standing here because I care about the health of women and their lives. I don't want to see this bill become the law of the land. I hope my colleagues will stand for the health and the life of women and support the President's veto.

Roe v. Wade guarantees American women the right to choose. In the early stages of a woman's pregnancy, a State may not interfere with her right to end the pregnancy. In the midterm of a pregnancy, a State may regulate abortion procedures, but only to protect the woman's health. That is what Roe says. After viability of the fetus, when the fetus could live outside the woman either with or without life support, a State can regulate and, yes, even prohibit abortions under Roe. States can prohibit abortions after viability, except—except—for the life of the woman or the health of the woman.

The life and the health of women must always be protected. That is the law. If we chip away at those exceptions, we endanger women because, make no mistake, this isn't the first attempt to stop a procedure and walk away from the life or health exception.

There will be many attempts. There will be other procedures. My colleagues on the other side are very honest about it, they want to criminalize abortion. They are honest about it and I appreciate that. I know this is just one way they are going to try to get to their ultimate goal. If we don't hold the line here on life or health, we will lose this right.

Mr. President, the bill we are debating directly contradicts Roe. As I said, and as the Senator from Nebraska before me said, it is unconstitutional because it doesn't protect the health of the woman. It is silent. It doesn't use the words "health of the woman." Again, it doesn't contain a true life exception. It is a very narrow life exception. So even her life would be threatened if we allow this bill to become law.

My colleagues have quoted the fine Senator from Tennessee, Senator FRIST, who is a doctor. They have quoted Surgeon General Koop. They are not OB/GYNs. They are not obstetrician-gynecologists. The American College of Obstetricians and Gynecologists—those are the doctors who bring babies into the world. Those are the doctors who deal with these emergency abortions—39,000 strong. They are specialists in women's reproductive health. What do they say about this legislation? They oppose it. The organization says that this bill is—and I am quoting—"dangerous." Who is it a danger to? It is dangerous to women. It is dangerous to the women.

The American Medical Women's Association also firmly opposes this legislation.

This bill, if it becomes law, will force doctors to make medical decisions that jeopardize women's health. Doctors will be afraid. They will be fearful because, if they can't meet the very narrowly drawn exception for life, but they use the procedure because they are afraid the woman would die, the doctor can go to jail for 2 years and be fined. If the woman made this decision, let's say after she learned that the baby's brain is developing outside the head, and she didn't want to carry the pregnancy to term—maybe because she was afraid that her husband might disapprove, or maybe he was an alcoholic, or maybe he was a drug addict, maybe he was estranged—the husband can also sue the doctor. He can sue, very interestingly, for psychological distress.

When we talk to our colleagues on the other side, they don't want to include any psychological reason whatsoever when a woman has to choose. But, yes, if the man is suffering psychological distress, he can sue.

No woman, in my opinion, wants to visit her doctor about her pregnancy—and I have done it in my own life—and see her Senator lurking over the doctor's shoulder. People often don't like us lurking over any parts of their life, let alone, let alone, when they have a medical procedure.

I find it interesting that some Senators who come here and say there is too much government—"get government off our backs, there is too much government"—believe that they know more than physicians, OB/GYNs, who deal with real life in the real world. These Senators believe that they know better than a family about what to do in such a situation.

No woman wants to walk into her doctor's office and see a sign that says, "Warning, Senate interference in your doctor's decisions may be hazardous to your health." Or, "Warning, your doctor's hands are tied, he or she may not choose the best procedure for you because your Senator has decided what procedure is allowed and what procedure is not allowed." Forget what you learned in medical school; forget about what you think is best for women; the Senator is telling you what procedure to use.

My colleagues in the Senate, I say this is dangerous. Whether you have cancer, Alzheimer's, AIDS, diabetes, Parkinson's, heart disease, or any condition—all the diseases we fear—Senators should not be making decisions about what procedures should be used. Senators should not prevent a doctor from using a procedure that he or she determined was needed to protect the patient's health, to protect her from infertility, to protect her from paralysis, or worse. Government should not be in the business of eliminating safe, medical options for patients.

We all want to know, I say to my colleagues who are loving parents, what would you do if your physician called you and said, "I just examined your daughter, and I believe her life is threatened," or "I believe she might never have a child again, and I believe the only procedure to use is the one that Senators here want to ban." I believe in your heart of hearts you would get down on your knees, pray to God, and say, "Save my daughter's life. Help her be able to have a child again." I believe that.

If you didn't, if you chose another way, that is fine for you. But don't force everyone into that situation where they don't have the option that they need. If it is all right for you to narrow your options for your daughter, for your granddaughter, I bless you for it. No one is forcing you to do that. But I think it is important that women have the option to save their lives, to save their health. And, yet, there is not one word in this about an exception for health, and it is a very narrowly drawn exception for life.

Doctors should make medical decisions in consultation with their patients. Doctors should be free to make decisions that are best for their patients' health. When doctors take their Hippocratic oath, they say, "Do no harm." "Do no harm." But if in their heart they believe they are going to do harm, and it is because Senators tied their hands, they find themselves in an unacceptable situation. They can't look at the woman or her husband; they can't look in the eyes of the parents of that woman and say, "I am doing everything I can," when they know they are afraid to use a procedure because they cannot understand the vague language that Senators put into a bill.

If enacted, this bill could threaten the health of women across the country—our sisters, our daughters, our mothers, our nieces, our coworkers, our friends, our granddaughters.

I want to talk about the life exception. It is very narrow.

A woman's life would be protected only if her life is in danger by a "physical disorder, illness, or injury." That is a quote from the bill. But if her life is in danger for any other reason, the life exception does not apply. In other words, if the pregnancy itself endangers a woman's life, the exception does not apply. Even the new Hyde language, which narrows the exception for life of a woman, acknowledges that the pregnancy itself may endanger a woman's life. But, yet, the language in this bill includes an exception only if she has a physical disorder, illness, or injury, and not any condition that arises from the pregnancy itself.

So today I think we need to face the fact that this bill has crafted a unacceptable life exception. And for those who are voting for it who think that they are protecting the life of the woman, read it again. Read again the Henry Hyde language which we have used for many years. Even the narrow version is different than this. This is dangerous.

Let me say again: this bill, as it is currently written, is dangerous.

We have some people in the galleries today who have had procedures that would be banned by this bill. They are loving mothers. They are loving, loving mothers. Tiffany Benjamin is from California—this is her picture. This is her beautiful 3-year-old baby. He is now 3. He is a little younger here. She had this child after undergoing a procedure which her doctors recommended and which this bill would ban. And now she has this beautiful child.

Also up in the gallery is Maureen Britell from the District of Columbia area, who had also had a procedure which would be banned by this bill. Maureen is a devoted mother.

The PRESIDING OFFICER. The Senator will withhold.

The Senator is reminded of rule 19, section 7, which reads: "No Senator shall introduce or bring to the attention of the Senate during the session any occupant of the Gallery of the Senate. No motion to suspend this rule

shall be in order, nor may the Presiding Officer entertain any request to suspend it by unanimous consent."

Mrs. BOXER. Thank you, very much, Mr. President. I was unaware of the rule.

I will say, then, that there are women who are here today in Congress walking the Halls. And they are looking into the eyes of Senators. They are asking them, please don't do anything. Don't do anything to jeopardize the health and the life of any woman.

These are women who have had procedures that would be banned by this bill. These are women who are loving mothers. These are women who are begging us, begging us, to protect the lives and the health of women.

I am going to tell you some stories.

As I understand it, it is all right to show photographs of women. Is that correct, Mr. President? Am I permitted to show photographs of people from the State?

The PRESIDING OFFICER. The Senator is so permitted.

Mrs. BOXER. I thank the Chair.

This is Coreen Costello. She is a registered Republican. She describes herself as very conservative. The reason I mention that is because what we are debating here today is not a partisan issue. Coreen is clear that she and her family are strongly opposed to abortion, and yet she wants us to stand with the President on this veto.

In March of 1995, when she was 7 months pregnant with her third child, Coreen had premature contractions and was rushed to the emergency room. She discovered through an ultrasound that there was something seriously wrong with her baby. The baby, named Katherine Grace, had a deadly neurological disorder and had been unable to move inside Coreen's womb for almost 2 months. The movements Coreen had been feeling were not the healthy kicking of a baby, they were actually nothing more than bubbles and amniotic fluid which had puddled in Coreen's uterus.

The baby had not been able to move for months. The chest cavity was unable to rise and fall. Her lungs and chest were left severely underdeveloped, almost to the point of nonexistence. Her vital organs were atrophying. The doctors told Coreen and her husband the baby was not going to survive, and they recommended terminating the pregnancy. Coreen said, "This is not an option. I will not have an abortion. I want to go into labor naturally." She wanted the baby born on God's time. She did not want to interfere.

The Costellos spent 2 weeks going from expert to expert. They considered many options, but they all brought severe risks. They considered inducing labor. They were told it would be impossible due to the baby's position. Also, the baby's head was so swollen with fluid, it was already larger than that of a full-term baby, so labor—let me repeat, labor—was not an option.

They considered a cesarean section, but the doctors were adamant that the risks to her health were too great. In the end, they followed their doctor's recommendation and Coreen had an abortion procedure that my colleagues want to outlaw today.

You just heard a story, a real story. Coreen and her husband faced a tragedy that most people never have to face. But because Coreen had access to the medical procedure her doctor felt was the safest and most appropriate, she and her husband were able to keep their dream of having a large family, and you see them here in this picture. They now have three happy, healthy children, and Coreen is due to deliver another child any day now.

Coreen writes to us, to every Member of the Senate, I could not have had this family without this procedure. "Please, please, give other women and their families this chance," she says. "Let us deal with our tragedies without any unnecessary interference from our Government. Leave us with our God," she writes to us, "our families, and our trusted medical experts."

Now, I want to say to my colleagues this story is what happens to real people. This is real. This is a woman who says she is very conservative and she is very against abortion. But she is asking us to not do away with the procedure she had, so that other women will have the opportunity she had to bear children in the future.

In the spring of 1994, Viki Wilson, a registered nurse, and her husband Bill, a physician, were expecting their third child. Viki was in 36th week of her pregnancy, and the nursery was ready. Her family was anticipating the arrival of their new "little one."

Her doctor ordered an ultrasound which detected something that all her prenatal testing had failed to detect. Approximately two-thirds of her daughter's brain had formed on the outside of her skull.

This deformity was causing Viki's daughter to have seizures. Over time, these seizures became more and more severe. They threatened to puncture Viki's uterus. Even if Viki could carry her daughter to term, the doctors feared that her uterus would rupture in the birthing process.

Viki could not give birth to her child without seriously jeopardizing her own health—or even her life.

After consulting with other doctors and their clergy, Viki and her husband made the painful choice to have an abortion in order to protect Viki's health.

In December 1996, Viki and Bill were thrilled to welcome a baby boy named Christopher into their family.

Viki Stella was in the third trimester of her pregnancy when her son was diagnosed with nine major anomalies, including a fluid-filled cranium with no brain tissue at all, compacted flattened vertebrae, and skeletal dysplasia. Her doctors told her that the baby would never live outside of her womb.

Viki writes "My options were extremely limited because I am diabetic and don't heal as well as other people. Waiting for normal labor to occur, inducing labor early, or having a C-section would have put my health at risk." She continues "My only option . . . was a highly specialized, surgical abortion procedure developed for women with similar difficult conditions."

Though she was distraught over losing her son, Viki knew the procedure was the right option. As promised, the surgery preserved her fertility. In December 1995, she gave birth to a darling son, Nicholas.

Viki's situation was heart wrenching. She was told her son was dying inside her. Her diabetes severely limited her medical options. Congress has no business interfering with these difficult and personal medical decisions.

The point is, we must not go back to the days before Roe v. Wade when women died or women were maimed. We can not go back to the days when women's health was not considered important, when women's lives were not considered important. Any restrictions on women's access to abortion must always make an exception for the life and health of the woman. If we do not, as sure as I am standing here, women will die, because we know what happened before Roe. They did die.

In response to arguments that proponents of this bill make that it bans one specific abortion procedure, I respond that we are not asking anyone to undergo any abortion procedure who has a moral problem with it. For those who think abortion is wrong, who would rather their daughters have a cesarean and believe that God would take care of it, that is what they should do. That is what is important about being pro-choice; we give people the choice. No one has to undergo any abortion procedure if they do not want to. All we are saying is, do not outlaw a procedure for every woman, because there will be women like this who will choose that procedure because they want to make sure that they can have children again.

Now, I want to point something out. In the last debate we had on this, Senator FEINSTEIN and I offered an amendment. It was a substitute for the bill we are debating today. And do you know what it said? It said that we oppose all late-term abortions except for when the life and health of the woman are in danger. We went to our Republican colleagues, and we said, "Why don't you join hands with us on this? Roe says you can restrict in the late term. We are willing to do that. Of

course, we are in favor of Roe. And we will walk down this middle aisle here, hold hands across party lines here, and say no more abortion late term except for life and health."

They did not want to do it. And when I asked them why, they were honest. They said, "We don't believe women will tell the truth about the health exception. We believe they will say it is about health but in their heart it is not about that."

I want to challenge that today. I know that a woman in this circumstance, who has carried a child into the late term, desperately wants that baby. I have been there myself. When my babies were born prematurely, I can't even tell you the feeling that I had, that I might lose them, because in those years it was very difficult. But they made it. They hung on.

So I know that a woman who gets to the late term is not going to lie about her health and say, "Oh, give me this abortion; it's the seventh, eighth month. I have decided against this." That is not what a woman will do.

The health exception is only for circumstances when there is something seriously wrong.

So I think suggesting that a woman in the late term will not tell the truth about her health and why she is seeking an abortion is more than insulting to women. It is dispiriting. I know my colleagues could never think that of their children, their daughters, their nieces. I know they could not. Then why would they leap to that conclusion of other women?

I strongly support passing legislation that says no late-term abortion whatsoever except to protect the life and the health of a woman.

But I say to you that I will not support this legislation, with absolutely no health exception, and with a life exception that is very narrowly drawn. If this legislation becomes law, women like Coreen, who are pro-life and anti-abortion, but who want to protect their ability to have children in the future, may not have the chance to become pregnant again. Women who are pro-life, who are anti-abortion, may not have the chance to have a family just like Coreen Costello pictured here, yet again pregnant with her fourth child. Coreen, very conservative, writes to us: Please, please support the President's veto.

So, I say to my friends, I know what a difficult debate this is. I know the heartfelt emotions on both sides, and I respect the heartfelt emotions on both sides. I am going to close here with a letter that each member of the Senate received from 729 rabbis. I think this is appropriate since we are going into the most holy time of the Jewish people. This is what the rabbis conclude:

Abortion is a deeply personal issue. Women are capable of making moral decisions, often in consultation with their clergy, families and physicians, on whether or not to have an abortion. We believe that religious matters are best left to religious communities, not politicians. . . . We urge you to vote to sustain President Clinton's veto.

I ask unanimous consent to have this letter printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

SEPTEMBER 10, 1998.

DEAR SENATOR: We are writing to urge you to vote to sustain President Clinton's veto of H.R. 1122, the so-called "Partial-Birth Abortion" Act of 1997.

As rabbis, we are often called upon to counsel families facing difficult decisions concerning reproductive health choices, including abortion. Like other members of the clergy, we turn to religious law and teachings for guidance in providing such counsel. Judaism has laws governing the issue of abortion, but each case is considered individually.

As in other religions, in Judaism, there are different interpretations of these laws and teachings, and we respect and welcome debate on these issues. However, this debate should remain among those who practice our faith, not on the floor of Congress.

The debate surrounding reproductive choice speaks to one of the basic foundations upon which our country was established—the freedom of religion. It speaks to the right of individuals to be respected as moral decision makers, making choices based on their religious beliefs and traditions as well their consciences.

In addition, we are concerned about the language of the bill itself. Given the fact that the "Partial Birth Abortion" Act uses vague and non-medical language to describe the prohibited procedures, it would be very difficult for anyone, whether clergy or physician, to be certain about which medical procedures would be banned. Given the bill's nebulous language and the importance of the issue, we find it difficult to engage in a theological debate on this matter.

Abortion is a deeply personal issue. Women are capable of making moral decisions, often in consultation with their clergy, families and physicians, on whether or not to have an abortion. We believe that religious matters are best left to religious communities, not politicians.

Once again, we urge you to vote to sustain President Clinton's veto.

Sincerely,

Signed by 729 rabbis.

Mrs. BOXER. Mr. President, this letter is signed by rabbis from Arkansas, California, Colorado, Connecticut, Delaware, D.C., Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, Washington State, West Virginia and Wisconsin.

I thank my colleagues who have participated in this debate. I see Senator ROBB is here. I know this is a tough one. I know this is hard. I just appreciate his being here.

Mr. President, I yield the floor.

Mr. SANTORUM. Mr. President, I ask if the Senator will yield for a question about some of the things that she stated in her testimony?

Mrs. BOXER. I will come back onto the floor shortly. At the moment I have a meeting, and people waiting for me.

Mr. SANTORUM. I yield 5 minutes to the Senator from Missouri.

The PRESIDING OFFICER. The Senator from Missouri is recognized for 5 minutes.

Mr. ASHCROFT. Mr. President, I rise to speak in favor of overriding President Clinton's veto of the partial birth abortion ban. I would like to begin by thanking the manager of the bill, the Senator from Pennsylvania, for his continuing and outstanding work on this important issue.

No issue cuts to the core of our values like the issue of abortion. It challenges us to define our notion of liberty and calls into question our most fundamental assumptions about life. Today, we do not debate whether enactment of a measure will positively or negatively affect the welfare of some Americans. Today, we debate life and death.

Last Congress and again last year, we voted to end the barbaric method of infanticide known as partial birth abortion. Both times, the President vetoed the ban. In so doing, he ignored the testimony of medical experts who assured us that this procedure is never necessary to preserve the life or health of the mother. He also dismissed evidence showing that thousands of partially-born children are routinely and electively killed across the country each year.

The President not only accepted, but helped disseminate the lies and false testimony of pro-abortion advocates. Though the lies were finally exposed, the President demonstrated that his support for this procedure did not depend on the truth. The distortion reached a point where even his allies in the media could no longer defend the President's veto. Richard Cohen, an avowed liberal and pro-choice columnist with the Washington Post, concluded,

President Clinton, apparently as misinformed as I was about late-term abortions, now ought to look at the new data. So should the Senate. . . . Late-term abortions once seemed to be the choice of women who, really, had no other choice. The facts are now different. If that's the case, then so should be the law. (Wash. Post, 9/17/96.)

And yet, once again, the President's apologists have taken to the floor to defend the indefensible.

This procedure is never necessary to save the life and preserve the health of the unborn child's mother. Four specialists in OB/GYN and fetal medicine representing the Physicians' Ad Hoc Coalition for Truth have written:

Contrary to what abortion activists would have us believe, partial-birth abortion is

never medically indicated to protect a woman's health or her fertility. In fact, the opposite is true: The procedure can pose a significant and immediate threat to both the pregnant woman's health and fertility. (Wall St. Journal, 9/19/96).

Indeed, former Surgeon General C. Everett Koop stated,

I believe that Mr. Clinton was misled by his medical advisors on what is fact and what is fiction in reference to late-term abortions. Because in no way can I twist my mind to see that the late-term abortion as described—you know, partial birth, and then the destruction of the unborn child before the head is born—is a medical necessity for the mother.

Nor should we accept the myth that this procedure is rarely utilized. According to interviews conducted by the Record of Bergen County, New Jersey, physicians in New Jersey alone claim to perform at least 1,500 partial birth abortions each year—three times the number which the National Abortion Federation has claimed occur in the entire country.

Mr. President, a legislative ban on partial birth abortions is constitutional. Indeed, allowing this life-taking procedure to continue would be inconsistent with our obligation under section 5 of the 14th Amendment to protect life.

Although opponents will point to decisions in which activist federal judges invalidated state-passed bans, language nearly identical to that which is in this bill has been upheld in a number of courts. The ban's requirement that the abortionist deliberately and intentionally deliver a living fetus that is then killed implicate the partial birth procedure and no other. Judges who deemed the ban unconstitutionally vague ignored the text, and instead, saw fit to substitute their views in place of the views clearly expressed by the various state legislatures.

Mr. President, I want to share a word of caution with those claiming that a ban on partial birth abortions is unconstitutional. If they truly believe that outlawing this procedure is impermissibly vague, the inevitable conclusion people will draw is that infanticide and abortion are indistinguishable. I do not see how this argument provides any solace to the defenders of this gruesome procedure.

Finally, before this debate is through, I expect those defending the President's veto will say that opponents of partial birth abortion are really against all abortions. Well, Mr. President, I cannot speak for other Senators, but on that charge, I plead guilty. I believe abortion is the taking of innocent human life and has no place in a culture that values human life. I believe that precious human life should be nurtured in love and protected in law. For this reason, I support a constitutional amendment to protect human life.

On January 20th of this year, I chaired a hearing in the Constitution Subcommittee on the 25th anniversary of Roe v. Wade. We looked at how the Supreme Court's decision failed to provide a framework for sound constitutional interpretation or to reflect the reality of modern medical practice. This latter failure is not surprising since the Court had neither the capacity to evaluate the accuracy of the medical data, nor a way to foresee the remarkable advances that would make the then-current data obsolete.

From Dr. Jean Wright of the Egleston Children's Hospital at Emory University, we learned that the age of viability has been pushed back five weeks, from 28 to 23 weeks, since Roe was decided. We learned that surgical advances now allow surgeons to partially remove an unborn child through an incision in the womb, fix a congenital defect, and slip the "pre-viable" infant back into the womb. However, I think the most interesting thing we learned at the hearing is that unborn babies can sense pain in just the 7th week of gestation.

Mr. President, these facts should help inform this debate. For instance: If we know the unborn can feel pain at seven weeks, why is it such a struggle to convince Senators that stabbing a six month, fully-developed and partially-delivered baby with forceps and extracting its brain is wrong?

I realize, however, that not everyone agrees with my view on abortion. Indeed, I recognize that the American people remain deeply divided on this issue. But where there is common ground, we need to move forward and protect life.

One issue on which there is consensus is parental consent. Most Americans agree that parents should be involved in helping their young daughters to make the critically important decision of whether or not to have an abortion. A recent CNN/USA Today survey found that 74 percent of Americans support parental consent before an abortion is performed on a girl under age 18.

Last month, I introduced the Putting Parents First Act, which would require parental consent before a minor could obtain an abortion. Enactment of this legislation would allow Congress to protect the guiding role of parents as it protects human life.

Today's vote—to end the cruel practice of partial birth abortion—presents another opportunity for Americans on both sides of the underlying abortion issue to find common ground. The American people agree that a procedure which takes an unborn child, one able to be sustained outside the womb, removes it partially and then kills it is so cruel, so inhumane, so barbaric as to be intolerable. Indeed, after the procedure was described for them, fully 84 percent of the American people said Congress should outlaw it.

Mr. President, legislatures in more than 20 states have followed Congress's lead and passed laws outlawing this procedure. Two-thirds of the House of Representatives already has voted to overturn the President's veto. And when this chamber voted, more than a dozen Democrat Senators joined us in attempting to override the veto.

Mr. President, a consensus has formed. The American people and a substantial majority of their elected representatives in Congress want to eliminate this gruesome procedure from our nation's hospitals and clinics. The will of the American people should not be thwarted by the twisted science and moral confusion that has engulfed this Administration.

Mr. President, let me close by saying that if we are not successful today in overriding the President's veto, this will not be the end of the debate. We will come back next year and we will vote again. We will continue to vote on this issue of life and death until the voice of the American people is heard.

Mr. HELMS. Mr. President, one of the most tragic and saddest days in our nation's history was the day the Supreme Court ruled in Roe v. Wade that unborn babies can legally be killed by their mothers. Each of us who has fought, heart and soul, to undo that damaging decision, understood so well on January 22, 1973, that we had yet to see what devastation would come of such a horrendous rule.

Indeed, when a nation condones instead of condemns the inhumane procedure known as partial birth abortion, it is clear our worst fears have come true.

I am grateful to the distinguished Senator from Pennsylvania (Mr. SANTORUM) for his strength and conviction in standing up in defense of countless unborn babies. RICK SANTORUM's willingness to lead the fight on behalf of passage of the Partial Birth Abortion Ban Act is a demonstration of courage.

Our hearts and prayers go out to him and Karen, for their loss of their precious baby son, Gabriel Michael.

Mr. President, since May 20, 1997, when the Senate voted 64–36 to outlaw the partial birth abortion procedure, a six-pound baby girl was born in the state of Arizona. Of course, there have been countless other precious little lives who have graced this world with their presence since that time.

What is exceptional about this baby girl, is that she is the first known survivor of the partial birth abortion procedure. Amazingly enough, while the abortionist was in the process of performing the partial birth abortion, this little one's life was spared when it was realized that she was further along in her gestational development than thought.

Incidentally, it is due to this type of unawareness regarding the developing stages of a baby growing inside a mother's womb, that has led to the senseless

murder of millions of the most innocent human beings.

Thankfully, this baby girl is no longer faceless. Although, her head has been marred by the instruments of the abortionist, and she may carry this scar as a reminder of her close encounter with death, she has been given a name and a home. Not surprisingly, one of the millions of couples who are anxiously waiting to adopt, has taken her into their loving family. Proving once more, there is no such thing as an unwanted baby, just unwanted by some.

I sincerely pray, Mr. President, that this country has not grown completely stone-cold in its response to the sanctity of human life. But, that Americans would be moved to reevaluate their views on the troublesome issue of abortion when they hear of the baby girl in Arizona, who was just minutes away from having her life cruelly and painfully ended. More specifically, I pray one individual in particular will not for a third time, turn a deaf ear to the countless cries of the other unborn babies who may not be as fortunate to have their lives miraculously spared. I am of course referring to the President of the United States, who has signed the death sentence of the most innocent and helpless human beings imaginable by twice vetoing the underlying legislation.

President Clinton, and his cadre of extreme pro-abortion allies, have sought to explain the necessity of a procedure that allows a doctor to deliver a baby partially, feet-first from the womb, only to have his or her brains brutally removed.

However, well-known medical doctors, obstetricians and gynecologist have repeatedly rejected the assertion that a partial birth abortion is needed to protect the health of a women in a late-term complicated pregnancy. Even the American Medical Association wrote a letter endorsing the Partial Birth Abortion Ban Act.

Mr. President, there is much to be said about the facts surrounding the number of partial-birth abortions performed annually and the reason they are performed—or at least the given, stated reason. It is hard to overlook the confession of Ron Fitzsimmons, executive director of the National Coalition of Abortion Providers, who admitted that he, himself, had deceived the American people on national television about the number and the nature of partial-birth abortions.

Mr. Fitzsimmons now estimates that up to 5,000 partial-birth abortions are conducted annually on healthy women carrying healthy babies. This is a far cry from the rhetoric espoused by Washington's pro-abortion groups who maintain that only 500 partial-birth abortion are performed every year, and only in extreme medical circumstances.

Mr. President, it is time for the Senate to once and for all settle this matter and pass the Partial-Birth Abortion Ban Act with a veto-proof vote and affirm the need to rid America of this senseless, brutal form of killing. It is also important to note that the American people recognize the moral significant of this legislation. The majority of Americans agree that the government must out-law the partial birth abortion. A poll conducted by CNN/Time in January of this year, shows that 74 percent of Americans want the partial birth procedure banned. In fact, more than two dozen states have passed legislation similar to the Partial-Birth Abortion Ban Act.

Mr. President, regardless of the outcome, when the Senate votes on the question of whether to override President Clinton's veto of the Partial-Birth Abortion Ban Act, the impact will have grave consequences. For those who care deeply about the most innocent and helpless human life imaginable, failure to override the Clinton veto will border on calamitous.

The President of the United States should have to explain to the American people why he will not sign this ban over and over again. The spotlight will no longer shine on the much-proclaimed right to choose. Senators have been required to consider whether innocent, tiny baby-partially-born, just 3 inches from the protection of the law-deserves the right to live, and to love and to be loved. The baby is the center of debate in this matter.

I remember so vividly the day in January 1973, when the Supreme Court handed down the decision to legalize abortion. It was hard to find many people to speak up, certainly on the floor of the Senate, on behalf of unborn babies.

But it is time, once again, for Members of the Senate to stand up and be counted for or against the most helpless human beings imaginable, for or against the destruction of innocent human life in such a repugnant way. The Senate simply must pass the Partial Birth Abortion Ban Act, and I pray that it will do it by a margin of at least 67 votes in favor of the ban.

Mr. BURNS. Mr. President, this is the eve of the second Senate vote to override the President's veto of the Partial Abortion Ban Act. I am proud to be a co-sponsor of this bill, and I urge my colleagues to listen to their consciences and vote to override the veto and enact the ban.

Contrary to the assertions of some, this bill is not about a woman's right to choose to have an abortion. It's not about Roe v. Wade. Regardless of one's views on abortion in general, the partial birth abortion procedures should be abhorrent in a civilized society. It is a gruesome procedure, performed late in the term, which most physicians believe is never medically necessary. Most Americans agree it should be banned.

The Partial-Birth Abortion Ban has passed the Congress twice now with my support, first in 1996 and again last year. However, the President has twice vetoed this legislation against the will of the American people. I hope the Senate does the right thing by overriding the veto.

The PRESIDING OFFICER. Who yields time?

Several Senators addressed the Chair.

Mr. ROBB. Mr. President, I yield myself such time as I may consume, chargeable to the Democratic manager.

The PRESIDING OFFICER (Mr. COATS). The Senator is recognized.

Mr. ROBB. Mr. President, I rise to urge colleagues who had the courage to oppose this legislation when it was considered by the Senate last year to demonstrate again that same courage by voting to sustain the President's veto of the so-called partial-birth abortion bill.

There is no question that this is a gut-wrenching issue. I know how passionately most of those feel who gather at the Capitol today and tomorrow to support a ban on this medical procedure and want us to override the President's veto. Those who have been telephoning, writing, and e-mailing us in such overwhelming numbers are equally emotional in expressing the depth of their feeling in opposition to abortion generally and to this procedure in particular.

This will be a very tough vote. But, as a matter of sound public policy, it is the right vote, and it is consistent with our Constitution as interpreted by the Supreme Court. If this legislation were to become law, the Congress would be telling physicians how to practice medicine, and Senators, with one exception, are not trained or certified to do that. In fact, the only Member of this body who is a physician made a comment during an interview on HMO reform recently about who should, and, more important, who should not be practicing medicine. He said that "[Congress] should not be practicing medicine. . . . Doctors should be practicing medicine. That's very clear."

Mr. President, it is important that everyone understand what is really at issue here. This debate is not about whether or when to terminate a pregnancy, because this bill will prevent not a single abortion; it is only about how to terminate a pregnancy. If it is otherwise lawful for a woman to terminate a pregnancy, this bill will only require that she and her doctor choose another medical procedure, even though her doctor may believe that procedure is less protective of her health.

In some States, it is legal for a woman to terminate a pregnancy in the third trimester, even when the life

or health of the mother are not at issue. This bill does not address that situation at all.

It is appropriate to note, however, that some of us supported a tough ban on third-trimester abortions when this bill was considered last year, but our efforts were defeated by proponents of this bill in an effort to keep a very politically potent issue alive. But I ask those who want to keep abortions safe, legal, and rare, as I do, and who are disturbed by this procedure, as I am, to stop for a moment and think: What specific abortion procedure would you prefer? Because this legislation will necessarily encourage the use of some other procedure that I believe, if we focus on the specific details of the alternative procedure, we would find equally disturbing.

In truth, this debate is really about how an abortion is performed and, more essentially, about who chooses. It is about whether Congress chooses or whether American women and their doctors choose. I believe American women and their doctors should choose. I am troubled that at the heart of this legislation is an incredible presumption, the presumption that this Congress is more concerned or better qualified to judge than expectant parents about what is best for their families.

In matters this personal, what is best for American families should be decided by American families based on their individual beliefs and faith. Most opponents of this ban have very strong convictions about when life begins. But ultimately, Mr. President, the very question of when life begins is also a matter of belief, a matter of faith, a matter between individuals and their God. Some denominations believe life begins at conception. Others believe life begins at birth. Still another believes life begins 120 days after conception, at the time the soul enters the fetus.

My point here is that we must be very careful when legislating matters of faith, ours or someone else's. And in the absence of knowing, rather than believing, when life begins, we are forced to draw some very difficult lines. That is what the Supreme Court did in Roe v. Wade. The Court said that in the first trimester, the decision to continue a pregnancy is solely within the discretion of the mother; in the second trimester, the Government may impose reasonable regulations designed to protect the health of the mother; and in the third trimester, the rights of the unborn child are recognized, with the rights of the child weighed against the rights of the mother to escape harm or death.

The Court has been clear in protecting a woman's life and health, both before and after viability, even striking down a method-of-choice case because it failed to require that maternal health be the physician's paramount consideration.

Proponents of this bill frequently cite the American Medical Association's support for this legislation, but not the College of Obstetricians and Gynecologists' opposition to it. In fact, the ACOG has told us "the intervention of legislative bodies into medical decisionmaking is inappropriate, ill-advised and dangerous."

Again, Mr. President, we are a Congress of legislators, not a Congress of physicians. There are places we should not go and decisions we should not make. A respect for the judgment of physicians, a respect for the rights and needs of families in often excruciatingly difficult circumstances, and a respect for our Constitution ought to lead us to conclude that this bill should not pass.

Let me conclude by saying that I am pro-choice, I am not pro-abortion. I respect those who believe that abortions should never be performed, for religious or moral or personal reasons, and I believe that those individuals should follow their faith and choose not to have one. I particularly admire the convictions of those who choose life, even in the most difficult circumstances. But in choosing life, they choose. They choose life, just as families that make different and sometimes agonizing choices should also be allowed to choose.

I believe that, as legislators, we have an obligation to protect the rights of all those who live in our States. We all believe in freedom. We all understand that with freedom comes responsibility. Yet, at its heart, this legislation says to the women of America: We don't trust you with the freedom to choose; we don't trust you to do what we think is right; so we will take away your freedom to search your hearts, to follow your conscience, to rely on your faith and the judgment of your physicians and to make a very personal decision that affects your lives and your families.

That is why I will vote to sustain the President's veto, and I hope at least those who opposed the bill last year will do so again.

With that, Mr. President, I thank the Chair and I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Pennsylvania.

Mr. SANTORUM. Mr. President, I will respond in one quick way to the comments of the Senator from Virginia. What has been sort of taken as a matter of record is that 80 to 90 percent of the partial-birth abortions performed in this country are on healthy women with healthy babies and that these are done for truly elective reasons. The idea that somehow we are holding on to this myth that we are doing this to save unhealthy women or because a baby is so severely deformed that they cannot live just isn't what the facts dictate. And that is from admissions from folks who perform the procedures, not our side coming up with these numbers.

I hope we can stick with the facts as to what we are really talking about.

I have no speakers on my side, so I will be happy to yield.

Ms. MOSELEY-BRAUN addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Ms. MOSELEY-BRAUN. Mr. President, I want to talk about the facts and share with listeners a letter from Kate Hlava, from Oak Park, IL. These are her words:

My pregnancy had been complicated from the beginning, but doctors kept assuring us that everything was fine. We went in for a routine ultrasound at 20 weeks, and our world came crashing down. The results of that ultrasound were an expecting parent's worst nightmare. The baby had a serious heart condition known as tetrology of fallot with absent pulmonary valve and overriding aorta.

We saw numerous experts across the Midwest, resulting in just as many prognoses. At that time, we were given the option of terminating the pregnancy. We chose not to because we so desperately wanted the baby. We hoped and prayed every day that the baby would make it to term. If he was born prematurely, he would not have been able to have the operation he needed to survive, a surgery he would have needed every few years as he grew.

Unfortunately, he was not strong enough to make it to term. He began showing signs of heart failure during the 27th week of my pregnancy. His liver was huge, his heart was enlarging, and I was retaining too much amniotic fluid. I had started to dilate and was going to go into labor soon. There was nothing the doctors in Illinois would do.

I couldn't leave my house. I was contemplating suicide. As my baby was dying, so were pieces of myself, and no one here would help me stop it. In Illinois, had my baby been born, even prematurely and with no real chance of survival, the doctors would have been legally obligated to try to keep him alive. They would have performed fruitless and painful procedures on him, making his few moments on this earth a living hell. I didn't want that for my son. No parent would.

It was then that my obstetrician suggested that we go to Kansas for a therapeutic abortion because of fetal anomaly. I have lived my entire life believing that abortion may be right for other people but that I never wanted to make the decision. I absolutely do not believe that a woman should be able to choose to terminate her pregnancy at 27 weeks because she is tried of being pregnant or because she was told the baby had brown eyes instead of blue.

I have met other women who have undergone a similar procedure. Not one did so because she didn't want the baby. These women, like myself, wanted their babies and still miss them, but the prospect of bringing an extremely sick baby into the world, who would suffer a short life full of painful medical procedures, felt inhumane. Medical science is sophisticated enough to diagnose such anomalies at the fifth month of pregnancy.

I am not sure where Bryne [The Editorial writer to whom Ms. Hlava is Responding] got

his description of the procedure, but it is not the procedure I had. He described it as "all but the head of a living fetus is pulled from the mother, its brains sucked out, causing death and making it easier to remove the baby." This description is enraging. In my case, the baby was given an injection to stop his heart and then, through the insertion of laminaria, labor was induced.

I saw my son after delivery. He was beautiful, and his body and head were intact. The process was very humane and the baby was saved from any undue suffering.

I wish that I did not have to go to Kansas in January. I would give anything if my baby could have been born healthy. I think about him every day and miss him terribly. The one thing I am thankful for is that my son was able to die peaceful and painlessly.

KATE HLAVA, *Oak Park.*

That is a letter, from a real woman who had this procedure performed on her this year, that just appeared in our local papers in Illinois.

Mr. President, President Clinton was right to veto this legislation. He was right because Congress, as a body, is not licensed to practice medicine. If the imposition of our judgment serves to condemn women to death or premature disability or cause the kind of harm that Kate Hlava talked about, then we will have clearly failed to live up to our responsibility to act in the best interests of the people who sent us here.

This debate is about whether or not women are going to have the ability to make decisions regarding their own reproductive health, whether they will retain their constitutional rights, and whether they will be able to make decisions regarding their own pregnancies. In the final analysis, it is ultimately about whether or not women are going to retain their current status as full citizens of these United States.

If the issue were creating sound public policy, then the Senate could vote to enact a bill that I cosponsored with Senators FEINSTEIN and BOXER which sought to ban late-term abortions except in situations in which the life or health of the mother is at risk—a requirement that has been set by the Supreme Court. The legislation we are debating today, however, contains no exception to protect the health of the mother, and an inadequate one with regard to protecting her life. I believe that even the sponsors of this legislation are fully aware that under the Supreme Court's decision in Roe v. Wade this bill, as presently written, is unconstitutional.

I believe the sponsors of the legislation would like to pretend that Roe v. Wade does not exist as the law of the country. That is the only way they can argue that this bill is a constitutional measure.

But let's look at the facts. In 1973, the Supreme Court of the United States recognized a woman's constitutional right to have an abortion prior to fetal viability. Roe also established this right is limited after viability at which point States may ban abortions as long as an exemption is provided for cases in which her life or health is at risk. These holdings were reaffirmed by the Court in its 1992 decision in Planned Parenthood v. Casey.

That is the constitutional standard that this legislation has to meet—and it clearly does not. The ban in this bill would apply throughout pregnancy. It ignores the Court's distinction between pre- and postviability. Moreover, this legislation fails to provide an exception in cases in which the banned procedure is necessary to preserve a woman's health. The Supreme Court has clearly stated that such a thing, such a measure is unconstitutional.

You do not have to be a constitutional scholar to figure that out, although, as professor Laurence Tribe has stated for the record, this legislation is plagued by "fatal constitutional infirmities." That is also why, Mr. President, courts in 17 out of 18 cases—Federal and State courts; including a court in my home State of Illinois—have ruled that laws similar to this legislation are unconstitutional.

Mr. President, allow me a moment to look at some of the specifics of the bill. First, I would like to examine the ban's exception to save the life of the mother. Under this legislation, the banned procedure may be performed if a mother's life is endangered by a physical disorder, illness, or injury.

Something is missing here. What if the mother's life itself is endangered by the pregnancy? The legislation is silent with regard to whether an exception exists under those circumstances. If this bill were to become law, the result of a problematic pregnancy could very well be that protecting the life of the fetus—even one capable of living outside the womb on its own for only a few moments—protecting the life of that fetus could result in the death of its mother.

This element of the bill would be particularly devastating to those women who are poor and/or who live in rural areas and therefore might not have access to the top-quality tertiary kind of health care that can make a difference in a life-or-death situation. There is a difference between women who have access to that kind of quality health care and those many women who do not.

The simple fact is if the President's veto is overridden, women's lives will not be fully protected in our country. Women fought for generations for the full protections and guarantees contained in our Constitution. It has only been 78 years that we have been granted the right to even vote. With this legislation, we would turn back the clock—for it does nothing less than abridge women's hard-earned status as full citizens of this country.

Most of the people—and I hate to say this, Mr. President, but it is fact and it must be said—most of the people making the decision to vote on this issue cannot themselves ever experience the trauma of pregnancy or, for that matter, abortion. It is being made by people who themselves are not at risk with regard to this decision.

Moving beyond the issues surrounding the legislation's unsatisfactory lifesaving exception, I would like to address the bill's total lack of an exception for the health of the mother. In Roe, the Court held that even after a fetus was viable, States could not place the interests and welfare of that fetus above those of the mother in preserving not just her life, but her health as well.

Under this bill, women's health would be a complete nonissue. Certain procedures developed in the years since Roe v. Wade to protect pregnant women's health would be unavailable to our physicians, our doctors. So this legislation would simply turn us back to the status of the law as it existed before Roe v. Wade, a time when more than twice as many women died in childbirth as do today.

I want to give you some numbers here, Mr. President. I think it is important to put this in historical perspective as well. At the turn of the century, the death rate in childbirth for women—childbirth was much more dangerous than it is today —but the rate of mothers dying was 600 women per 100,000 live births. By 1970, medical advances had brought that rate down to 21.5 women for every 100,000 live births. That is the point at which Roe v. Wade was decided by the Supreme Court. Today, that number is less than 10 per 100,000 live births.

We expect that women are going to survive a pregnancy, complicated or not. That was not the expectation 100 years ago. It was not even the expectation 20 years ago. The fact of the matter is, that in addition to the medical advances, the ability of physicians to make these kinds of judgments, and women being able to choose, in consultation with their doctors, has served to protect the health as well as the lives of women.

Again, under this bill, women's health will be a complete nonissue. Procedures that have been developed since Roe v. Wade would be made unavailable. Thus, we would be turning back the clock. The Supreme Court said in abortion rulings that a woman has a constitutionally protected right to protect her own health at every stage of her pregnancy. Therefore, I submit that the bill's lack of an exception to preserve the health of the mother, like its incomplete lifesaving provision, would strip women of fundamental rights that are guaranteed to them under the Constitution.

Now, while the term partial-birth abortion is not a medical term—and I

think that has been debated and everybody knows that—a procedure that certainly would be banned under this bill is a procedure known as intact dilation and extraction, or intact D&E. The American College of Obstetricians and Gynecologists, which represents over 90 percent of this Nation's OB/GYNs, opposes this bill. They said:

The potential exists that legislation prohibiting specific medical procedures, such as intact D&E, may outlaw techniques that are critical to the lives and health of American women.

They are absolutely correct. If this legislation were to become law, women's health would be jeopardized because doctors would be forced to use abortion procedures that may not be the best or the most appropriate for a particular woman.

As was eloquently stated by the speaker before me, Congress presumes to substitute its judgment for the judgment of physicians or doctors in regard to medical practice with this legislation. There can be no denying the fact that if the President's veto is overridden, we will be sending a message that women should be allowed to suffer irreparable harm due to pregnancy even though their doctors have the ability to have prevented that harm.

In opposing this legislation, the American College of Obstetricians and Gynecologists also stated:

The intervention of legislative bodies into medical decisionmaking is inappropriate, ill-advised, and dangerous.

That is precisely right. Politicians should have nothing to do with this issue. We have no place in the examining room, operating room, or the delivery room. The question of how to deal with the pregnancy should rest squarely with the pregnant woman, her doctor, her family, her God, and not with Members of the U.S. Congress.

Some have argued that we have a responsibility to get involved and ban the procedure because it is not safe. In my view, it is physicians, not Senators, who should be the ones to make that decision. It is their job to do so, not ours.

Some have argued that the procedure to be banned is unnecessary, and yet the legislation contains an exception to save the life of the mother. That exception is there because of the undeniable fact that in some circumstances the procedure addressed by this legislation is necessary—sometimes to protect a woman's health, sometimes to protect her life. But we don't have to look at the bill to know that. Physicians have repeatedly stated this is the case.

What all of this tells me is that this is essentially a medical matter. Doctors must have the freedom to be able to decide which procedures to use in cases of a troubled pregnancy. To the extent that this Congress limits their freedom of action, their freedom of decision, we put the lives and health of women at risk. Consider what the effect of risking women's health in this way could mean for family life in the United States. The inability to address one's own reproductive health as a woman and her doctor believe is necessary, increases the possibility that a woman's reproductive system could be irreversibly damaged and she would be unable to bear children for the rest of her life. Other effects of such a pregnancy on her health may leave a woman unable to care for the children she is already raising.

All of this should make clear that this legislation poses a mortal threat to the ability of women to make choices about their own bodies and their own futures that all Americans ought to be able to make as essential and fundamental freedoms. Choosing to terminate a pregnancy is the most personal, private, and fundamental decision that a woman can make about her own health and her own life. Essentially, choice equates to freedom. The right to choose goes straight to the heart of the relationship of a female citizen and her doctor. Choice is a barometer of equality and a measure of fairness. I believe it is central to our liberty as women.

Now, having said that, I do not personally favor abortion as a method of birth control. My own religious beliefs hold life dear. I would prefer that every potential child have a chance to be born. But whether or not a child will be born must be its mother's decision—not Congress', not ours.

I fully support the choice of those women who carry their pregnancy to term regardless of the circumstances. Some women have died having made a decision that turned out to have been ill-advised under the circumstances. But I also respect the choice of those women who, under very difficult circumstances in which their life and health may be endangered by a pregnancy, choose not to go forward with it. So, while I would like to live in a society where abortions never happen, I also want to live in a society in which they are safe and they are legal.

I am going to put aside for a moment the abstract arguments in favor of sustaining this veto, and bring us back to the real-life situations. I read one letter. The last time I spoke on this issue I related the story of Vikki Stella who lives in Naperville, IL. Vikki has a story as heart-wrenching as the one I started with when I began my remarks on this issue.

I won't go through the details of Vikki's case right now because, frankly, I don't believe aggravating the emotions on this issue serves any good purpose at this point. We have people who have clear disagreement in regard to these situations. I am sure there are stories that can be told for the rest of this day. I, frankly, believe that while the stories illustrate, they should not be used to aggravate or to inflame passions on this issue.

I think it is important for us to remember that for every story of a woman who made the choice and it came out all right, there is another story of a woman who made the choice and it didn't come out all right. I think it is inappropriate for those of us in this room to force those women to die, or alternatively, to lose their reproductive health because of our intervention in their personal and private decisions.

I urge my colleagues to respect the decisions of these women, to respect their freedom as citizens, to respect their fundamental rights as citizens of this great country and give them the respect that goes with the notion that ultimately people want to do the right thing, ultimately people want to choose life, ultimately people want to do the right thing by their children, and that we in this Congress should allow those decisions to be made by women and their physicians in consultation with their family and their God.

I yield the floor.

The PRESIDING OFFICER (Mr. BENNETT). The Senator from Pennsylvania.

Mr. SANTORUM. Mr. President, would the Senator from Illinois yield for a couple of questions?

Ms. MOSELEY-BRAUN. Yes.

Mr. SANTORUM. First, I say to the Senator from Illinois that I appreciate her comments.

With respect to the first letter that the Senator read, I have a question. Did you say that the baby's heart, when the abortion was done, was injected with digoxin?

Ms. MOSELEY-BRAUN. The letter did not say what procedure was used.

Mr. SANTORUM. I thought that is what you said.

Ms. MOSELEY-BRAUN. I will share the letter with the Senator:

. . . was given an injection.

Mr. SANTORUM. Into the heart?

Ms. MOSELEY-BRAUN. "In my case, the baby was given an injection to stop his heart and then, through the insertion of laminaria, labor was induced."

Mr. SANTORUM. I suggest to the Senator from Illinois, if you read the definition of partial-birth abortion in the bill, partial-birth abortion is partially vaginally delivering a living fetus.

So if the baby in this case had an injection in the heart to stop the heart, the baby would have died at that point, and then the baby would be removed from the uterus, the baby would be dead, and therefore would not fall under the definition.

So in the case that you mentioned, she did not have a partial-birth abortion by definition. She couldn't, because the baby was dead at that point.

Ms. MOSELEY-BRAUN. I appreciate my colleague allowing for that exception in interpreting her situation in that way.

But I think, if anything, my colleague's argument goes exactly to the heart of my position in this matter, which is that we are forcing physicians to consult the language of this bill in making that kind of a judgment about what kind of procedure is appropriate for which woman in what circumstance.

If a physician has concerns, as you just said, by making an injection, killing the fetus in utero, and then delivering it, falling outside of the exception, well, if that is the case, then I appreciate my colleague making legislative history.

I think, if anything, it points to the fallacy of the nonphysicians in this Chamber making these kinds of medical judgments.

Mr. SANTORUM. I respond to that by saying I think it points out the cruelty, unnecessary cruelty, of doing the procedure that we are attempting to ban here.

What was done by the woman and the doctor in this case, I think, first off, the baby was not delivered, was not outside the mother, and then painfully and brutally killed. The baby was killed in utero by an injection. While I don't like abortion, period, I think that less shocks the conscience of our country than delivering a baby, as in the case of partial birth, most of them being healthy with healthy mothers. In this case, that is not the case. But there is a real distinction here, and what I think your case points out is that there are viable, less-invasive, less-dangerous-to-the-mother alternatives available, even for cases where you have pregnancies that have gone awry, and that are less cruel and barbaric to the baby and less dangerous to the woman.

You talked about preserving maternal health. There is nothing more that I want to accomplish with this bill than preserving maternal health. But we have ample evidence, including from the AMA who testified, that this procedure is not healthy for women, and there are other procedures, such as the one the Senator outlined, that are safer for women who may elect to have an abortion—a legal abortion, which we don't outlaw with this bill. We just say that there are alternatives. The letter you read says, in fact, a viable and often-used alternative to a partial-birth abortion that would continue to be available, which is less risky to the mother, and that is less gruesome, barbaric, and horrific to the child.

Ms. MOSELEY-BRAUN. Again, I know we have irreconcilable differences of opinion about this, but I think it is important to remember that, as we legislate, we are legislating in broad strokes, not in specifics. The problem with this bill, as I have said in my debate, is that one size does not necessarily fit all. Frankly, talking about when her baby's heart stopped, that is not an exact definition of death, either. Those are my words, colloquial terms. We are not physicians. That is the problem. To hamstring and say to a physician that you can make decisions about this, except here, here, here and here will, by definition, cause them to, frankly, shy away from exercising their best medical judgment. We are not physicians and one size does not fit all. That is why I believe the President's veto of this bill was appropriate and correct.

I thank the Chair, and I yield the floor.

Mr. SANTORUM. Mr. President, I yield 3 minutes to the Senator from Alaska.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. MURKOWSKI. Mr. President, once again, we are on the floor debating this very difficult issue. I commend the Senator from Pennsylvania for his perseverance in the realities of protecting the rights of women to control their own bodies and our obligation to protect the rights of those unborn. That is something that we will be discussing an extended period of time—probably without any degree of finality.

Nevertheless, Mr. President, we must vote yes or no on this. As a consequence, it is my fervent hope that enough votes will be cast to put an end to this tragic procedure. It is a tragic procedure in its very nature—partial-birth abortion.

The President defended his veto by stating that a partial-birth abortion is a procedure that is medically necessary in certain "compelling cases" to protect the mother from "serious injury to her health."

Unfortunately, the President, in my opinion, was badly misinformed. According to reputable medical testimony and evidence given before this Congress by partial-birth abortion practitioners, partial-birth abortions are, one, more widespread than its defenders admit; two, used predominantly for elective purposes; and three, are never medically necessary to safeguard the mother's health. That is a pretty broad statement, but that is what we are told.

The former Surgeon General, C. Everett Koop, whom we all admired when he functioned in that position, stated he "believed that Mr. Clinton was misled by his medical advisers on what is fact and what is fiction in reference to late-term abortions."

Dr. Koop went on to say, "In no way can I twist my mind to see that the late-term abortion as described as . . . partial birth . . . is a medical necessity for the mother."

In a New York Times editorial, C. Everett Koop added, "Recent reports have concluded that a majority of partial-birth abortions are elective, involving a healthy woman and a normal fetus."

Other physicians agree: In a September 1996 Wall Street Journal editorial, three physicians who treat pregnant women declared that "Contrary to what abortion activists would have us believe, partial-birth abortion is never medically indicated to protect a woman's health or her fertility."

Mr. President, a partial-birth abortion is not only tragic, it is violent. The procedure is one in which four-fifths of the child is delivered before the process of killing the child begins. Sadly, throughout this procedure, the majority of babies are alive and able to move and may actually feel pain during this ordeal.

Dr. Pamela Smith, in a House hearing on the issue, succinctly stated why Congress must act:

> The baby is literally inches from being declared a legal person by every State in the Union. The urgency and seriousness of these matters therefore require appropriate legislative action.

Mr. President, it's not easy for any here to discuss this topic, but unfortunately, there are stark and brutal realities of a partial-birth abortion.

I, and others who support this Act, sympathize with a woman who is in a difficult and extreme circumstance, but no circumstance can justify the killing of an infant who is four-fifths born. My good friend and colleague Senator MOYNIHAN, has said the practice of partial-birth abortions is "just too close to infanticide."

Mr. President, this procedure cannot be defended medically and cannot be defended morally. That is why I hope that this is the one issue that can unite pro-life and pro-choice individuals. I strenuously urge my colleagues to vote in favor of overriding President Clinton's veto of the Partial-Birth Abortion Ban.

Mr. SANTORUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. I thank the Senator from Alaska for his leadership and support. He has always come to the floor and spoken in strong support of this, and he has been a great and committed warrior in this cause. I thank him for that.

Mr. President, the Senator from California gave her remarks and she talked about women here in town who had horrible things happen to them during pregnancy, and that they were faced with very difficult decisions to make. I understand that those are difficult decisions. She said, in one case, that a baby was well along and was, unfortunately, hydrocephalic, which means water on the brain. They could not do a vaginal, natural delivery. For some reason, she did not want to do a C-section. There were no other options available to save this mother's health. Let me just read to you what a doctor said, a board-certified OB/GYN:

> Sometimes in the case of hydrocephalus, in order to drain some of the fluid from the

baby's head, a special long needle is used to allow a safe vaginal cephalic head-first delivery. In some cases, when the vaginal delivery is not possible, a doctor performs the Cesarean Section. But in no case is it necessary, or medically advisable, to partially deliver an infant through the vagina and then cruelly kill the infant.

Another piece of information that the Senator from California and the Senator from Illinois were talking about is that women would have their health and life at risk with having an abortion, going through with the pregnancy later in term. The facts are just the opposite. The Senator from Illinois said, "Let's not deal with anecdotes, let's deal with facts."

Here is the statistical evidence: At 21 weeks or more—that is the time in which partial-birth abortions are done because they begin to be done at 20 weeks gestation—the risk of death from abortion is 1 in 6,000 and exceeds the risk of maternal death from childbirth, which is 1 in 13,000. You are twice as likely to die if you have an abortion than if you deliver the baby after 21 weeks.

So this whole concept that these procedures are necessary—a procedure that is much more risky than others, much more dangerous than other procedures to the mother—aside from the fact that they are brutal procedures, this is a procedure that is much more risky to the mother; that just the medical evidence shows, the statistics show, that having an abortion—and there are other complications—termination of a pregnancy at more advanced—again, this is from an article, from the Journal of the American Medical Association, August 26, 1998, current edition, which talks about two obstetricians from Northwestern University. It says:

Termination of pregnancy at more advanced gestational ages may predispose to infertility from endometrial scarring or adhesion formation.

It is documented in one study that 23.1 percent of patients had induced midtrimester abortions. Nearly a quarter of those. Again, that is all midtrimester abortions. You hear the argument in this paper and by hundreds of physicians that partial-birth abortion is even more damaging to the cervix and to the future ability for a mother to carry a baby to term.

It continues on:

. . . and from pelvic infections, which occur in 2.8% to 25% of patients following midtrimester terminations. Dilation and evacuation procedures commonly used in induced midtrimester abortion may lead to cervical incompetence, which predisposes to an increased risk of subsequent spontaneous abortion, especially in the midtrimester. Cervical incompetence is more prevalent after midtrimester termination of pregnancy than first trimester termination because the cervix is dilated to a much greater degree.

And other physicians have gone on to say that because this is a procedure that takes 3 days to dilate—you hear so much about this may be necessary to save the life or health of the mother because of some emergency. This is a 3-day procedure. The cervix is dilated over a 3-day procedure, which makes the probability of an incompetent cervix, which means the ability to carry a baby in future pregnancies—it inhibits the ability to carry a baby in future pregnancies. It increases the risk of infection, because now for 3 days the cervix is open. And they are not in a hospital setting. They are out, either back at their home, or in a hotel, waiting for the procedure to be done. This is an unhealthy procedure for women.

If we are concerned about women's health, let's look at the fact about what this does to women's health. Frankly, it sounds to me, if you look at the evidence, there seems to be a sort of pushing aside of all of the non-anecdotal evidence about women's health and putting forth legal arguments about what the Supreme Court says. They are one of three branches of Government, folks.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. SANTORUM. Mr. President, I ask unanimous consent to proceed for as long as I may consume under the remaining time left on the other side with the understanding that if anybody comes I will be happy to yield the floor at that point.

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

Mr. SANTORUM. Mr. President, they are focusing on legal arguments. The fact of the matter is we are one of three branches of Government. We can put forward things that we believe are constitutional. We can test what they are. I have seen a lot of decisions at the Supreme Court that have moved all over the place on this issue.

It seems very clear to me that we are not providing an undue burden. We are here. We are eliminating one procedure that is not taught in any medical school, that has not been peer-reviewed, that has not been done in a hospital. It is done in clinics, and, in fact, was invented—created—not by an obstetrician.

Someone referred to earlier that Senator FRIST and C. Everett Koop are two people who testified against this procedure. They are not obstetricians. That is true. But the person who invented this procedure is not an obstetrician, either. He was a family practitioner who did abortions.

So the fact of the matter is that C. Everett Koop was a pediatric surgeon—someone who dealt with these little babies, who understands very well what damage is done to these little babies, and, in fact, what is available to save their lives. He knows very well about what he talks about, as does the Senator from Tennessee who has studied this issue thoroughly, and who has reviewed the literature thoroughly.

Let's walk away from the facts for a moment. Let's deal in the realm of what the other side seems to point to—the pictures.

The Senator from California suggested that there will be women here who have had this procedure who will be in the Halls looking at Members as they come in to vote tomorrow to insist that they keep this procedure legal. I only wish, I only wish, that the children who have fallen victim to this would have the opportunity to stand in that Hall and look at the Senators and plead with them to ban this procedure.

We may have one such person which I will talk about in a moment.

But I am going to talk to you first about a little boy—a little boy who was the first child of Whitney Goin. Whitney was 5 months pregnant with her first child. She went in for her first sonogram, and a large abdominal wall defect was detected. She described her condition after learning that there was a problem with the pregnancy:

My husband was unreachable so I sat alone, until my mother arrived, as the doctor described my baby as being severely deformed with a gigantic defect and most likely many other defects that he could not detect with their equipment. He went on to explain that babies with this large of a defect are often stillborn, live very shortly or could survive with extensive surgeries and treatments, depending on the presence of additional anomalies and complications after birth. The complications and associated problems that a surgical baby in this condition could suffer include but are not limited to: bladder exstrophy, imperforate anus, collapsed lungs, diseased liver, fatal infections, cardiovascular malformations, ect.

A perinatologist suggested she strongly consider having a partial-birth abortion. The doctor told her it may be something she "needs" to do. He described the procedure as one where the baby would be partially delivered except for the head, and the pregnancy would be terminated.

The Goins made a different choice.

If there is one thing that those who are listening to this debate—if there is one thing that I hope for that results from this debate today, it is that people who will be watching this debate understand one thing: Whether we pass this override of the President's veto or not, please understand that there are other choices. There are other options—and to follow your heart, to follow your love for your child, and pursue those options, as Whitney Goin did.

The Goins chose to carry the baby to term. But complications related to a drop in the amniotic fluid created some concerns. Doctors voiced to the Goins that the baby's chances for survival would be greater outside the womb. So on October 26, 1995, Andrew Hewitt Goin was delivered by C-section. He was born with a condition in which the abdominal organs—stomach, liver, spleen, and small and large intestines—were outside the baby's body.

Here is the picture. In the incubator there is little Andrew Hewitt Goin.

Andrew had his first of several major operations 2 hours after he was born. Andrew's first months were not easy. He suffered from excruciating pain. He was on a respirator for 6 weeks. He needed tubes in his nose and throat. They continually suctioned his stomach and lungs. He needed eight blood transfusions. His mother recalled, "The enormous pressure of the organs being slowly placed into his body caused chronic lung disease for which he received extensive oxygen and steroid treatments." It broke his parents' hearts to see him suffering so badly.

Remember how we heard about someone who said that it would just break your heart to see your child suffer so badly. And I understand what she feels. But it breaks the hearts of thousands of parents every day to see their children suffer. But that is no reason, that is no reason, to kill your child. It is all the more reason to love that child, to draw that child near to you, and to accept that child as part of your family.

Andrew fought hard to live. And he did. This is Andrew Hewitt Goin at 3 years of age.

I would also note that Andrew will not be the only child for much longer. Next March, the Goins will welcome their second child into the family. Contrary to the misinformation about partial-birth abortion that has been so recklessly repeated, carrying Andrew to term did not affect Whitney's ability to have future children.

I think if you asked Andrew a few years from now whether he would prefer to have suffered that pain or be listening to music, or not be listening to that music, or not be alive today, the answer would be pretty clear.

Not all the stories turn out as happily as Andrew's. Not all of them do. But what does turn out happily in so many more instances is for parents to have the recognition that they have the capacity to love their children even when it is so hard to do that. Whether we override the President's veto is less important than that simple fact that I hope the people listening here will understand.

The next case I want to talk about is Christian Matthew McNaughton. For 4 years, Christian Matthew McNaughton fought the odds. An ultrasound revealed that he had hydrocephalus 30 weeks into pregnancy—again, the condition that has been described as one that is necessary to kill the child and perform a partial-birth abortion, the very case just cited in this Chamber as the reason for keeping this procedure legal.

After Dianne McNaughton learned of their son's dim prospects because of hydrocephaly, which can cause a variety of problems including, because of the water on the brain, the lack of brain development, Dianne asked for information on hydrocephaly. The counselor called doctors on staff and explained the request, and imagine Mrs. McNaughton's surprise when the counselor told her the hospital felt "it was better if she didn't know anything."

Still, Dianne and her husband, Mark, determined to educate themselves on what to expect from now and how to care for a child who had hydrocephaly. They continued to persevere. Life was very stressful for the McNaughtons after the diagnosis. Dianne suffered from nightmares. She never considered aborting the baby, but she worried about how her other two children would be affected by having a disabled child in the home. With the help of Dianne's brother, who happened to be a doctor, the McNaughtons found a specialist in Philadelphia to deliver their baby.

As we learned last year with the case of Donna Joy Watts, another child with hydrocephaly, the Watts family had to go to three hospitals in Maryland before they could find a physician team and a hospital that would deliver their child, because children with hydrocephaly are thought not to have the ability to live and are simply seen as abortion clients; they are seen as disposable.

They were advised again to end their pregnancy. They were warned that hydrocephaly is associated with spina bifida, Down's syndrome, and cerebral palsy. The baby might never achieve bowel or bladder control; he might not be able to move his arms or legs; he might be born blind; he might not even be able to swallow.

The McNaughtons were offered a partial-birth abortion. As a doctor explained it, the baby would be partially delivered, a sharp surgical instrument would be inserted into the base of the skull, and the brains would be extracted—of course, the doctor noted, "what there was of the brain." The rest of the body would then be delivered. This option was rejected.

As if the shock of being advised to undergo a gruesome partial-birth abortion was not enough, one doctor said the shunt surgery to relieve the pressure and the fluid in the baby's brain would not be performed if the child's "quality of life" prospects did not warrant it.

I again go back to the case of Donna Joy Watts just so you don't think this is one isolated case. For 3 days, Lori Watts had to plead with the doctors at the hospital to do a shunt operation to relieve the fluid pressure on the brain, and the doctors refused to because the doctors didn't think she had any chance of a quality life. Donna Joy Watts is here in Washington today. She is 5, almost 6, years of age.

Christian was born June 20, 1993. He was a beautiful, 8-pound baby boy. He did require a lot of medical care. A CAT scan revealed that he suffered a stroke in utero which caused excess fluid to build up in his brain. It also showed that the lower left quadrant of his brain was missing. Within a week of delivery, Christian had his first shunt surgery to drain the fluid. He had a follow-up procedure in 3 months.

As he grew, Christian exceeded everyone's expectations. A baby that doctors initially believed would be blind or could do virtually nothing was a little boy who walked, ran, talked, and sang. He played baseball and basketball. He attended preschool. His heroes were Cal Ripken, Jr, Batman, Spiderman, and the Backstreet Boys. He loved whales and dolphins. His favorite movie was "Angels in the Outfield." And he especially loved his baby sister who was 2 years younger than he. Christian McNaughton brought joy to all who were fortunate enough to know him.

In August of 1997, Christian began experiencing severe head pains. His shunt was malfunctioning. It had to be replaced. He went into surgery and experienced cardiac and respiratory distress in surgery, and he slipped into a coma. Christian fought hard to live but he never recovered. He died on August 8, 1997, at the age of 4.

But if you talked to his parents and you talked to those who knew him and you asked them whether they would have traded those 4 years for denying Christian's humanity by aborting him in such a brutal and inhumane way, they would have said no.

On the anniversary of his death, they entered these memorials to Christian in the Harrisburg Patriot News:

> Christian, we love you. We miss you. We wish we could kiss you just one more time. Until we meet again. Your loving sisters, Meghan and Kelly.

The McNaughtons were worried about whether their children would accept a disabled child in the home. I think it is pretty clear that they accepted him very well, and he added to their lives, and he affirmed their lives.

A letter from the brother:

> Dear Christian. I have a poem for you.
> Blue jays are blue and I love you.
> Robins are red and I miss you in bed.
> Sparrows are black and I wish you were back.
> I am sorry for the bad things I did to you.
> You are the best and only brother I ever had.
> Please watch over us and take care of us.

We wonder whether those children accepted this child. This is a sad story, but it is a joyous story. It is a story of acceptance and love.

One of the things that often confounds me about how people deal with this issue is that people who are in the tradition of the Democratic Party, who have sought for the past 100 years to be inclusive in our society, to welcome those who are on the outside of society, to fight for civil rights, to fight for rights for the disabled, are always fighting to include those who are most vulnerable, now turn their backs to the most vulnerable of all. How does that speak to a country where Hubert

Humphrey once said: "We are judged by how we treat the least of us." Can you think of anything less in our human family than a little baby outside of the mother's womb, 3 inches from life, asking only to be given a chance; prone, with its back to the abortionist, helpless from what might happen next? Just like baby Phoenix, helpless. But, thank God, a moment, finally a moment of conscience hit him and he decided, no, I can't thrust those scissors into this child. And now this temporarily unwanted baby is so loved and wanted somewhere in Texas, by parents who cherish that little girl every day.

The question is, in this debate—you can talk about legal axioms, you can talk about medical theories, you can talk about ethics, you can talk about all sorts of things. The question here is how inclusive are we going to be in our family? As I see the empty seats on this side of the aisle, and I look for the men and women who have given great talks on the floor of the U.S. Senate about the need for rights for the downtrodden: Find me a more helpless creature in our human family, a more downtrodden, helpless, beautiful creation of God than a little baby, his back to the doctor who is going to kill him or her, waiting for the pain to stop.

Mr. President, do we have any time?

The PRESIDING OFFICER. The time of the Senator has expired. All time on debate has expired.

Mr. SANTORUM. Mr. President, I ask unanimous consent the Senator from Kansas be recognized for 4 minutes.

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

Mr. BROWNBACK. Mr. President, I thank the Senator from Pennsylvania for his work and his effort in this area. I want to talk in the brief period of time that I have about the soul of a nation, the soul of our Nation and what happens to it when, once pierced with consciousness that this procedure goes on, allows it to continue to go on.

Government-sanctioned brutality presently exists in America in the form of partial-birth abortion. We know that now. The cold mechanics of partial-birth abortion involve the near delivery of a late-term infant to facilitate the extraction of the child's brains. This procedure will be performed several times this month throughout our Nation, and we know that, and we know that we sanction that as a State-sanctioned form of death.

I speak today of deep concern for the soul of our Nation which is permitting these defiling acts to continue with our consent. Why do otherwise decent nations permit their young to be ripped apart? Why do they permit the shameless repeated acts of cruelty against their weakest and most vulnerable? People of conscience must intervene now.

I draw attention of the people here in this body to the words that adorn the doorways as we walk in. As you preside, you stare up at the words, "In God we trust." As you look across the walkway, "He, God, has smiled on our undertakings." Above this doorway we have "A new order for the ages." All thoughts of our founders; all thoughts, I think, they had towards the newborn child, towards any nature of life in this Nation, that, "In God we trust."

With a nation of such a conscience and such a soul, would it tolerate such a procedure once it knows that this procedure exists? I think not. I urge my colleagues, as we look at this, as we consider the soul of our Nation, would we, should we, can we continue to tolerate this outrageous form of death? History teaches us that tolerated acts of cruelty both brand a nation for infamy and sear its conscience. Tolerance is complicity, and nations will eventually be judged for their failure to stop the course of unbridled cruelty.

America is distinguished around the world basically because of one phrase: America is distinguished for her goodness. I don't think we can excuse this act. No adequate excuse exists for the death of an innocent child by this horrific surgical procedure. This is a human rights abuse of the basest form, which, if condoned, will singe the soul of our Nation now that we know it exists.

We must force ourselves to look squarely into the face of this brutality, regardless of the many sophisticated arguments. I close with a quote from Edward R. Murrow on this point. He would say: "There are not two sides to every story." There are not two sides to this story. Partial-birth abortion must be banned.

I yield the floor.

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. 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.

MAKING CONTINUING APPROPRIATIONS FOR THE FISCAL YEAR 1999, AND FOR OTHER PURPOSES

Mr. STEVENS. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of House Joint Resolution 128, the continuing resolution.

I further ask that the joint resolution be read a third time and be passed and the motion to reconsider be laid upon the table, with no intervening action or debate.

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

The joint resolution (H.J. Res. 128) was read the third time and passed.

Mr. STEVENS. I ask that H.J. Res. 128 be spread on the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

H.J. RES. 128

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are hereby appropriated, out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, for the several departments, agencies, corporations, and other organizational units of Government for the fiscal year 1999, and for other purposes, namely:

SEC. 101. (a) Such amounts as may be necessary under the authority and conditions provided in the applicable appropriations Act for the fiscal year 1998 for continuing projects or activities including the costs of direct loans and loan guarantees (not otherwise specifically provided for in this joint resolution) which were conducted in the fiscal year 1998 and for which appropriations, funds, or other authority would be available in the following appropriations Acts:

(1) the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1999;

(2) the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1999, notwithstanding section 15 of the State Department Basic Authorities Act of 1956, section 701 of the United States Information and Educational Exchange Act of 1948, section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236), and section 53 of the Arms Control and Disarmament Act;

(3) the Department of Defense Appropriations Act, 1999, notwithstanding section 504(a)(1) of the National Security Act of 1947;

(4) the District of Columbia Appropriations Act, 1999;

(5) the Energy and Water Development Appropriations Act, 1999;

(6) the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1999, notwithstanding section 10 of Public Law 91–672 and section 15 of the State Department Basic Authorities Act of 1956;

(7) the Department of the Interior and Related Agencies Appropriations Act, 1999;

(8) the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1999, the House and Senate reported versions of which shall be deemed to have passed the House and Senate respectively as of October 1, 1998, for the purposes of this joint resolution, unless a reported version is passed as of October 1, 1998, in which case the passed version shall be used in place of the reported version for purposes of this joint resolution;

(9) the Legislative Branch Appropriations Act, 1999;

(10) the Department of Transportation and Related Agencies Appropriations Act, 1999;

(11) the Treasury and General Government Appropriations Act, 1999; and

(12) the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1999:

Provided, That whenever the amount which would be made available or the authority which would be granted in these Acts as passed by the House and Senate as of October 1, 1998, is different than

that which would be available or granted under current operations, the pertinent project or activity shall be continued at a rate for operations not exceeding the current rate: *Provided further*, That whenever the amount of the budget request is less than the amount for current operations and the amount which would be made available or the authority which would be granted in these appropriations Acts as passed by the House and Senate as of October 1, 1998, is less than the amount for current operations, then the pertinent project or activity shall be continued at a rate for operations not exceeding the greater of the rates that would be provided by the amount of the budget request or the amount which would be made available or the authority which would be granted in these appropriations Acts: *Provided further*, That whenever there is no amount made available under any of these appropriations Acts as passed by the House and Senate as of October 1, 1998, for a continuing project or activity which was conducted in fiscal year 1998 and for which there is fiscal year 1999 funding included in the budget request, the pertinent project or activity shall be continued at a rate for operations not exceeding the lesser of the rates that would be provided by the amount of the budget request or the rate for current operations under the authority and conditions provided in the applicable appropriations Act for the fiscal year 1998.

(b) Whenever the amount which would be made available or the authority which would be granted under an Act listed in this section as passed by the House as of October 1, 1998, is different from that which would be available or granted under such Act as passed by the Senate as of October 1, 1998, the pertinent project or activity shall be continued at a rate for operations not exceeding the current rate under the appropriation, fund, or authority granted by the applicable appropriations Act for the fiscal year 1999 and under the authority and conditions provided in the applicable appropriations Act for the fiscal year 1998: *Provided*, That whenever the amount of the budget request is less than the amount for current operations and the amounts which would be made available or the authority which would be granted in these appropriations Acts as passed by the House and the Senate as of October 1, 1998, are both less than the amount for current operations, then the pertinent project or activity shall be continued at a rate for operations not exceeding the greater of the rates that would be provided by the amount of the budget request or the amount which would be made available or the authority which would be granted in the applicable appropriations Act as passed by the House or as passed by the Senate under the appropriation, fund, or authority provided in the applicable appropriations Act for the fiscal year 1999 and under the authority and conditions provided in the applicable appropriations Act for the fiscal year 1998.

(c) Whenever an Act listed in this section has
been passed by only the House or only the Senate as of October 1, 1998, the pertinent project or activity shall be continued under the appropriation, fund, or authority granted by the one House at a rate for operations not exceeding the current rate and under the authority and conditions provided in the applicable appropriations Act for the fiscal year 1998: *Provided*, That whenever the amount of the budget request is less than the amount for current operations and the amounts which would be made available or the authority which would be granted in the appropriations Act as passed by the one House as of October 1, 1998, is less than the amount for current operations, then the pertinent project or activity shall be continued at a rate for operations not exceeding the greater of the rates that would be provided by the amount of the budget request or the amount which would be made available or the authority which would be granted in the applicable appropriations Act as passed by the one House under the appropriation, fund, or authority provided in the applicable appropriations Act for the fiscal year 1999 and under the authority and conditions provided in the applicable appropriations Act for the fiscal year 1998: *Provided further*, That whenever there is no amount made available under any of these appropriations Acts as passed by the House or the Senate as of October 1, 1998, for a continuing project or activity which was conducted in fiscal year 1998 and for which there is fiscal year 1999 funding included in the budget request, the pertinent project or activity shall be continued at a rate for operations not exceeding the lesser of the rates that would be provided by the amount of the budget request or the rate for current operations under the authority and conditions provided in the applicable appropriations Act for the fiscal year 1998.

SEC. 102. No appropriation or funds made available or authority granted pursuant to section 101 for the Department of Defense shall be used for new production of items not funded for production in fiscal year 1998 or prior years, for the increase in production rates above those sustained with fiscal year 1998 funds, or to initiate, resume, or continue any project, activity, operation, or organization which are defined as any project, subproject, activity, budget activity, program element, and subprogram within a program element and for investment items are further defined as a P–1 line item in a budget activity within an appropriation account and an R–1 line item which includes a program element and subprogram element within an appropriation account, for which appropriations, funds, or other authority were not available during the fiscal year 1998: *Provided*, That no appropriation or funds made available or authority granted pursuant to section 101 for the Department of Defense shall be used to initiate multi-year procurements utilizing advance procurement funding for economic order quantity procurement unless specifically appropriated later.

SEC. 103. Appropriations made by section 101 shall be available to the extent and in the manner which would be provided by the pertinent appropriations Act.

SEC. 104. No appropriation or funds made available or authority granted pursuant to section 101 shall be used to initiate or resume any project or activity for which appropriations, funds, or other authority were not available during the fiscal year 1998.

SEC. 105. No provision which is included in an appropriations Act enumerated in section 101 but which was not included in the applicable appropriations Act for fiscal year 1998 and which by its terms is applicable to more than one appropriation, fund, or authority shall be applicable to any appropriation, fund, or authority provided in this joint resolution.

SEC. 106. Unless otherwise provided for in this joint resolution or in the applicable appropriations Act, appropriations and funds made available and authority granted pursuant to this joint resolution shall be available until (a) enactment into law of an appropriation for any project or activity provided for in this joint resolution, or (b) the enactment into law of the applicable appropriations Act by both Houses without any provision for such project or activity, or (c) October 9, 1998, whichever first occurs.

SEC. 107. Appropriations made and authority granted pursuant to this joint resolution shall cover all obligations or expenditures incurred for any program, project, or activity during the period for which funds or authority for such project or activity are available under this joint resolution.

SEC. 108. Expenditures made pursuant to this joint resolution shall be charged to the applicable appropriation, fund, or authorization whenever a bill in which such applicable appropriation, fund, or authorization is contained is enacted into law.

SEC. 109. No provision in the appropriations Act for the fiscal year 1999 referred to in section 101 of this Act that makes the availability of any appropriation provided therein dependent upon the enactment of additional authorizing or other legislation shall be effective before the date set forth in section 106(c) of this joint resolution.

SEC. 110. Appropriations and funds made available by or authority granted pursuant to this joint resolution may be used without regard to the time limitations for submission and approval of apportionments set forth in section 1513 of title 31, United States Code, but nothing herein shall be construed to waive any other provision of law governing the apportionment of funds.

SEC. 111. This joint resolution shall be implemented so that only the most limited funding action of that permitted in the joint resolution shall be taken in order to provide for continuation of projects and activities.

SEC. 112. Notwithstanding any other provision of this joint resolution, except section 106, for those programs that had high initial rates of operation or complete distribution of fiscal year 1998 appropriations at the beginning of that fiscal year because of distributions of funding to States, foreign countries, grantees or others, similar distributions of funds for fiscal year 1999 shall not be made and no grants shall be awarded for such programs funded by this resolution that would impinge on final funding prerogatives.

SEC. 113. Notwithstanding any other provision of this joint resolution, except section 106, the rate for operations for projects and activities that would be funded under the heading "International Organizations and Conferences, Contributions to International Organizations" in the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1999, shall be the amount provided by the provisions of section 101 multiplied by the ratio of the number of days covered by this resolution to 365.

SEC. 114. Notwithstanding any other provision of this joint resolution, except section 106, the rate for operations for the following activities funded with Federal Funds for the District of Columbia, shall be at a rate for operations not exceeding the current rate, multiplied by the ratio of the number of days covered by this joint resolution to 365: Corrections Trustee Operations, Offender Supervision, Public Defender Services, Parole Revocation, Adult Probation, and Court Operations.

SEC. 115. Activities authorized by sections 1309(a)(2), 1319, 1336(a), and 1376(c) of the National Flood Insurance Act of 1968, as amended (42 U.S.C. 4001 et seq.), may continue through the date specified in section 106 of this joint resolution.

SEC. 116. Section 28f(a) of title 30, U.S.C., is amended by striking the words "The holder"

through "$100 per claim." And inserting "The holder of each unpatented mining claim, mill, or tunnel site located pursuant to the mining laws of the United States before October 1, 1998 shall pay the Secretary of the Interior, on or before September 1, 1999 a claim maintenance fee of $100 per claim site.". Notwithstanding any other provision of law, the time for locating any unpatented mining claim, mill, or tunnel site pursuant to 30 U.S.C. 28g may continue through the date specified in section 106 of this joint resolution.

SEC. 117. The amounts charged for patent fees through the date provided in section 106 shall be the amounts charged by the Patent and Trademark Office on September 30, 1998, including any applicable surcharges collected pursuant to section 8001 of P.L. 103-66: *Provided*, That such fees shall be credited as offsetting collections to the Patent and Trademark Office Salaries and Expenses account: *Provided further*, That during the period covered by this joint resolution, the commissioner may recognize fees that reflect partial payment of the fees authorized by this section and may require unpaid amounts to be paid within a time period set by the Commissioner.

SEC. 118. Notwithstanding sections 101, 104, and 106 of this joint resolution, until 30 days after the date specified in section 106, funds may be used to initiate or resume projects or activities at a rate in excess of the current rate to the extent necessary, consistent with existing agency plans, to achieve Year 2000 (Y2K) computer conversion.

SEC. 119. Notwithstanding any other provision of this joint resolution, except section 106, the amount made available for projects and activities for decennial census programs shall be the higher of the amount that would be provided under the heading "Bureau of the Census, Periodic Censuses and Programs" in the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1999, as passed by the House, or the amount that would be provided by such Act as passed by the Senate, or the amount of the budget request, multiplied by the ratio of the number of days covered by this resolution to 365.

UNANIMOUS CONSENT AGREEMENT—S. RES. 279

Mr. STEVENS. Mr. President, I further ask unanimous consent that at 7 p.m., the Senate proceed to the consideration of S. Res. 279 regarding Puerto Rico, submitted earlier today by Senators TORRICELLI, D'AMATO and MURKOWSKI. I further ask there be 50 minutes for debate on the resolution equally divided between the majority and minority sides, with 10 minutes of the minority time under the control of Senator SARBANES.

I further ask that upon the conclusion or yielding back of the time, the resolution and preamble be agreed to, and the motion to reconsider be laid upon the table, and that no amendment be in order to the resolution or the preamble.

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 bill clerk proceeded to call the roll.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BROWNBACK). Without objection, it is so ordered.

SENSE OF THE SENATE REGARDING PUERTO RICO

The PRESIDING OFFICER. Under the previous order, the clerk will report the resolution.

The bill clerk read as follows:

A resolution (S. Res. 279) expressing the sense of the Senate supporting the right of the United States citizens in Puerto Rico to express their desires regarding their future political status.

The Senate proceeded to consider the resolution.

Mr. DASCHLE. Mr. President, I am very pleased to join my colleagues in support of this sense-of-the-Senate resolution that recognizes the rights of U.S. citizens in Puerto Rico to decide their political future.

I publicly commend the distinguished Senator from New Jersey and the Senator from Florida for their outstanding leadership in bringing us to this point. Resolutions of this kind and legislation dealing with this particular issue have had a roller-coaster ride in this Congress. Were it not for the tremendous persistence of the Senator from New Jersey and the Senator from Florida, we would not be here tonight. So I publicly express, on behalf of all of our colleagues, our thanks to them for their leadership, their persistence, and their diligence in bringing us to a point where we hope on a unanimous basis this resolution will at long last be adopted tonight.

Very simply, the resolution states that the people of Puerto Rico should be given an opportunity to express their views on the political status of Puerto Rico through some form of plebiscite. President Kennedy once said, "The most precious and powerful right in the world is the right to vote in an American election."

The great Mexican patriot, Benito Juarez, once said that "democracy is the destiny of humanity." In the case of Puerto Rico, democracy delayed is democracy denied. The destiny of Puerto Rico's political future should be in the hands of the people of Puerto Rico. Congress should pass legislation that provides the congressional framework to recognize and implement their decision.

Our Nation is built on democratic principles of equality, opportunity and the right of self-determination.

Yet, American citizens on the island of Puerto Rico lack the rights to express the basic tenet of democracy, a government chosen by the people.

In the words of Thomas Jefferson, "That government is the strongest of which every man feels a part." In regard to Puerto Rico, formal recognition of these democratic ideals is long-overdue. Since the end of the Spanish-American War 100 years ago, we have shared a social, economic, and political union with Puerto Rico. In 1917, Congress granted citizenship to Puerto Ricans. In 1952, the people of Puerto Rico took on local self-government.

In 1963, President Kennedy called for self-determination for the people of Puerto Rico.

More than a quarter of a century later, we are still debating the issue in the Senate as 4 million Americans are denied basic democratic rights. I hope we will all agree that this is simply unacceptable.

The people of Puerto Rico have long demonstrated their patriotism to the United States. Tens of thousands have served in the American military. More than 1,200 Puerto Ricans have died in combat to preserve our democratic way of life.

Mr. President, I support the right of self-determination for U.S. citizens living in Puerto Rico. That is why I am a cosponsor of S. 472, the "United States-Puerto Rico Political Status Act," which provides a congressionally recognized framework for U.S. citizens living in Puerto Rico to freely decide statehood, independence, or the continuance of the commonwealth under U.S. jurisdiction.

As a first step, Congress should adopt this sense-of-the-Senate resolution this year in an effort to resolve the question of Puerto Rico's political status in a fair manner.

We must ensure we provide full democratic rights for all American citizens, including those who live in Puerto Rico.

Mr. President, I yield the floor.

Mr. GRAHAM addressed the Chair.

The PRESIDING OFFICER. The Senator from the great State of Florida.

Mr. GRAHAM. Mr. President, I rise to speak on this sense-of-the-Senate resolution with mixed feelings. I would have much preferred to be speaking tonight in behalf of legislation that would have provided for the first time in the 100-year relationship between the United States and Puerto Rico for a congressionally sanctioned plebiscite giving to the people of Puerto Rico the sense of confidence from respect that their voice would be heard as to their desires for their political future.

Our colleagues in the House of Representatives passed such a plebiscite bill. Unfortunately, after months of hearings, we will not have the opportunity to present from the Energy and Natural Resources Committee to the full Senate such legislation. I commend Senator MURKOWSKI who made a valiant effort to do so, including developing legislation which I think could have been the basis of a consensus on this matter and would have resulted in

a favorable vote in the full Senate and the nucleus of a compromise with the House of Representatives.

But the world goes on. The Governor of Puerto Rico has, with the concurrence of the Puerto Rican Congress, called for a referendum on the political future of Puerto Rico to be held on December 13. It is important that, as a minimal statement of our commitment to the principle of self-determination, we adopt this sense-of-the-Senate resolution and express our position in favor of that plebiscite and indicate that we will take its results with appropriate seriousness.

We recognize, and the sense-of-the-Senate resolution proclaims, that the ultimate decision as to the political future of Puerto Rico will be made by this Congress, but by giving the degree of recognition to the Puerto Rican-called plebiscite on December 13 that this sense-of-the-Senate resolution will do; it will give additional standing, additional confidence, to the people of Puerto Rico that their vote on that day will have an important impact here as we decide what next steps to take relative to the political future of Puerto Rico.

Mr. President, it is clear that we cannot continue with the status quo. A decision is going to have to be made, and I believe made soon, as to what the permanent political status of Puerto Rico will be. We have had this expedience throughout America's history.

After the first 13 colonies, there was the Northwest Ordinance which laid out the basic principle by which future States would be carved out of the large territories of America and joined to the Original States. And that principle included the fact that those new States would join with equal dignity, with equal political rights and responsibilities to the Thirteen Original States. These have been basic tenets of our democracy which now we are called upon to make available to the people of Puerto Rico.

My colleague, Senator TORRICELLI, in comments last week made the statement which I think summarizes the essence of the debate that we are having this evening, and that is, that Puerto Rico represents the unfinished business of American democracy. And it cannot be ignored—unfinished business. We need to set about our task of completing that. And that task begins by a respectful listening to the desires of the almost 4 million U.S. citizens who live on the island of Puerto Rico.

I remind my colleagues that we are not talking about 4 million people who are citizens of a foreign land. Every one of those 4 million people in Puerto Rico is a citizen of the United States of America. These are fellow citizens who have never been afforded the opportunity for a clear congressionally sanctioned expression of their opinion as to what their political future should be. The nearly 4 million U.S. citizens who reside in Puerto Rico are entitled to that opportunity. And this combination of a Puerto Rican congressionally called plebiscite with this degree of sanction by the U.S. Congress is as close as we can reach to that objective in 1998.

The sense of the Senate is the very least that we can do to honor the request of our fellow U.S. citizens in Puerto Rico and send them a clear message that we are listening to their desires.

The sense of the Senate, in conjunction with the House-passed bill, takes an important step in the right direction. I thank all of my colleagues who have cosponsored this resolution. I thank all of those who have been so active in the effort to secure a congressionally sanctioned plebiscite in Puerto Rico.

I say to our fellow citizens in Puerto Rico, we admire your contribution for a century to the development of our land. We admire your patriotism in time of war and your great contributions in time of peace. We extend to you this statement of our respect.

We urge your full participation in the plebiscite on December 13. We will be anxious to receive your statement of your desires for your political destiny. And then I hope that my colleagues here in this Chamber and our companion Chamber will hear with dignity what you have said and will move towards, with your direction, providing a permanent political status for the U.S. citizens on the island of Puerto Rico.

Thank you, Mr. President.

Mr. CRAIG addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, first of all, let me thank the Senator from New Jersey for authoring and bringing forth Senate Resolution 279. I am pleased to be a cosponsor of it, along with the chairman of the Energy and Natural Resources Committee, Senator MURKOWSKI; for he and I have, can I say, labored mightily, along with the Senator from Florida, over the last good many months, first of all, to work on the issue of self-determination for Puerto Rico.

I certainly thank all of my colleagues for the cosponsorship of S. 472, legislation that I introduced a year ago that I hoped, as does the Senator from Florida, that we could be voting on at this time—debating it, voting on it, and giving our Puerto Rican friends and fellow citizens the opportunity, a clear direction as it relates to self-determination. That is not going to be the case. Time has not allowed that.

So I hope that by next year the record before the Senate might include the results of another plebiscite in Puerto Rico that the Senator from Florida has just mentioned. That is why the resolution before us today, I think, is very important.

In accordance with their rights of self-determination, the citizens of this Nation—the people of Puerto Rico—acting through their constitutional process and elected representatives, have empowered themselves to conduct a vote based on the record created in the House and the Senate deliberations in the Congress since the 1993 vote.

Since any act of self-determination in Puerto Rico is not self-executing, the resolution of Puerto Rico's political status is a Federal matter that can only be fully and finally determined by an act of Congress. However, in the exercising of its powers in this regard, Congress must be informed by the freely expressed wishes of the citizens of Puerto Rico. Thus, this resolution recognizes that the coming vote will advance the process of self-determination within the framework of our great Nation's Constitution.

Contrary to rumors in Puerto Rico, there was no great intrigue or political reaction to videotapes from the local status campaigns that prevented the Senate from moving forward with legislation at this time. Rather, faced with what we all understand is a very complicated schedule here in the final days before we adjourn, and concern on the part of colleagues on both sides of the aisle, we have brought Senate Resolution 279 to the floor to express at this time, as the House has expressed, an opportunity for the Puerto Ricans to advance the cause of their self-determination. And I hope that the resolution and our vote on it tonight reflects that.

Mr. President, today the Senate ends its prolonged silence on the question of Puerto Rico's political status. The 105th Congress will not end without a Senate response to the 1994 and 1997 petitions of the Legislature of Puerto Rico to Congress. By our action today, the Senate joins the House in responding to those petitions by recognizing the need for further self-determination in Puerto Rico. This is because the 1993 status vote in Puerto Rico did not resolve the status question. Indeed, no option won a majority in 1993.

That is why I sponsored a bill to recognize the need for further self-determination. I thank my colleagues from both parties who joined me by cosponsoring S. 472.

I also want to thank the chairman of the Energy and Natural Resources Committee, Senator MURKOWSKI, for his assistance and leadership to establish a record to support action by the committee and the full Senate on this matter. I regret that the draft chairman's mark has not been acted on, but I applaud his commitment to move the self determination issue forward.

It now appears that by next year the record before the Senate may include the results of another plebiscite in Puerto Rico. That is why the resolution before us today is so very important. In accordance with their right of

self-determination, the people of Puerto Rico, acting through their constitutional process and elected representatives, have empowered themselves to conduct a vote based on the record created in the House and Senate deliberations in Congress since the 1993 vote.

Since any act of self-determination in Puerto Rico is not self-executing, resolution of Puerto Rico's political status is a federal matter that can only be fully and finally determined by an act of Congress. However, in exercising its powers in this regard Congress must be informed by the freely expressed wishes of the residents of Puerto Rico. Thus, this resolution recognizes that the coming vote will advance the process of self-determination within the framework of our great Nation's Constitution.

Contrary to rumors in Puerto Rico, there was no great intrigue or political reaction to videotapes from the local status campaigns that prevented the Senate from moving forward with legislation at this time. Rather, faced with the difficulty of completing a full Senate debate on the draft chairman's legislative mark, this body is doing the right thing by moving forward with a Resolution recognizing the need for further self-determination and recognizing the constraints placed upon it.

I am proud of the Senate today, and I am proud of the people of Puerto Rico for seizing the moment and organizing an act of self-determination that is based upon the arguments heard in the Congressional process which will continue next year. This action is good for Puerto Rico and serves the interests of our entire Nation as we move forward together to seek to resolve the territorial status dilemma that began 100 years ago. I wish our fellow U.S. citizens in Puerto Rico well in exercising their God given right of self-determination. I hope they will join me in trusting that their voice will be heard and that Congress will answer. In America, we have no alternative to democracy and desire nothing more.

I join with my colleagues from Florida, New Jersey—now the chairman of the full committee is here on the floor—to say to our friends and citizens of Puerto Rico that we ask them to go forward with their vote in December. We hope that that is an advanced expression of their desire to advance the cause of statehood, but most importantly to advance the cause of self-determination so that the Congress can have the kind of direction that we hope that vote will bring.

With that, I yield the floor.

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. In view of my colleagues who have waited longer than I have, I simply want to identify the time on either side, and if I may, if there is no objection, I would like to control the time.

The PRESIDING OFFICER. The majority has 20 minutes; the minority has 13 minutes.

Mr. MURKOWSKI. I would be happy to—obviously, I will not speak for the minority—but I would yield whatever time to the minority or perhaps Senator TORRICELLI would like to control the time for the minority.

Mr. GRAHAM addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida.

PRIVILEGE OF THE FLOOR

Mr. GRAHAM. I ask unanimous consent that Delia Lasanta, Luis Rivera, and Danielle Quintana of my staff and Susan Nisar of Senator D'AMATO's staff be accorded floor privileges for the remainder of today's session.

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

Mr. TORRICELLI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. TORRICELLI. Mr. President, is there a unanimous consent request proposed by the Senator from Alaska?

The PRESIDING OFFICER. If the Senator would withhold for a moment, 10 minutes of the minority's time is already under the control of Senator SARBANES under a previous order.

Mr. TORRICELLI. Mr. President, I ask unanimous consent that I be able to control the remainder of the minority time and the Senator from Alaska control the remainder of the majority time.

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

Mr. MURKOWSKI. How much time does the Senator from New York desire?

Mr. D'AMATO. No more than 5 minutes.

The PRESIDING OFFICER. The Senator from New York is recognized for 5 minutes.

Mr. D'AMATO. Mr. President, let me at the outset say how tremendously proud and pleased I am that one of my great and dear friends, the Senator from Alaska, has worked so hard and so diligently to attempt to advance a cause that this Nation espouses to so many.

We talk about the lack of freedom throughout the world. We talk about democracy. Indeed, it is unfortunate that there are strong forces, people who I know and who I respect, who even at this very time give lip service rather than meaningful and true support for that cause. Senator MURKOWSKI understands that freedom and democracy are not something that just should be for some, but should be for all, and that the right of self-determination is an inalienable God-given right. It is one that this country is founded on. People have paid the greatest price and sacrifice with their life, jeopardizing their families, in the fight for freedom and democracy.

I have to tell Members that it is more than imperative, it is a moral necessity, that we strongly encourage the process of self-determination for 4 million Americans, U.S. citizens who live in Puerto Rico, that they should determine by what rules and what form of government they should live.

We have for years talked about the lack of democracy in all areas of the world. We talk about it in China, Korea, here, there. We should be ashamed that it has taken us so long to come forth with a rather simple resolution, and that it has taken such an incredible effort by the Senator from Alaska and others, to bring us to this point. This is a pittance in comparison to those who have bled, who have sacrificed for democracy, for self-determination.

I hope we understand that we want to encourage people, saying the right to vote, the right to determine one's own destiny, is inalienable.

I would like to have a recorded vote. I would like for us to say: We are going to recognize your hopes and your aspirations and your dreams. It is my hope that the people vote for statehood. But that is their right. They may determine that they want to continue the present situation, but they should have that inalienable right, and we should say to them that we are ready and willing to recognize your choice, your decision, as free men and women, and, yes, that we would be willing and ready to undertake supporting that decision because we respect the inalienable rights of people to make their own determination.

As we mark the 100th anniversary of Puerto Rico becoming a part of the United States, I think it is important to recognize that their sons and daughters have made the supreme sacrifice. They have answered the call of duty. They have been there. And now it is time for us to say: You can be a part of this great Nation, not just as citizens, but as a State, if you choose, if you determine, and then send your response to us.

There are those who say it doesn't matter. Well, it does matter, and it is bigger than partisan politics. It is bigger than Republicans and Democrats. I believe that in the fullness of time what an incredible beacon a 51st State might be. But that is for the people of Puerto Rico to determine. What an example to all of Central America and South America, in terms of sharing our cultures, our values, with this island as part of this great Nation. Certainly at the very least, the people of Puerto Rico, our citizens, should have that right which we declare day in and day out is inalienable for people throughout the country, for all corners of the world.

I congratulate my friends who have brought it to this point, and the Senate

majority leader, and Senator TORRICELLI for his unwavering support of that commitment to justice, to democracy, to self-determination.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. TORRICELLI. Mr. President, I want to first express my congratulations to Senator MURKOWSKI without whose efforts in committee we would not, today, be discussing this resolution; Senator GRAHAM of Florida, who has labored for so long on this cause; Senator DASCHLE; Senator LANDRIEU; Senator D'AMATO; Senator CRAIG; so many Members of this institution who have taken the cause and interests of the people of Puerto Rico and made them their own.

There are few more solemn responsibilities to come to the Congress of the United States than the issue of admission into this great Union. It is solemn because to join in union is to share a future, to pledge our fortunes, our lives, together. It is a serious occasion because the prospect of joining this Union raises the prospect of "forever," because this Union is indivisible, it is permanent. The judgment to join this Union is made by any peoples and any lands but once in their history, and it is never revisited again.

For 100 years, the people of Puerto Rico and these United States have shared a common history. Our people have fought together, bled together, and died together. Our cultures over a period of time increasingly have merged. Hundreds of thousands, indeed, millions, of people of Puerto Rico have chosen to live among other Americans in these United States. Indeed, the judgment that potentially might be made by the people of Puerto Rico who reside on the island has economically and culturally and even politically already been made by millions of others in how they live and where they choose to live.

The history of the United States for these 200 years has been a history of constant enfranchisement, expanding the right to vote to African-Americans, to women, people 18 years of age, in our own generation to the people of Hawaii and Alaska.

It is part of the great history of this country that we, unlike other nations, were not satisfied to simply enfranchise ourselves but recognized we were the greater and the better people through our expansion. Now we, potentially, visit that question again. It is a judgment that can only be made by the people of Puerto Rico for themselves. This is ultimately their responsibility to decide. But it is the responsibility of this Congress that they have the right to decide. It is a peculiar and tragic irony of history that the first republic to be created out of colonialism might now enter the 21st century in a neocolonialist position.

No American should be content with this contradiction of our own history, and some might claim—some might even accuse—that this U.S. Government is in a position with the people of Puerto Rico that is anything less than full, free, fair, and democratic. Yet, by the definition we have applied for ourselves, it would be difficult to defend against the charge. Written on the walls of this Capitol from the inaugural address of President Harrison in 1841 is, "The only legitimate right to government is an expressed grant of power from the governed."

Yet, Mr. President, every day, the people of Puerto Rico are subjected to fees, rules, regulations, policies, and determinations from this Congress, having no representative who has a right to vote and make a judgment on their behalf. The relationship between the people of Puerto Rico and the United States is a contradiction with everything that we hold dear and every principle upon which this country was founded.

Mr. President, I urge the people of Puerto Rico to take this judgment seriously between this date and December 13 and to think carefully. If they decide to join this Union, this is a moment that they will not visit again. Joining this Union is permanent. If it were my judgment, I, like the Senator from New York, Senator D'AMATO, would choose to join the Union. I believe history has given us the right and the responsibility to face the future together. But I recognize mine is no more than a casual opinion. The decision rests with the people of Puerto Rico alone. The importance of this resolution is that as the people of Puerto Rico vote, they should recognize that the U.S. Congress considers Puerto Rico to genuinely be the unfinished business of American democracy.

The people of Puerto Rico should recognize as they vote that the Congress of the United States is watching, that we recognize our responsibilities and are prepared in the 106th Congress to receive their judgment and make our own decision about the future of this Union.

Mr. President, once again, I want to congratulate Senator MURKOWSKI for having presided over these issues these months, and Senator GRAHAM for his leadership, and each of my colleagues who come to this floor on a bipartisan basis, across ideological lines, uniting in our common belief that there is no right to govern without the consent of the governed and that it is not good enough, in spite of the enfranchisement of all of our people across this continent, that there remains a single exception. America is too good a land, our history is too great, for anyone to be an exception to these great and lasting principles.

Mr. President, I yield the floor.

Mr. MURKOWSKI. Mr. President, it is my understanding that this side has about 15 minutes remaining?

The PRESIDING OFFICER. Yes, 15 minutes.

Mr. MURKOWSKI. I yield 5 minutes to Senator DOMENICI from New Mexico.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, first, let me say that it is most appropriate that we take this action tonight during the second week of Hispanic Heritage Month in the United States. It is quite appropriate, while we are honoring the contribution which Hispanic culture has made to our country, that we are now saying to one group of Hispanics who live on the island of Puerto Rico that we are willing to see you take a vote regarding whether or not you would choose to become the next State.

Mr. President, this resolution affirms that the first step in any change of political status for the community of Puerto Rico rests with the people of that island. When they express that opinion in December—December of this very year—then it will be up to Congress to take whatever steps are necessary to consider that decision.

Let me say that there are a number of Senate heroes with reference to this Puerto Rico resolution. First, I must say that the individuals most likely to recall the difficulties of taking a vote and deciding whether to become a State are the citizens represented by those Senators whose States were last admitted, or close to being last admitted. So the hero tonight is FRANK MURKOWSKI of the great state of Alaska. For anybody wondering, that is not a Hispanic name—MURKOWSKI—but it is a name of European descent, perhaps Polish. He understands what it is for a State to go through this process of deciding whether you are going to become a part of the Union, the United States of America.

I remind the Puerto Ricans—who are Americans in their own right—that Americans think that the United States is so important that we had a Civil War over whether you could unilaterally drop out of the Union once you joined it. So I want you to take it seriously, Puerto Rico, because it is serious. We had the biggest battle within the borders of our own Nation about the issue of keeping this great country together, and you should know that and you should be concerned about that.

Secondly, let me suggest that in the State of New York there is a Senator named Senator D'AMATO, and the Puerto Ricans know that is not a Spanish name either; it is Italian like mine, DOMENICI. But this Senator from New York understands what the Puerto Ricans in his State and the Puerto Ricans in Puerto Rico mean to our Nation. He has always been willing to give the people in Puerto Rico an opportunity to determine their destiny.

And I believe second to Senator MURKOWSKI on our side of the aisle, behind the scenes, Senator D'AMATO has made it very clear that this night should occur—not next year or the year after, but now. So I compliment my good friend and a friend of the Puerto Rican people in New York and across the country. I compliment the Senator for his tremendous, tremendous regard for what Puerto Rico believes is right and fair.

I must say, from the other side of the aisle, it is most interesting that tonight we have a series of Senators with these strange names—MURKOWSKI on our side, D'AMATO on our side, DOMENICI speaking, and TORRICELLI from New Jersey. I compliment Senator TORRICELLI for his vigilant and absolute persistence that something should be done on this issue before we leave here.

So tonight, without any question, the Puerto Rican people can already say across the island and throughout the rest of America, because it is a foregone conclusion, that the Senate will vote on this resolution propounded by the Senator from Alaska, Senator MURKOWSKI. Frankly, it will pass overwhelmingly. There will be no dissenting votes tonight, because for those who would like to dissent, they have already decided that they are not going to make a point of it.

As a consequence, we are going to approve this in just as formidable a way as if we had voted, when the U.S. Senate says without a dissenting vote tonight, that we agree with this resolution.

Mr. President, once again, many of us came here from around the world, or our parents or grandparents did. And we know the validity and the great value of America. We hope the people in Puerto Rico understand that and act accordingly.

I yield the floor.

Mr. MURKOWSKI. Mr. President, I believe Senator HATCH would like recognition for 3 minutes.

The PRESIDING OFFICER. The Senator from Utah is recognized for 3 minutes.

Mr. HATCH. Mr. President, I have been to Puerto Rico. I have to say it is a beautiful land.

These are our fellow citizens. They have to make this determination. Of course, we should give them that right.

I have heard both arguments within Puerto Rico. Some feel it is a great idea to have statehood. Others don't think it is quite so great. There are disadvantages to becoming a State. There is no question about it. But there are great advantages as well.

All we are doing here this evening is acknowledging as Members of the U.S. Senate the right of our fellow U.S. citizens in Puerto Rico to express democratically their views regarding their future political status through a referendum or other public forum, and to communicate those views to the President of the United States and to the Congress.

That is the least we could do. These are good people. These are proud people. These are people who have contributed to this country—and who will contribute to this country—even though their status has been different from other citizens.

I personally endorse and support this resolution here this evening. I hope and I know that it will pass. It will pass unanimously, which I think is the high tribute to the people of Puerto Rico and to those on both sides of this issue down there.

I congratulate all of those who have worked so hard to get this done, especially Senator MURKOWSKI, Senator TORRICELLI, the others who have been mentioned, Senator D'AMATO and Senator DOMENICI.

This is a wonderful evening, a wonderful day, and something that is long overdue. I congratulate my colleagues for having accomplished this today.

I yield the floor.

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, first of all, in the concluding minutes that we have before our vote, let me recognize from the House of Representatives our good friend, CARLOS ROMERO-BARCELÓ, who is with us watching this historic action of the U.S. Senate. It is a pleasure to have you with us, my friend. Your contribution to these moments have been immeasurable, and your people of Puerto Rico can be very proud of your contribution in bringing this matter from the House of Representatives to the floor of the U.S. Senate tonight.

Mr. President, let me acknowledge my good friends and colleagues who have had such a significant role in moving this to where we are today. Of course, that would include Senator TORRICELLI and Senator D'AMATO.

I think it is important to recognize the constituency associated with many of the Members who have come forth as initial sponsors. Senator LAUTENBERG referred to Senator HATCH; my good friend from Hawaii, Senator AKAKA; Senator DASCHLE; Senator LANDRIEU; Senator LIEBERMAN; Senator GRAHAM of Florida; and Senator DOMENICI, and there are many, many more.

But the significance of the commitment, particularly of Senator D'AMATO and Senator TORRICELLI, I think represent an extraordinary sensitivity as brought out in the statements not necessarily individually of their feeling towards what America is all about but perhaps better in the comments that were made by the Senator from New Mexico, Senator DOMENICI, who indicated, as you look at the names of sponsors on this legislation, that you have a potpourri, if you will, of the mixture of Americans committed to democracy.

I must acknowledge in my thanks to my colleagues that this Senator from Alaska does not have a large Puerto Rican constituency. But I do have a long memory.

Alaska has been a State since 1959. I grew up in a territory. We had taxation without representation. My father used to say he felt good about being able to write on his income tax form in a red pen "filed under protest, taxation without representation." But that is the extent of what made him feel good.

I can recall seeing neighbors when I was too young to go into the draft being drafted. We were second-class citizens, Mr. President. We had special identification cards to leave the territory of Alaska to visit the State of Washington. It was quite a blow to the sensitivity of American citizens, and as a consequence we have a situation with regard to Puerto Rico today.

Mr. President, I would like to have the clerk reserve at least 2 minutes of my time remaining for one of my colleagues who is here with me.

The PRESIDING OFFICER. The Senator has 4 minutes 30 seconds remaining.

Mr. MURKOWSKI. Mr. President, if I may, I want to specifically cite the fact that I support this resolution. I fully support the objective of this resolution in reaffirming the right of our fellow citizens in Puerto Rico to express their desires on political status through popular referenda and to communicate those desires to the federal government. I also agree that the federal government should carefully review and consider any such communication. This resolution is fully consistent with the objective of the draft chairman's mark that I circulated immediately prior to the recess.

I want to thank my colleagues who reviewed the draft chairman's mark and who provided me with comments and suggestions. As I stated in my press release last week, I do not think that there will be time to fully consider the legislation this session, but I think we have made considerable progress. This resolution is fully consistent with the philosophy of my draft that the initiative for any political status change lies exclusively with Puerto Rico.

During this Congress, the House of Representatives has passed legislation requiring a referendum in Puerto Rico. Similar legislation was introduced in the Senate. I stated at the outset of this Congress, that I consider the matter of political status one of the most important constitutional responsibilities of the Congress and of my committee.

I cautioned when those measures were introduced that as much as some

would like to see legislation enacted in this centennial year of Puerto Rico coming under United States sovereignty, this was an extraordinarily complex and important issue and deserved full and fair consideration because I recall what happened in my own State of Alaska. It took a long time. Although the committee conducted a series of meetings in Puerto Rico at the beginning of the Congress, I made the decision that we would wait for the House to pass legislation before we began the formal committee process. I made that decision so that our committee would have all the various proposals before us.

By the time the House passed its legislation, it was already clear that it would be very difficult to resolve the many questions presented by the legislation this year. I want to emphasize the words "this year," because I think there has been too much emphasis on timing and not enough on substance.

I am committed to the enactment of responsible legislation and not simply to the enactment of legislation this year.

Nonetheless, and despite the limitations of the Senate schedule and the importance of the other measures pending before the committee, we held a series of workshops, oversight hearing, and legislative hearings. I circulated a draft chairman's mark prior to the August recess to my colleagues on the committee. I asked for a review and comments. Several Members submitted very thoughtful amendments to the draft chairman's mark. While I have directed the staff to continue to work on these amendments, I do not see that attempting to force the legislative process would either be wise or helpful in view of the remaining time left in this session.

The initial workshop heard from the Governor and the leadership of the three recognized political parties in Puerto Rico. The Governor expressed the desire of the government of Puerto Rico to obtain an expression from the federal government of status alternatives. The parties agreed that so long as each political party is able to craft its own definition, those definition, those definitions would be political statements and as a result, no referendum would provide the clarity that Congress would want.

The first oversight hearing considered the fiscal and economic implications of any change in status. Those proceedings shed considerable light on some of the difficulties involved in any transition to prepare Puerto Rico for either consideration of an Admissions Act or for the withdrawal of United States sovereignty.

The second oversight hearing focused on the individual issues involved in separate sovereignty, either as full independence or in some form of free association. In addition to a consideration of the issues, especially that of citizenship, the hearing also served to focus on sovereignty as the test for consideration of those issues.

Those hearings and the legislative hearing that followed demonstrated how unique the present circumstances of Puerto Rico is and how difficult any change in status will be. The hearings also demonstrate that the federal government is responsible for the present situation and the creation of the obstacles that must be overcome prior to any change in status.

A major defect, in my mind, in the measures pending before the committee and in the definitions used in past referenda in Puerto Rico, is the failure of the definitions for Statehood or Independence to acknowledge that Puerto Rico is not presently prepared for federal consideration of either option.

There is a very complex and difficult process involved before either option could be implemented, as our hearings demonstrated.

For Statehood, that process would entail, at a minimum, significant consideration of several entitlement programs as well as the extension of the Internal Revenue laws in concert with a complete overhaul of Puerto Rico's local tax code. This is not a simple matter and I do not expect that it can be done rapidly. Only after that transition is complete should Congress consider fully extending the Constitution to Puerto Rico.

As my colleagues know, the Constitution does not fully apply to Puerto Rico. Puerto Rico has never been "incorporated" into the United States. Alaska and Hawaii were fully incorporated well before the first Admissions Act was even introduced. Only after the debate on incorporation has concluded and when the Constitution is fully applicable in Puerto Rico can the political debate on admissions begin.

The point that I tried to achieve in my draft chairman's mark, is that Congress has created a series of obstacles to the achievement of any change in political status. I think we owe our fellow citizens an explanation of what the process is likely to be to overcome those obstacles so that they can express their desires with a clear understanding of the process that lies before them.

A second major defect in the legislation was that it required Puerto Rico to vote on federally defined options. How and whether Puerto Rico seeks to petition the Congress should not be dictated by the federal government. If we are serious about local self-government, then we should be willing to allow the local government to determine how to respond to the desires of its constituents. Not all territories conducted referenda on future political status and none were ever required to hold one by the federal government. As part of the Enabling or Admissions Act, some territories were required to agree to the terms of a particular Statehood proposal, but that came after Congress had enacted the legislation to provide for their admission.

We should not constrain Puerto Rico in how it seeks to approach a request to the federal government. Perhaps they will continue to use referenda, perhaps they will use resolutions of the legislature, perhaps they will use petitions. Each territory has approached the process from its own political perspective and we should not dictate to our fellow citizens in Puerto Rico what process they must use.

As a result of our workshops and hearings, I circulated a draft chairman's mark prior to the August recess to my colleagues on the committee. I asked for their review and comments. Several Members have submitted very thoughtful amendments to my draft chairman's mark. While I have directed staff to work on those amendments, I do not see that attempting to force the legislative process would be either wise or helpful.

I support the objectives of this resolution and they are fully consistent with the framework of my draft chairman's mark. There is no question that Puerto Rico, either through popular referenda or resolution of the legislature or simple petition, has the right to express its desire on political status. There should also be no question that the federal government should respond to any such expression seriously and with due consideration.

The government of Puerto Rico has now enacted legislation calling for a referendum on December 13 of this year. In developing the definitions that will be placed before the voters, the draftsmen had before them the language contained in the House-passed measure, the Senate-introduced measure, and my draft chairman's mark. They also had the testimony of the administration.

They chose to adopt definitions based on their own judgement. I want to make absolutely clear that even had the draft chairman's mark been enacted, Puerto Rico would not have been obliged to adopt the definitions contained in it. My draft mark was strictly advisory as will be the results of any referendum. That is as it should be. All we could hope to do would be to provide some guidance as to what this Congress thinks the process would likely be. Just as we can not bind a future Congress, neither can an advisory referendum bind us.

I believe that we still owe our fellow citizens in Puerto Rico a fair statement of the alternatives and process involved in future political status so that they can express their desires in a meaningful way. Passage of this resolution does not in any sense diminish the importance of providing that information. This resolution does reaffirm that

the initial step for any political status change rests with out fellow citizens in Puerto Rico. Only they can decide whether and when to petition the Congress for consideration of a change in status. Only Congress can consider the legislation necessary to remove the obstacles to such a status and, in the philosophy of the Northwest Ordinance, prepare Puerto Rico for consideration of that status.

I think that ultimately we need to clarify that process in legislation. Time is running out for this session of Congress, but I intend to resume where we are now at the beginning of the 106th Congress. In the interim, I think we have made considerable progress in clarifying the issues through our hearings and in the reactions to the draft chairman's mark. This resolution is completely consistent with that progress.

My best wishes go to the Governor and the people of Puerto Rico as they prepare to express their preference on the December 13 referendum vote.

I yield the time I have remaining to the senior Senator from Alaska, Mr. STEVENS.

Mr. STEVENS. Mr. President, I thank my colleague from Alaska.

I come to the floor to congratulate him and the other members of his committee for the action they are taking tonight to recognize the continuing support of the Congress for the determination by the people of Puerto Rico of what their future status should be.

The first resolution dealing with Alaska was introduced in the Congress in 1913. Final action on statehood for Alaska took place in 1958. We became a State in 1959, as Senator MURKOWSKI said. It is a long process to seek to change the political status of a portion of the United States, and Puerto Rico is a portion of our country. Its people really deserve the opportunity to express themselves on what their future should be.

So my congratulations to everyone for moving this resolution forward. I hope the day will come when I am still in the Senate that we can vote on statehood for Puerto Rico.

Mr. TORRICELLI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. TORRICELLI. How much time remains?

The PRESIDING OFFICER. The Senator from New Jersey controls 4 minutes 40 seconds.

Mr. TORRICELLI. Mr. President, let me finally, in conclusion, also thank CARLOS ROMERO-BARCELÓ. The fact that this Senate has come together in this extraordinary judgment would not have been possible without his leadership. And also, as Senator MURKOWSKI said, Governor Pedro Rossello has been such an important person in building this very broad coalition. To the Governor, I offer my very sincere congratulations. He is an extraordinary man who has given great service to his people in making this night possible. CARLOS ROMERO-BARCELÓ, your service has been nonetheless a great credit to the people of Puerto Rico.

Mr. President, I yield the remainder of my time to the Senator from Connecticut, Mr. LIEBERMAN.

The PRESIDING OFFICER. The Senator from Connecticut is recognized for 4 minutes.

Mr. LIEBERMAN. I thank the Chair. I thank my friend from New Jersey particularly for his leadership in bringing this resolution forward and to express my own pleasure at being a cosponsor along with a bipartisan group of cosponsors.

Mr. President, very briefly, this resolution is about principle. It is not about politics. It is about the principle of self-determination, which was at the heart of the creation of America—the principle of self-determination, democracy, self-rule. It has continued throughout our history to today, when it remains a fundamental priority element of our foreign policy toward other peoples and other nations.

Really, what this is about is taking that fundamental American principle which we are eager to apply around the world and applying it to 4 million of our fellow American citizens who live on the islands that constitute Puerto Rico, who served and died in defense of America's freedom in disproportionate numbers. They deserve the right to become fully free, determine their destiny, participate fully, if they choose and how they choose, in our democracy.

Senator MURKOWSKI has been a very steadfast leader in this effort. It didn't get as far as he or we wanted, but this resolution at least gives us the possibility, before the 105th session adjourns and prior to the referendum that will be held in Puerto Rico in December, to say as Members of the Senate of both parties we welcome the exercise and recognize the right of our 4 million fellow Americans in Puerto Rico to express themselves to us and that we will review any such communication that results from the vote that they hold in December. It is the least we can do to be true to our principles.

I thank the Chair and I yield the floor.

Mr. LAUTENBERG. Mr. President, I rise in strong support of this resolution. I am pleased that we are passing this resolution on the second day of Hispanic Heritage Month because Puerto Ricans, like all Hispanic Americans, have made a great contribution to the culture and economic growth of America.

There are nearly 4,000,000 American Citizens who live in the Islands of Puerto Rico. They are an integral part of our nation, they pay taxes and serve and die in our nation's military. Furthermore, there are millions of American Citizens with Puerto Rican heritage who live on the continent, hundreds of thousands of whom live in New Jersey. In many ways, New Jersey is a second home for Puerto Ricans.

I strongly believe that the American citizens who live in Puerto Rico should have the right to a democratic vote to determine the future status of these islands. I am pleased that such a referendum will take place in December. After this vote, Congress should take the appropriate legislative action that reflects the will of the American citizens living in Puerto Rico. And I will work with my colleagues to make sure that this happens.

I urge my colleagues to support this resolution.

The PRESIDING OFFICER. Who seeks recognition?

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. I see no other Senator wishing to speak.

I believe there is no more remaining time on our side.

The PRESIDING OFFICER. The Senator from Alaska controls 2 minutes; the Senator from New Jersey controls 1 minute 45 seconds.

Mr. TORRICELLI. Mr. President, I yield back my time.

Mr. MURKOWSKI. Mr. President, I would be very pleased, if there is no other Senator wishing recognition, to yield back the remainder of our time.

The PRESIDING OFFICER. Under the previous order, the resolution and the preamble are agreed to.

The resolution (S. Res. 279), with its preamble, reads as follows:

S. RES. 279

Whereas nearly 4,000,000 United States citizens live in the islands of Puerto Rico.

Whereas 1998 marks the centenary of the acquisition of the islands of Puerto Rico from Spain;

Whereas in 1917 the United States granted United States citizenship to the inhabitants of Puerto Rico.

Whereas since 1952, Puerto Rico has exercised local self-government under the sovereignty of the United States and subject to the provisions of the Constitution of the United States and other Federal laws applicable to Puerto Rico;

Whereas the Senate supports and recognizes the rights of United States citizens residing in Puerto Rico to express their views regarding their future political status; and

Whereas the political status of Puerto Rico can be determined only by the Congress of the United States: Now, therefore, be it

Resolved,

SECTION 1. SENSE OF THE SENATE REGARDING A REFERENDUM ON THE FUTURE POLITICAL STATUS OF PUERTO RICO.

It is the sense of the Senate that—

(1) the Senate supports and recognizes the right of United States citizens residing in Puerto Rico to express democratically their views regarding their future political status through a referendum or other public reform,

and to communicate those views to the President and Congress; and

(2) the Federal Government should review any such communication.

Mr. MURKOWSKI. I thank the Chair.

I move to reconsider the vote and lay that motion on the table.

The motion to lay on the table was agreed to.

CONSUMER BANKRUPTCY REFORM ACT OF 1998

The PRESIDING OFFICER. The clerk will report the pending business.

The assistant legislative clerk read as follows:

A bill (S. 1301) to amend title II, United States Code, to provide for consumer bankruptcy protection, and for other purposes.

The Senate resumed consideration of the bill.

AMENDMENT NO. 3600 TO AMENDMENT NO. 3559

(Purpose: To provide for protection of retirement savings)

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

The PRESIDING OFFICER. Without objection, the pending amendment is set aside. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Utah [Mr. HATCH], for himself, Mr. GRAHAM, Mr. DURBIN, and Mr. GRASSLEY, proposes an amendment numbered 3600 to amendment No. 3559.

Mr. HATCH. 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:

[The amendment was not available for printing. It will appear in a future edition of the RECORD.]

Mr. HATCH. Mr. President, I am pleased to offer this amendment cosponsored by Senator CHARLES GRASSLEY of Iowa on our side and Senator BOB GRAHAM of Florida and Senator DICK DURBIN on the Democrat side, all of whom I would like to thank for their hard work on this important matter.

The Hatch-Graham-Grassley-Durbin pension amendment, among other things, is designed to do the following: Provide a uniform exemption for all types of tax-favored qualified pension plan assets in bankruptcy including Roth IRAs whose status under current bankruptcy law is uncertain, protect retirement assets that are in the process of being rolled over into a new qualified plan, and protect loans from pension funds in bankruptcy.

Under present law, retirement plans which have received a determination letter from the IRS pursuant to section 7805 of the Internal Revenue Code of 1986, as amended, which have not been revoked by a court or by the IRS have, in many instances, been held by the bankruptcy courts not to be qualified plans. This holding allows the trustee for the bankruptcy estate to seize the interest of the bankrupt participant in the plan.

Similarly, if a retirement plan that is not eligible to receive a favorable determination letter but has in all other respects operated under the ERISA provisions and has not had its status revoked by a court or by the IRS, such a plan has been found by the bankruptcy court not to be a qualified plan.

This amendment addresses this problem by providing, 1, that if a plan has received a favorable determination letter that is in effect, the plan is presumed to be exempt from the bankruptcy estate; and, 2, if a plan is not eligible for a determination letter, the plan may be exempt from the bankruptcy estate if there has been no prior determination by a court or the IRS to the contrary and the plan is in substantial compliance with the applicable requirements of the Internal Revenue Code of 1986, as amended.

Further, Mr. President, under present law, if there is a direct transfer of an individual's retirement funds by the trustee of a plan exempt from the bankruptcy estate to the trustee of another retirement plan that is exempt from the bankruptcy estate, there is a question as to whether these retirement funds are exempt while in transit. It is possible that a bankruptcy court may hold that such funds are in a "pay status" and thus subject to attachment by the bankruptcy trustee. If there is a distribution of a plan's assets to a distributee and the latter within 60 days transfers them to another qualified plan, ERISA rules do not treat that as a distribution.

There is some question whether these funds in transit are protected from the bankruptcy estate. If a participant is in bankruptcy when either of these types of transit occur, the bankruptcy trustee may be authorized by the bankruptcy court to seize the funds. The result would be to severely reduce or wipe out the participant's retirement funds. This is contrary to sound public policy.

The proposed amendment provides that a direct transfer of retirement funds from one qualified retirement plan to another shall be exempt from the bankruptcy estate. In addition, it provides that eligible "rollover" funds from a qualified retirement plan shall be exempt from the estate if rolled over to another qualified plan within the allowed 60 days of the initial distribution.

Finally, on the issue of qualified plan loans, the amendment provides that qualified plan loans outstanding when the participant is in bankruptcy are not dischargeable, and that payroll deductions used to repay plan loans are not stayed by the court.

The retirement savings of hundreds of thousands of elderly Americans are at risk in bankruptcy proceedings. In 1997, an estimated 280,000 Americans age 50 and older filed bankruptcy. Almost one in five bankruptcy cases involve one or both petitioners who are 50 or older. This amendment has the full support of the AARP, which has stated that:

The accumulation and preservation of retirement funds represents an important national goal.

I could not agree more. With this national goal in mind, I urge my colleagues to support this amendment.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Colorado?

Mr. DURBIN. Mr. President, let me say I am happy to support this amendment. I am happy to be a cosponsor with my friend from Utah, Senator HATCH. I had prepared an amendment on this subject and I am happy to join him in making this a bipartisan effort.

I will not take any time because I know a number of Members have to return to their families this evening, but I concur with him, with the increased number of Americans over the age of 50 filing for bankruptcy, this is a problem which we should address and address directly. It is not only to the benefit of senior citizens who are saving for their own retirement, it is certainly to the benefit of their families who are concerned that they be allowed to live in independence and security in their retirement years. We have traditionally given special consideration to 401(k) plans. This amendment will extend that consideration to IRAs and other vehicles that allow people to put savings away for their future retirement.

I am happy to support this and I am happy to say that the amendment which I offered, and I am sure this one as well, had the support of the American Association of Retired Persons and virtually every major senior citizens group in the country.

I yield the floor.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER (Mr. HUTCHINSON). The Senator from Vermont.

Mr. LEAHY. Mr. President, when the distinguished Senator from Illinois first talked about this amendment, I was telling him I thought he had a winner on his hands. I could not imagine anybody opposing it. I was delighted to see the distinguished senior Senator from Utah has also adopted the same idea of the Senator from Illinois. I think it is an excellent piece of legislation.

I suspect it will pass unanimously. I realize that is one of the reasons why it is brought up as a bed-check vote at 8 o'clock at night tonight, because everyone knows the Senator from Illinois

has a good idea and the Senator from Utah has a good idea. Those are the kind that we use for bed-check votes.

I should tell the American people, though, notwithstanding that, it is a very valuable piece of legislation and I am delighted to see it and I am going to be very happy to vote for it.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

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 Indiana (Mr. COATS), the Senator from Wyoming (Mr. ENZI), the Senator from North Carolina (Mr. HELMS), the Senator from Alabama (Mr. SESSIONS), and the Senator from Alabama (Mr. SHELBY) are necessarily absent.

Mr. FORD. I announce that the Senator from South Carolina (Mr. HOLLINGS), the Senator from Hawaii (Mr. INOUYE), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Massachusetts (Mr. KERRY), the Senator from Michigan (Mr. LEVIN), and the Senator from New York (Mr. MOYNIHAN) are necessarily absent.

I further announce that, if present and voting, the Senator from New York (Mr. MOYNIHAN) would vote "aye."

The result was announced—yeas 89, nays 0, as follows:

[Rollcall Vote No. 276 Leg.]

YEAS—89

Abraham	Durbin	Lugar
Akaka	Faircloth	Mack
Allard	Feingold	McCain
Ashcroft	Feinstein	McConnell
Baucus	Ford	Mikulski
Bennett	Frist	Moseley-Braun
Biden	Glenn	Murkowski
Bingaman	Gorton	Murray
Bond	Graham	Nickles
Boxer	Gramm	Reed
Breaux	Grams	Reid
Brownback	Grassley	Robb
Bryan	Gregg	Roberts
Bumpers	Hagel	Rockefeller
Burns	Harkin	Roth
Byrd	Hatch	Santorum
Campbell	Hutchinson	Sarbanes
Chafee	Hutchison	Smith (NH)
Cleland	Inhofe	Smith (OR)
Cochran	Jeffords	Snowe
Collins	Johnson	Specter
Conrad	Kempthorne	Stevens
Coverdell	Kerrey	Thomas
Craig	Kohl	Thompson
D'Amato	Kyl	Thurmond
Daschle	Landrieu	Torricelli
DeWine	Lautenberg	Warner
Dodd	Leahy	Wellstone
Domenici	Lieberman	Wyden
Dorgan	Lott	

NOT VOTING—11

Coats	Inouye	Moynihan
Enzi	Kennedy	Sessions
Helms	Kerry	Shelby
Hollings	Levin	

The amendment (No. 3600) was agreed to.

MODIFICATION OF AMENDMENT NO. 3595, AS MODIFIED

Mr. SANTORUM. Mr. President, I ask unanimous consent that amendment No. 3595, previously agreed to, be modified with the change that I now send to the desk.

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

The modification follows:

Strike pages 33 through 42.

AMENDMENT NO. 3595

Mr. GRASSLEY. Mr. President, I ask unanimous consent that amendment No. 3595 be agreed to and the motion to reconsider be laid upon the table.

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

The amendment (No. 3595) was agreed to.

The PRESIDING OFFICER. The Senator from New Mexico.

PARTIAL-BIRTH ABORTION BAN ACT OF 1997—VETO

Mr. DOMENICI. Mr. President, I rise to speak in support of the overriding of the President's veto on partial-birth abortion. Before I give my comments and observations, I want to look across the Senate to the freshman Senator from Pennsylvania, RICK SANTORUM. I want to say to him that when he spoke on this issue today, and when he spoke on this issue the last time we debated it here, I was never more proud of a Senator than I was to observe him and watch him. I can assure him that even though he may not have won the last time in terms of what we are doing in a veto override, and he may not win this time, there are millions of Americans who have watched him. Whether they were concerned about this issue or not, if they watched for a while, they are concerned right now. You can't ask for anything more.

I read the Senator's wife's book with reference to the problems they had with reference to an abortion they had no control over, an early delivery of a child that died. I am so proud, I can hardly express it tonight.

I want to once more congratulate him for what he has done here on the floor of the Senate. It is not easy, but he did it with great, great style.

Mr. President, this debate is about infanticide. Frankly, I didn't dream that concept up. There is a very distinguished Senator from the State of New York—I know Senator D'AMATO from New York is here and I think he would concur when I say a distinguished Senator named Senator MOYNIHAN—who looked at this problem and it didn't take him very long. We talk all around it. He talked right to it when he said this is infanticide.

So this debate is about humanity and necessity. The procedure of partial-birth abortion, to put it bluntly, is inhumane.

By now, many Americans are uncomfortably aware of the details of partial-birth abortion. They have heard the testimony of doctors who performed this procedure, nurses who witnessed this procedure, and they have most likely seen informational ads or read descriptions of this procedure. Maybe they have even watched us debate this issue on prior occasions. So I am not going to go through the details of the procedure. I will only say that, at a minimum, it is cruel and inhumane. I find it ironic that our Constitution, via the eighth amendment, protects criminals from cruel and unusual punishment; however, that same amendment does not protect innocent babies when it comes to cruel and inhumane procedures that are known as partial-birth abortions.

Proponents of partial-birth abortion claim that the procedure is rare, occurring only about 500 times a year. However, that is simply not true. The number of partial-birth abortions is closer to between 3,000 and 5,000 a year. In New Jersey alone, at least 1,500 procedures are done each year. Besides being inhumane and quite prevalent, partial-birth abortion is also unnecessary.

Opponents of this legislation argue that partial-birth abortion is necessary to protect the health of the mother. However, most experts say this is also simply not true. According to more than 500 doctors nationwide, who make up what is called the Physicians' Ad Hoc Coalition for Truth, it is never—I repeat never—medically necessary to perform a partial-birth abortion to protect the health or fertility of the mother. A former Surgeon General, who we admire and respect when he sort of agrees with our views but we ignore him when he disagrees, Surgeon General Everett Koop, has also stated that partial-birth abortion is never medically necessary to protect the mother's health or fertility. So amidst all this evidence, how can the opponents of this bill tell the American people that partial-birth abortion is sometimes medically necessary?

If this procedure is not medically necessary, why do we allow it? As I told you, Mr. President, this debate is not about Roe v. Wade or the choice of life. It is not about any of those things. But it is about a baby, a life that is destroyed in a cruel and inhumane way. It is about a life that is unnecessarily destroyed and need not happen. It is for these reasons that I will gladly vote to override the President's veto of the Partial-Birth Abortion Ban Act of 1997.

I suggest tonight to my good friend, the leader of this cause, that if at first you don't succeed, try, try again. If indeed that means that you have already tried three times, then try and try again. What is so patently right will soon prevail.

I yield the floor.

Mr. D'AMATO addressed the Chair.

The PRESIDING OFFICER (Mr. DEWINE). The Senator from New York is recognized.

Mr. D'AMATO. Mr. President, I associate myself with the remarks made by my distinguished friend and colleague, the great senior Senator from New Mexico, Senator DOMENICI. He touched

on the eloquence and passion and the rightness and the moral certainty of Senator SANTORUM's very cogent argument and presentation. This entire subject, I believe, is uncomfortable for all of us. But it is so necessary. Senator DOMENICI spoke about the great senior Senator from New York, and I say that because I have great admiration and respect for the senior Senator from New York, who is fearless and courageous in saying that this was infanticide. That is what this is—the killing of a youngster, which is absolutely unnecessary, when the AMA, the American Medical Association, has come out and said there is no reason for this procedure. What are we talking about when we move down this line and say that anyone can do anything, even where we have a life, a new and innocent life?

And so, Mr. President, I, too, say to my colleague and friend from Pennsylvania, we thank you for having the moral certainty and courage of not giving up and fighting to preserve the opportunity for those lives that have really come into being, to be what they can be and what they should be. When we talk about preserving the sanctity of life, there is no greater fight, no greater cause.

I yield the floor.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, I say to Senator SANTORUM, for all you have gone through and all the courage that it has taken for you to do what you have done, I hope that tonight, by staying here a few minutes with you—and there is nobody else on the floor but us—you understand that we are very appreciative of your leadership and we are with you. We are going to vote with you, and we are going to vote with you again, until it finally prevails. I thank the Senator.

Mr. SANTORUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SANTORUM. Mr. President, I thank the Senator from New Mexico and the Senator from New York for their overly gracious comments. They have been in this Chamber a lot longer than I and have been fighting many noble causes, including the cause of life. They have served as tremendous models for me in this effort. I thank them for their terrific heartfelt support on this issue and other issues pertaining to life.

MORNING BUSINESS

Mr. SANTORUM. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business, with Senators permitted to speak therein for up to 10 minutes each.

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

Mr. HUTCHINSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

PARTIAL-BIRTH ABORTION BAN ACT OF 1997—VETO

Mr. HUTCHINSON. Mr. President, I rise in support of the ban on the partial-birth abortion procedure and in support of the vote to override the President's veto. It is inexplicable to me why that veto occurred, and I think it is unfortunate and tragic. We have an opportunity tomorrow to right that wrong. I join my distinguished colleagues in praising Senator SANTORUM, the distinguished Senator from Pennsylvania, who has so eloquently put forth the case for banning this procedure and appealing to our consciences as Americans, as human beings, and as civilized people to end the condoning of this procedure in this country.

I think, as I listened to the Senator from Pennsylvania this afternoon, and as I recall the previous debates on this issue, I was moved, as I know millions of Americans were moved, as we listened to not only the logic but the moral persuasiveness of the need to ban this procedure. I think this evening, as I say those laudatory words about my colleague from Pennsylvania, it is appropriate that we say also that there are many in the other Chamber, the House of Representatives, who have fought this battle over and over to ensure that that veto was overridden in the House of Representatives.

I think of my friend from Florida, CHARLES CANADY, who is the chairman of the Constitution Subcommittee in the House of Representatives, who has so eloquently and so forcefully argued for this legislation and carried this crusade across this country.

I think of the distinguished chairman of the House Judiciary Committee, who has come under such unfair and scathing attack in recent days and yet who has been, I think, the most eloquent and passionate voice for the unborn that modern America has seen.

I rise in defense of him and in support of Congressman HYDE this evening and appreciation for all that he has done for the cause of the unborn. On more than one occasion, as I served in the House of Representatives, I saw minds change and hearts change under the persuasiveness of his oratory.

It is my hope that even as we look at this very important vote in the morning, that, yes, there will be those in this body who will look deep within their soul, who evaluate their own conscience, and examine their own hearts, and that we might even yet see those two or three votes necessary to change in order to see this veto overridden.

It is often suggested in this debate that government should stay out of the abortion issue. But if the protection of innocent lives is not government's duty, then I ask, What is government's duty? Thomas Jefferson once wrote, "The care of human life—not its destruction, is the first and only legitimate objective of good government. Legislative efforts to protect the weak and defenseless are right and should be pursued." I can think of none who are weaker, I can think of none in the human family more defenseless, than those who are but inches from enjoying life.

In fact, in March of last year, my home State of Arkansas joined a number of other States in banning such a procedure when the State legislature passed and the government signed our partial-birth abortion ban in the State of Arkansas.

This procedure is a barbaric, uncivilized procedure, shockingly close to infanticide, as has been so frequently observed on the floor of the Senate today. It is so close to infanticide that, in fact, no civilized country, no compassionate people, should allow it. Any woman knows that the first step of partial-birth abortion—breach delivery—is something to avoid, not something to intentionally cause.

During the last debate that we had on this subject, I quoted Jean Wright, associate professor of pediatrics and anesthesia at Emory University. It is a quote that I think deserves being said again during this debate. She was testifying against the argument that fetuses who are candidates for partial-birth abortion do not feel pain during the procedure. She testified that the fetus is sensitive to pain, perhaps even more sensitive—more sensitive—than a full-term infant. She added, and this is the part that is especially striking, and I quote her words as she testified: "This procedure, if it was done on an animal in my institution, would not make it through the institutional review process." And then she said, "The animal would be more protected than this child is."

How tragic that we allow that situation to exist where, in an institution of higher learning in this country, animals have greater protections than do unborn children.

So I am glad this evening very briefly to rise in support of the Senator from Pennsylvania, to rise in support of this override of the President's veto. As has been said, this is not about choice nor compulsion, it is about inhumane disposal of unwanted babies.

This legislation does not prevent a woman from receiving medical care or reproductive care. It does not overturn *Roe* v. *Wade*. It simply ends an unnatural and unhealthy practice that results in the loss of human life. We must help the helpless, we must defend the defenseless, and we must give voice to the voiceless.

I commend the Senator from Pennsylvania and my colleague from Ohio,

who will speak soon, for giving voice to the voiceless, for standing up and defending the defenseless, and for helping the most helpless and most innocent in our society, the unborn.

Mr. President, I yield the floor.

Mr. SANTORUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. Mr. President, I want to speak for a couple of minutes. I know the Senator from Ohio, the Presiding Officer, will be coming down and speaking.

I want to point out one thing. Several comments have been made on the other side about the life-of-the-mother exception in the bill. I just want to read it. There is some concern that there is no life-of-the-mother exception in the bill. Let me assure everyone in this Chamber and everyone within the sound of my voice that there is a clear life-of-the-mother exception that gives physicians the right to make those critical medical decisions that unfortunately may occur that would necessitate the killing of a baby in a crisis situation that is in the process of being delivered.

If you do not believe me, let me read from a letter that was written during the debate last year by the American Medical Association that endorsed this bill. I will read the pertinent language with respect to the life-of-the-mother exception.

> Our support of this legislation is based on three specific principles. First, the bill would allow a legitimate exception where the life of the mother was endangered, thereby preserving the physician's judgment to take any medically necessary steps to save the life of the mother.

This is a group of physicians who in the previous paragraph said:

> Although our general policy is to oppose legislation criminalizing medical practice or procedure, the AMA has supported such legislation where the procedure was narrowly defined and not medically indicated.

So while they have reticence, and had reticence, about supporting any kind of a ban on the procedure, one of the things that made them comfortable about supporting this particular piece of legislation was the language having to do with the life-of-the-mother exception. They felt it gave physicians sufficient room to be able to make that call if in fact someone was in a life-threatening situation and a baby would have to be killed in the process of saving the mother's life, if so determined by the doctor. We have provided that.

I think it is very unfortunate that Members on the other side have raised this red herring that has no basis in fact—no basis in the legal language.

I don't want to go any further. I will come back and read the exact language in the bill for anyone who has a question.

It is a very clear life-of-the-mother exception that gives plenty of leeway for the physician to be able to take whatever action is necessary to save the mother. And to perpetrate that hoax on Members of Congress and those who might be listening who might not have the bill in front of them is really, I should add, another lie to the lies that I enumerated earlier, the six lies. Now I have to add a seventh—that there is somehow no life-of-the-mother exception in the bill when the very organization whose physicians are going to be practicing says there is a legitimate exception, thereby preserving the physician's judgment to take any medically necessary steps to save the life of the mother.

I don't know how more clear you can be. I will have more to say.

I will yield the floor so the Senator from Ohio, who is one of the great champions of pro-life in this country, someone who is outspoken not just here on the Senate floor but around the country, and he has lived by example as well as by his speeches. I yield to the Senator from Ohio, Senator DEWINE.

Mr. DEWINE Addressed the Chair.

The PRESIDING OFFICER (Mr. HUTCHINSON). The Senator from Ohio.

Mr. DEWINE. Mr. President, first, let me congratulate my colleague and friend from Pennsylvania.

Senator DOMENICI said it very, very well: Keep trying and keep trying, and eventually we will succeed, because I believe what we are trying to do is right. The vast majority of the American people agree with us. We will succeed.

I congratulate Senator SANTORUM, my friend from Pennsylvania, who has fought so hard, who has argued so eloquently on this floor.

I would also like to associate myself with the Senator from New York, the Senator from New Mexico, and the Senator from Arkansas, who just in the last few minutes so eloquently argued in favor of our override of this veto tomorrow morning.

Mr. President, I think it is truly regrettable that we still have to debate this after so many years.

We are talking about a procedure that is morally wrong. The facts are really not at issue. No one denies this procedure is designed to kill, to kill a living, partially delivered baby, a baby that is usually 5 to 6 months old, 5 to 6 months in gestation.

No one denies that only a few inches separate this barbaric practice from outright murder. Partial-birth abortion is perhaps the only legal procedure where live birth and death become virtually simultaneous.

The vote we will cast tomorrow morning will be a clear moral decision about life and about death. It is a decision really about who we are as a people, our moral identity as a people. Banning this procedure represents the moral consensus of the American people by an overwhelming margin.

Dr. LeRoy Sprang and Mark Neerhof stated in the Journal of the American Medical Association:

> Partial-birth abortion should not be performed because it is needlessly risky, inhumane and ethically unacceptable.

Mr. President, I strongly agree with this characterization, as do the American people. It is no secret that America has been experiencing a moral crisis, and we have reached a crossroads. The questions which I asked on this floor just about a year ago, I guess, about partial-birth abortion really remain unanswered. These questions are more profound than ever. What does our toleration for this immoral practice say for us as a country? What does it say about us as a people? I believe one judges a country by what it is for but also you judge a country by what it is against. We judge a country by what it tolerates. We tolerate too much in this country. We tolerate a lot in this Nation. But at some point we simply have to draw the line. We have to stop hiding behind the phrase, "Oh, I really don't like this but it's someone else's private matter and I don't want to interfere. We will put up with it. It's not my business."

We have to stop hiding behind that. In a country that is based on respect for freedom, this is, of course, a very important principle. But it does have limits, limits that are based on the same respect for human rights that is the very foundation for freedom itself. Why, after all, is the argument based on personal freedom so powerful in our political debates? It is because we all have in our hearts the immortal words of Thomas Jefferson, the words that we hold these truths to be self-evident, that we have the inalienable right to life, liberty and the pursuit of happiness. This is our profound moral conviction.

But what does it say about our moral convictions when we continue to allow in this country this barbaric practice? What does it say about us as a people? Does allowing this practice bespeak a commitment to the sanctity of human life, of a human person? No, if we do not say at some point that our tolerance draws the line on a practice so brutal and so inhumane, we run the severe risk of eroding this moral foundation that really lies at the base of all our other freedoms. A country that allows this barbaric procedure to be inflicted on innocent human lives is a country that cannot be trusted when it proclaims a respect for other freedoms. What freedom will such a country not discard in the name of mere convenience?

For me, the decision is clear. This is where we draw the line. Now is the time that we draw it. We must ban this uncivilized, this barbaric, this immoral procedure, and we must do it tomorrow morning.

Many people agree that this procedure is closer to infanticide than it is

to abortion. One of the reasons banning this procedure has been supported by doctors, including the American Medical Association, the Physicians' Ad Hoc Coalition for Truth, and even by otherwise pro-choice individuals, including even some abortionists, is because it is a procedure that is never a medical necessity. It is never a medical necessity. The evidence is overwhelming. It is done for sheer convenience.

The American College of Obstetricians and Gynecologists, while it does not support this bill, could nevertheless not identify any circumstances in which this procedure would be the only option to save the life or preserve the health of a mother.

Most people in America oppose this procedure. And they oppose it for the simple reason they know what it is. For those who do not or who need to be reminded of what it is, let me again describe it. And I know this is a procedure that has been described on this floor many, many times, but it goes to the heart of this debate.

Partial-birth abortion involves the partial delivery of a baby by its feet. The head is left inside the mother's womb. The head remains in the uterus while the abortionist kills the baby by stabbing scissors into the base of the child's head, suctioning out the baby's brain with a small tube, then completing the delivery of a now dead child. In this barbaric procedure, Mr. President, the abortionist does not even administer an anesthesia to the fetus.

A moment ago, the Senator from Arkansas pointed out that dogs are treated better than this. The dogs that are used in medical research are required to be given pain management therapy under Federal standards. The treatment of these human fetuses that we are talking about would not even meet the bare minimum Federal standards for dogs used in medical research. Knowing that, why then have we not banned this procedure? Why are we still here debating again what should be self-evident, that this practice is a crime against our common humanity?

The answer, I am afraid, is very simple. My friend from Pennsylvania spent a good amount of time in this Chamber outlining the reason. The case supporting this procedure is built on misinformation. It is built on lies, and they are intended to poison the public debate and obscure the truth. That is the fact.

In the beginning of the partial-birth abortion controversy, many people were misled to believe that this procedure was rare. We were told it was rare. Now, today, we know that simply is not true. Almost everyone is aware by now that Ron Fitzsimmons, executive director of the National Coalition of Providers, admitted that he lied. He said, "I lied through my teeth"—when he said partial-birth abortions were performed rarely and only in extreme medical circumstances. He admitted later after the debate that that was a lie.

In the interest of medical accuracy, let me emphasize and be specific about how Mr. Fitzsimmons lied. He lied plainly and, in his own words, he "lied through his teeth." We were misled again when we were told that this procedure was the only late-term abortion procedure that could be used in certain instances to save the life of the mother. Again, that is not true. It is simply not true. This procedure is not medically necessary. It is not medically indicated ever, nor is it the only option available. That is not based on what MIKE DEWINE says or what RICK SANTORUM says. That is based on the American Medical Association.

Mr. President, we were told yet another falsehood—lie. We were told that this procedure was to preserve the health of the mother. We were misled about that as well. This is simply not true. Dr. Martin Haskell, the man who invented this procedure, said that 80 percent of the abortions he performs are elective —80 percent. This is the abortionist. This is the man who invented this procedure. He said 80 percent of the ones he performed are elective.

A survey which asks women who had late-term abortions why they waited found that 71 percent did not know they were pregnant or misjudged the age of the baby. This procedure is being performed for convenience, pure and simple.

We have also been told the procedure is appropriate because the baby is not viable anyway. But even this is certainly not always true. Many times it is not true. Research in a recent article in the New England Journal of Medicine found 56 percent of babies are viable outside their mother's womb at 24 weeks. At 25 weeks, 79 percent of them are viable.

I am sure many of my colleagues have had the same experience that I have when we have gone home to our home States, visited neonatal intensive care units at children's hospitals or other hospitals, and we have seen 22-week-old children, 23-week-old children that have been born prematurely who are fighting for life. Many of them do, in fact, make it. We have seen that with our own eyes. We have all talked with doctors who are frantically trying, working so hard every day to save them, and many can be saved.

Unfortunately, the President of the United States, in vetoing this legislation, as in his veto of the previous legislation, has justified his position precisely on these types of falsehoods. In fact, if you look at his veto message last time, what you find is all these facts that are outlined there, that he says are facts, are simply not true. The President, tragically, is wrong. While it is true that everyone is entitled to his or her own opinion, none of us is entitled to our own facts. And the facts clearly indicate that what the President put down in his veto message is wrong.

The falsehoods spread by defenders of partial-birth abortion are, frankly, offensive. But even more offensive than some of these lies is when the proponents of partial-birth abortion tell the truth. For example, when they say the partial-birth abortion procedure is needed in order to get rid of "defective" infants. The late Dr. James McMahon, who had performed thousands of these partial-birth abortions, said he performed some of these abortions because the baby had a cleft lip. That is right, a cleft lip. Maybe it is time to rewrite our sacred documents to say, "We hold these truths to be self-evident, that most of us are endowed with inalienable rights, the right to life, liberty and the pursuit of happiness, but people with cleft lips or other problems, other "defectives," are to be the victims of a painful and barbaric murder."

No, that is not the moral attitude of the America that I want to believe in or that I do believe in. That is the moral attitude of another civilization, one that arose in this vicious century only to vanish from the face of the planet by the force of American arms and, more important, American values. It is in our power to say no to this throwback to the days of the Nazis, to say no to the selection of the fittest, to say no to infanticide. That is what we are about today on the floor of the Senate. That is what we will be about tomorrow morning when we cast our vote.

I would like to note briefly that a number of State statutes have sought to ban these partial-birth abortions. Some States have had success and others have not. Many of those statutes which have been struck down, however, are very distinguishable from this legislation. I would like to talk about this constitutional aspect of this bill, because the issue has been raised time and time again on the floor of the Senate. So let me turn to an examination of the bill, based on our Constitution, based on Roe v. Wade and Casey and the other Supreme Court decisions.

First, let me say of the cases, of the statutes that have been struck down, the proposed statute that is before us is clearly distinguishable. For example, the first law to ban the partial-birth abortion procedure was enacted in my home State of Ohio. Unfortunately, this law was recently struck down as vague, as overbroad, particularly as it banned more than just partial-birth abortion. But the bill we are voting on today has, frankly, none of these problems.

Partial-birth abortion bans are fully in effect in seven States of the Union.

Several State and district courts have enjoined State statutes attempting to ban partial-birth abortion. However, no appellate court has ruled on the constitutionality of any of these laws.

Unfortunately, in the decisions that I have reviewed, none squarely confront the constitutional issue that this Federal bill presents; namely, the constitutionality of forbidding the killing of a partially born child. Because that is what this legislation is truly about, what the issue is, is the constitutionality of forbidding the killing of a partially born child.

Roe v. Wade explicitly avoided deciding that issue, so it cannot be cited and should not be cited as an argument against this piece of legislation. Roe v. Wade explicitly avoided deciding that issue, which was actually part of the Texas law in question in that case, a law that prohibited "killing a child in the process of delivery." In fact, Texas case law is consistent with both Louisiana and California law. An early California court aptly said:

> It should equally be held that a viable child in the process of being born is a human being within the meaning of the homicide statutes, whether or not the process has been fully completed.

While many of the State court decisions have relied on Planned Parenthood v. Casey, that case does not reach the question of the constitutionality of forbidding the killing of a partially delivered baby either. However, under the Casey analysis, an abortion restriction is unconstitutional only, only if it creates an "undue burden," on the legal right to abortion. Banning a single dangerous procedure such as we are doing in this case, when there are other alternatives available—which is true—should not constitute a burden under this Casey analysis.

Doctors, those who are for, as well as those, some of whom are against this legislation—agree that partial-birth abortion is never medically necessary to protect a mother's health or future fertility, and is never the only option. Over 30 legal scholars who have looked at this question agree that the United States Supreme Court is unlikely to interpret a postviability health exception to require the Government to allow a procedure that gives zero weight to the life of a partially born child and is itself a dangerous procedure.

The bottom line is that there is no substantive difference between a child in the process of being born and that same child if she is born. No difference, really, between a child that is in the process of being born and a child that is born. A current illustration, I think, is very helpful. This is a true story, one that occurred in our minority leader's home State, South Dakota.

On January 5 of this year, Sarah Bartels was pregnant with twins. She was 23 weeks into her pregnancy. Doctors were unable to delay the birth of one of the twins, Sandra, who was born at 23 weeks old. Sandra weighed 1 pound, 2 ounces—23 weeks.

Mr. President, 88 days later Sandra's sister Stephanie was born. Both children are alive and well today. Yet Stephanie was not a "legal person," and could have been the victim of a partial-birth abortion any time after that 23-week period.

Stephanie's life had zero worth until she was completely born, though Sandra was alive and well outside the same womb that held her sister.

Mr. President, the delivery of 80 percent of a child—the child is almost all the way out—a living baby certainly should have some value, some rights, some respect under our law. There is no moral justification for killing a live, partially delivered baby using a procedure that is neither medically necessary nor safer than childbirth. I believe we must make it the national policy to prohibit the partial-birth abortion procedure.

My friend, HENRY HYDE, who you quoted and cited a few moments ago, Mr. President, is one of the most eloquent—the most eloquent really—defenders of human rights in this country today, one of the most eloquent defenders of human rights, frankly, who has ever been in this country. HENRY HYDE likes to say in defending these powerless humans, we are "loving those who can't love us back." I think he is absolutely right.

I will add the phrase, "those who can't love back" includes not just fetuses in the womb, but also the future generations who will live in this country and the moral climate we are choosing to build for them.

The vote we cast tomorrow morning will help determine, Mr. President, that moral climate. Banning partial-birth abortion is the just, it is the right thing to do, and we should do it now.

Mr. President, I thank the Chair and yield the floor.

Mr. SANTORUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. Mr. President, first, again, I thank the Senator from Ohio for his excellent comments and particularly his latter focus on the legal issues that were not brought up earlier. I had not had the opportunity, and neither did anybody else, to focus attention on why this particular legislation is, in fact, constitutional and that should not be a reason to not vote for this legislation. An excellent job done.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Wednesday, September 16, 1998, the federal debt stood at $5,510,133,012,971.17 (Five trillion, five hundred ten billion, one hundred thirty-three million, twelve thousand, nine hundred seventy-one dollars and seventeen cents).

One year ago, September 16, 1997, the federal debt stood at $5,391,866,000,000 (Five trillion, three hundred ninety-one billion, eight hundred sixty-six million).

Five years ago, September 16, 1993, the federal debt stood at $4,388,882,000,000 (Four trillion, three hundred eighty-eight billion, eight hundred eighty-two million).

Ten years ago, September 16, 1988, the federal debt stood at $2,597,622,000,000 (Two trillion, five hundred ninety-seven billion, six hundred twenty-two million).

Fifteen years ago, September 16, 1983, the federal debt stood at $1,354,702,000,000 (One trillion, three hundred fifty-four billion, seven hundred two million) which reflects a debt increase of more than $4 trillion—$4,155,431,012,971.17 (Four trillion, one hundred fifty-five billion, four hundred thirty-one million, twelve thousand, nine hundred seventy-one dollars and seventeen cents) during the past 15 years.

SATELLITE COMPULSORY LICENSE REFORM PROCESS AND S. 1720 CHAIRMAN'S MARK

Mr. HATCH. Mr. President, I am glad to stand with the distinguished Majority Leader and the distinguished chairman of the Commerce Committee to explain how we plan to proceed with respect to reform of the copyright compulsory license governing the retransmission of broadcast television signals by satellite carriers. Let me thank them for their interest in these important issues and their cooperation in this process. The Majority Leader has been particularly helpful in facilitating a process allowing for a joint reform package from our two committees.

Mr. President, the Judiciary Committee has been working on these issues for more than 2 years. We have always recognized that some of the reforms we need to undertake in relation to the compulsory copyright license would require reforms in the communications law which has traditionally been dealt with in the Commerce Committee. I am glad that we have been able to work out a process whereby we can move a bill to the floor that will be the joint work product, and thus using the joint expertise, of both the Judiciary and Commerce Committees.

We will proceed in the Judiciary Committee by working on a bill on the subject that has already been referred to the Judiciary Committee, S. 1720, which Senator LEAHY and I introduced earlier in this Congress. We will mark up a Chairman's mark substitute amendment of that bill which will cover the copyright amendments, including the granting and extension of

the local and distant signal licenses, respectively, as well as the copyright rates for each of those licenses. Other important reforms include eliminating the current waiting period for cable subscribers before getting satellite service, and postponing the date of the enforcement of the so-called white area rules for a brief period. As of today, a large number of satellite subscribers who have been found to be ineligible for distant network signals will be turned off in early October. Our bill will delay any such terminations to allow subscribers and satellite carriers to adopt other service packages, including local service packages where available, to work with local affiliates to work out a coverage compromise, and to allow the FCC to review the rules governing the eligibility for the reception of distant network signals. The text of this Chairman's mark will be printed in the RECORD at the conclusion of my remarks and is supported and cosponsored by the chairman of the Commerce Committee, Senator MCCAIN, as well as Senators LEAHY, DEWINE, and KOHL.

While the Judiciary Committee works on these copyright reforms, our colleagues in the Commerce Committee will be working on related communications amendments regarding such important areas such as the must-carry and retransmission consent requirements for satellite carriers upon which the copyright licenses will be conditioned, and the FCC's distant signal eligibility process. Chairman MCCAIN will be introducing this legislation today as well.

It is our joint intention to combine our respective work product as two titles of the same bill, S. 1720, in a way that will clearly delineate the work product of each committee, but combine them into the seamless whole necessary to make the licenses work for consumers and the affected industries.

In conclusion, let me again thank the Majority Leader for his interest in and leadership with respect to these issues, and I thank the chairman of the Commerce Committee for his collegiality and cooperation in this process. I look forward to working with them and with our other colleagues on these important issues.

I ask unanimous consent that the text of the Chairman's mark substitute for S. 1720 be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[The material was not available for printing. It will appear in a future edition of the RECORD.]

BILL TO PREVENT CUTOFFS OF SATELLITE TV SERVICE

Mr. LEAHY. Mr. President, I have heard from scores of Vermonters lately who are steaming mad after being told by their home satellite signal providers that they are about to lose some of their network satellite channels. They have every right to be upset. It is within Congress's ability to un-muddle this mess, and the public has every reason to expect Congress to get its act together to do that, and to do that promptly.

While the hills and mountains of Vermont are a natural wonder, they can also be barriers to reception of clear TV signals over-the-air with rooftop antennas. At my home in Middlesex, Vermont, we can only get one channel clearly, and lots of ghosts on the other channel we receive. We get so many ghosts on our family set that it looks like Mark McGwire and Sammy Sosa are hitting four homeruns at a time.

That is why Vermonters have chosen satellite reception: They cannot get a clear picture without it.

I am gratified tonight that we are finally in a position to announce an understanding that I hope will keep satellite TV viewers from having to lose station signals this year. I am joining with both the Chairman of the Judiciary Committee and the Chairman of the Commerce Committee on two separate bills designed fix these problems. I am certain that most Senators will be pleased with this breakthrough, and I hope we can pass this bill without objection in the Senate.

Under a court order, thousands of viewers—many of them living in my home state of Vermont—will be cut off from receiving satellite TV stations that they are paying to receive. We have 65,000 home satellite dishes in Vermont. the court order directly affects only those subscribers who signed up for service after March 11, 1997, but most subscribers are being warned nonetheless by their signal providers that they will soon lose several network channels they now receive.

This huge policy glitch is intruding right now into hundreds of thousands of homes. It is a royal mess, and Congress and the FCC need to fix it.

I introduced a bill in March of this year with Chairman HATCH so that we could try to resolve this issue before it became a major problem. We have tried in the many months since then to push Congress toward a solution. Many viewers have lost signals already. We are trying to get these bills passed in the next couple of weeks to restore service and to keep other households for losing their satellite TV signals—not just in Vermont but throughout the nation.

I am pleased that Chairman HATCH and I have worked out arrangements with the Chairman of the Commerce Committee and other Senators active on this issue, including Senators DEWINE and KOHL, that significantly raise the prospects that Congress can soon pass a bill to prevent the cutoff of thousands of viewers this month and in October. We hope and we believe that all Senators can support this approach.

This legislation would keep signals available to Vermonters and subscribers in other states until the FCC has a chance to address these issues by the end of next February.

Our legislation will direct the FCC to address this problem for the future, and our proposal ultimately will mean—as technology advances—that Vermonters will be able to receive satellite TV for all Vermont full-power TV stations. Viewers in all states would be similarly protected. This effort eventually will promote head-to-head competition between cable and satellite TV providers.

The goal is to provide satellite home viewers in Vermont and across the nation with more choices and more channel selections, and at lower rates. The evidence is clear that in areas of the country where there is full competition between cable providers, rates to customers are considerably lower. The same will be true when there is greater effective competition between cable providers and satellite signal providers.

Over time, this effort will permit satellite TV providers to offer a full selection of local TV channels to viewers—even to those living in or near Burlington, Vermont, where local signals are now blocked.

Under current law, those families must get their local TV signals over an antenna which often does not provide a clear picture. These bills eventually will remove that legal limitation that prohibits satellite carriers from offering local TV signals to viewers.

Over time, satellite carriers will have to follow the rules that cable providers have to follow which will mean that they must carry all local Vermont TV stations. In addition, Vermont stations will be available over satellite to many areas of Vermont that today are unserved by satellite or by cable.

Vermonters now receive network satellite signals with programming from stations in other states. In other words, they may get a CBS station from another state but not WCAX, the Burlington CBS affiliate.

By allowing satellite providers to offer a wider variety of programming, including local stations, the satellite industry would be able to compete with cable, and the cable industry will be competing with satellite carriers. Cable will continue to be a highly effective competitor with its ability to offer extremely high-speed Internet connections to homes and businesses.

The second major improvement offered through our legislation is that satellite carriers that offer local Vermont channels in their mix of programming will be able to reach Vermonters throughout our state. The system will be based on regions called Designated Market Areas, or DMAs.

Vermont has one large DMA covering most of the state—the Burlington-Plattsburg DMA, and two smaller ones in southeastern Vermont—the Albany-Schenectady-Troy DMA includes Bennington County—and in southwestern Vermont, where the Boston DMA includes Windham County.

Using current technology, signals would be provided by spot-beam satellites using some 150 regional uplink sites throughout the nation to beam local signals up to two satellites. Those satellites would use 60 or so spotbeams to send those local signals, received from the regional uplinks, back to satellite dish owners. High-definition TV would be offered under this system at a later date. This system is likely to take two to three years to be put into full operation. In the meantime, another company called EchoStar may provide some local-into-local service in some parts of the country.

Under the bill that Senator HATCH and I introduced in March, this spotbeam technology would mean that home owners with satellite dishes in downtown Burlington, and in every county in Vermont except Windham and Bennington, would receive all the full-power TV stations in the Burlington-Plattsburg DMA, including PBS stations. Bennington residents would receive the stations in the Schnectady-Albany-Troy DMA, and Windham County residents would receive Boston signals, since they are in the Boston DMA. Over time these counties could be blended into the Burlington-Plattsburg DMA.

Since technology advances so quickly, other systems could be developed before this bill is fully implemented that would provide similar service but using different technology. And existing systems would be accommodated under our legislation, but those systems would follow rules similar to current rules until conversion to this new technology takes place.

It is time for this Congress to step up to the plate and solve this policy nightmare that is now at the door of countless homes across the nation. Our constituents rightly will not take "not now" as an acceptable answer.

I commend Chairman HATCH and Chairman MCCAIN for the leadership they have shown in solving this problem, and I look forward to continue working closely with them and with other Senators as we move this solution toward, and eventually across, the goal line.

ADMINISTRATION'S UPDATED ENCRYPTION POLICY

Mr. LEAHY. Mr. President, when the Administration first announced the encryption policy that has been in effect for the past two years, I warned on October 1, 1996, that:

> The general outline of the Administration's plan smacks of the government trying to control the marketplace for high-tech products. Only those companies that agree to turn over their business plans to the government and show that they are developing key recovery systems, will be rewarded with permission to sell abroad products with DES encryption, which is the global encryption standard.

The Administration announced yesterday that it is finally fixing this aspect of its encryption policy. New Administration guidelines will permit the export of 56-bit DES encryption without a license, after a one time technical review, to all users outside the seven terrorist countries. No longer will the Administration require businesses to turn over business plans and make promises to build key recoverable products for the freedom to export 56-bit DES.

In 1996, I also raised serious questions about the Administration's proposal to pull the plug on 56-bit DES exports in two years. I warned at the time that this "sunset" provision "does not promote our high-tech industries overseas." I specifically asked,

> Does this mean that U.S. companies selling sophisticated computer systems with DES encryption overseas must warn their customers that the supply may end in two years? Customers both here and abroad want stable suppliers, not those jerked around by their government.

I am pleased that the Administration has also changed this aspect of its policy and adopted an export policy with no "sunset." Instead, the Administration will conduct a review of its policy in one year to determine how well it is working.

Indeed, while 56-bit encryption may still serve as the global standard, this will not be the situation for much longer. 128-bit encryption is now the preferred encryption strength.

In fact, to access online account information from the Thrift Savings Plan for Federal Employees, Members and congressional staff must use 128-bit encryption. If you use weaker encryption, a screen pops up to say "you cannot have access to your account information because your Web browser does not have Secure Socket Layer (SSL) and 128-bit encryption (the strong U.S./Canada-only version)."

Likewise, the Department of Education has set up a Web site that allows prospective students to apply for student financial aid online. Significantly, the Education Department states that "[t]o achieve maximum protection we recommend you use 128-bit encryption."

These are just a couple examples of government agencies or associated organizations directing or urging Americans to use 128-bit encryption. We should assume that people in other countries are getting the same directions and recommendations. Unfortunately, while American companies can fill the demand for this strong encryption here, they will still not be permitted to sell this strength encryption abroad for use by people in other countries.

Nevertheless, the Administration's new encryption policy announced today moves in the right direction to bolster the competitive edge of our Nation's high-tech companies, allow American companies to protect their confidential and trade secret information and intellectual property in communications with subsidiaries abroad, and promote global electronic commerce. These are objectives I have sought to achieve in encryption legislation that I have introduced and cosponsored with bipartisan support in this and the last Congress.

I remain concerned, however, that privacy safeguards and standards for law enforcement access to decryption assistance are ignored in the Administration's new policy. These are critical issues that continue to require our attention.

REPORT CONCERNING THE NATIONAL EMERGENCY WITH RESPECT TO IRAN—MESSAGE FROM THE PRESIDENT—PM 158

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

To the Congress of the United States:

I hereby report to the Congress on developments concerning the national emergency with respect to Iran that was declared in Executive Order 12957 of March 15, 1995, and matters relating to the measures in that order and in Executive Order 12959 of May 6, 1995, and in Executive Order 13059 of August 19, 1997. This report is submitted pursuant to section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c) (IEEPA), section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 505(c) of the International Security and Development Cooperation Act of 1985, 22 U.S.C. 2349aa–9(c). This report discusses only matters concerning the national emergency with respect to Iran that was declared in Executive Order 12957 and does not deal with those relating to the emergency declared on November 14, 1979, in connection with the hostage crisis.

1. On March 15, 1995, I issued Executive Order 12957 (60 Fed. Reg. 14615, March 17, 1995) to declare a national emergency with respect to Iran pursuant to IEEPA, and to prohibit the financing, management, or supervision by United States persons of the development of Iranian petroleum resources. This action was in response to actions and policies of the Government of Iran,

including support for international terrorism, efforts to undermine the Middle East peace process, and the acquisition of weapons of mass destruction and the means to deliver them. A copy of the Order was provided to the Speaker of the House and the President of the Senate by letter dated March 15, 1995.

Following the imposition of these restrictions with regard to the development of Iranian petroleum resources, Iran continued to engage in activities that represent a threat to the peace and security of all nations, including Iran's continuing support for international terrorism, its support for acts that undermine the Middle East peace process, and its intensified efforts to acquire weapons of mass destruction. On May 6, 1995, I issued Executive Order 12959 (60 Fed. Reg. 24757, May 9, 1995) to further respond to the Iranian threat to the national security, foreign policy, and economy of the United States. The terms of that order and an earlier order imposing an import ban on Iranian-origin goods and services (Executive Order 12613 of October 29, 1987) were consolidated and clarified in Executive Order 13059 of August 19. 1997.

At the time of signing Executive Order 12959, I directed the Secretary of the Treasury to authorize through specific licensing certain transactions, including transactions by United States persons related to the Iran-United States Claims Tribunal in The Hague, established pursuant to the Algiers Accords, and related to other international obligations and U.S. Government functions, and transactions related to the export of agricultural commodities pursuant to preexisting contracts consistent with section 5712(c) of title 7, United States Code. I also directed the Secretary of the Treasury, in consultation with the Secretary of State, to consider authorizing United States persons through specific licensing to participate in market-based swaps of crude oil from the Caspian Sea area for Iranian crude oil in support of energy projects in Azerbaijan, Kazakhstan, and Turkmenistan.

Executive Order 12959 revoked sections 1 and 2 of Executive Order 12613 of October 29, 1987, and sections 1 and 2 of Executive Order 12957 of March 15, 1995, to the extent they are inconsistent with it. A copy of Executive Order 12959 was transmitted to the Congressional leadership by letter dated May 6, 1995.

2. On August 19, 1997, I issued Executive Order 13059 in order to clarify the steps taken in Executive Order 12957 and Executive Order 12959, to confirm that the embargo on Iran prohibits all trade and investment activities by United States persons, wherever located, and to consolidate in one order the various prohibitions previously imposed to deal with the national emergency declared on March 15, 1995. A copy of the Order was transmitted to the Speaker of the House and the President of the Senate by letter dated August 19, 1997.

The Order prohibits (1) the importation into the United States of any goods or services of Iranian origin or owned or controlled by the Government of Iran except information or informational material; (2) the exportation, reexportation, sale, or supply from the United States or by a United States person, wherever located, of goods, technology, or services to Iran or the government of Iran, including knowing transfers to a third country for direct or indirect supply, transshipment, or reexportation to Iran or the Government of Iran, or specifically for use in the production, commingling with, or incorporation into goods, technology, or services to be supplied, transshipped, or reexported exclusively or predomininatly to Iran or the Government of Iran; (3) knowing reexportation from a third country to Iran or the Government of Iran of certain controlled U.S.-origin goods, technology, or services by a person other than a United States person; (4) the purchase, sale, transport, swap, brokerage, approval, financing, facilitation, guarantee, or other transactions or dealings by United States persons, wherever located, related to goods, technology, or services for exportation, reexportation, sale or supply, directly or indirectly, to Iran or the Government of Iran, or to goods or services of Iranian origin or owned or controlled by the Government of Iran; (5) new investment by United States persons in Iran or in property or entities owned or controlled by the Government of Iran; (6) approval, financing, facilitation, or guarantee by a United States person of any transaction by a foreign person that a United States person would be prohibited from performing under the terms of the Order; and (7) any transaction that evades, avoids, or attempts to violate a prohibition under the Order.

Executive Order 13059 became effective at 12:01 a.m., eastern daylight time on August 20, 1997. Because the Order consolidated and clarified the provisions of prior orders, Executive Order 12613 and paragraph (a), (b), (c), (d) and (f) of section 1 of Executive Order 12959 were revoked by Executive Order 13059. The revocation of corresponding provisions in the prior Executive orders did not affect the applicability of those provisions, or of regulations, licenses or other administrative actions taken pursuant to those provisions, with respect to any transaction or violation occurring before the effective date of Executive Order 13059. Specific licenses issued pursuant to prior Executive orders continue in effect, unless revoked or amended by the Secretary of the Treasury. General licenses, regulations, orders, and directives issued pursuant to prior orders continue in effect, except to the extent inconsistent with Executive Order 13059 or otherwise revoked or modified by the Secretary of the Treasury.

The declaration of national emergency made by Executive Order 12957, and renewed each year since, remains in effect and is not affected by the Order.

3. On March 4, 1998, I renewed for another year the national emergency with respect to Iran pursuant to IEEPA. This renewal extended the authority for the current comprehensive trade embargo against Iran in effect since May 1995. Under these sanctions, virtually all trade with Iran is prohibited except for trade in information and informational materials and certain other limited exceptions.

4. There have been no amendments to the Iranian Transactions Regulations, 31 CFR Part 560 (the "ITR"), since my report of March 16, 1998.

5. During the current 6-month period, the Department of the Treasury's Office of Foreign Assets Control (OFAC) made numerous decisions with respect to applications for licenses to engage in transactions under the ITR, and issued 12 licenses.

The majority of denials were in response to requests to authorize commercial exports to Iran—particularly of machinery and equipment for various industries—and the importation of Iranian-origin goods. The licenses that were issued authorized certain financial transactions and transactions relating to air safety policy. Pursuant to sections 3 and 4 of Executive Order 12959, Executive Order 13059, and consistent with statutory restrictions concerning certain goods and technology, including those involved in air safety cases, the Department of the Treasury continues to consult with the Departments of State and Commerce on these matters.

Since the issuance of Executive Order 13059, more than 1,500 transactions involving Iran initially have been "rejected" by U.S. financial institutions under IEEPA and the ITR. United States banks declined to process these transactions in the absence of OFAC authorization. Twenty percent of the 1,500 transactions scrutinized by OFAC resulted in investigations by OFAC to assure compliance with IEEPA and ITR by United States persons.

Such investigations resulted in 15 referrals for civil penalty action, issuance of 5 warning letters, and an additional 52 cases still under compliance or legal review prior to final agency action.

Since my last report, OFAC has collected 20 civil monetary penalties totaling more than $110,000 for violations of IEEPA and the ITR related to the import or export to Iran of goods and

services. Five U.S. financial institutions, twelve companies, and three individuals paid penalties for these prohibited transactions. Civil penalty action is pending against another 45 United States persons for violations of the ITR.

6. On January 22, 1997, an Iranian national resident in Oregon and a U.S. citizen were indicted on charges related to the attempted exportation to Iran of spare parts for gas turbines and precursor agents utilized in the production of nerve gas. The 5-week trial of the American citizen defendant, which began in early February 1998, resulted in his conviction on all counts. That defendant is awaiting sentencing. The other defendant pleaded guilty to one count of criminal conspiracy and was sentenced to 21 months in prison.

On March 24, 1998, a Federal grand jury in Newark, New Jersey, returned an indictment against a U.S. national and an Iranian-born resident of Singapore for violation of IEEPA and the ITR relating to exportation of munitions, helicopters, and weapons systems components to Iran. Among the merchandise the defendants conspired to export were parts for Phoenix air-to-air missiles used on F-14A fighter jets in Iran. Trial is scheduled to begin on October 6, 1998.

The U.S. Customs Service has continued to effect numerous seizures to Iranian-origin merchandise, primarily carpets, for violation of the import prohibitions of the ITR. Various enforcement actions carried over from previous reporting periods are continuing and new reports of violations are being aggressively pursued.

7. The expenses incurred by the Federal Government in the 6-month period from March 15 through September 14, 1998, that are directly attributable to the exercise of powers and authorities conferred by the declaration of a national emergency with respect to Iran are reported to be approximately $1.7 million, most of which represent wage and salary costs for Federal personnel. Personnel costs were largely centered in the Department of the Treasury (particularly in the Office of Foreign Assets Control, the U.S. Customs Service, the Office of the Under Secretary for Enforcement, and the Office of the General Counsel); the Department of State (particularly the Bureau of Economic and Business Affairs, the Bureau of Near Eastern Affairs, the Bureau of Intelligence and Research, and the Office of the Legal Adviser); and the Department of Commerce (the Bureau of Export Administration and the General Counsel's Office).

8. The situation reviewed above continues to present an extraordinary and unusual threat to the national security, foreign policy, and economy of the United States. The declaration of the national emergency with respect to Iran contained in Executive Order 12957 and the comprehensive economic sanctions imposed by Executive Order 12959 underscore the Government's opposition to the actions and policies of the Government of Iran, particularly its support of international terrorism and its efforts to acquire weapons of mass destruction and the means to deliver them. The Iranian Transactions Regulations issued pursuant to Executive Orders 12957, 12959, and 13059 continue to advance import objectives in promoting the nonproliferation and antiterrorism policies of the United States. I shall exercise the powers at my disposal to deal with these problems and will report periodically to the Congress on significant developments.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *September 16, 1998.*

MESSAGES FROM THE HOUSE

At 12:06 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill and joint resolution, in which it requests the concurrence of the Senate:

H.R. 4550. An act to provide for programs to facilitate a significant reduction in the incidence and prevalence of substance abuse through reducing the demand for illegal drugs and the inappropriate use of legal drugs.

H.J. Res. 128. Joint resolution making continuing appropriations for the fiscal year 1999, and for other purposes.

The message also announced that the House insists upon its amendment to the bill (S. 1260) to amend the Securities Exchange Act of 1934 to limit the conduct of securities class actions under the State law, and for other purposes, disagreed to by the Senate, and agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints Mr. BLILEY, Mr. OXLEY, Mr. TAUZIN, Mr. COX of California, Mr. WHITE, Mr. DINGELL, Mr. STUPAK, and Ms. ESHOO as the managers of the conference on the part of the House.

ENROLLED BILL SIGNED

The message further announced that the Speaker has signed the following enrolled bill:

S. 2112. An act to make the Occupational Safety and Health Act of 1970 applicable to the United States Postal Service in the same manner as any other employer.

The enrolled bill was signed subsequently by the President pro tempore (Mr. THURMOND).

MEASURES REFERRED

The following bill was read the first and second time by unanimous consent and referred as indicated:

H.R. 4550. An act to provide for programs to facilitate a significant reduction in the incidence and prevalence of substance abuse through reducing the demand for illegal drugs and the inappropriate use of legal drugs; to the Committee on the Judiciary.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on September 17, 1998 he had presented to the President of the United States, the following enrolled bill.

S.2112. An act to make the Occupational Safety and Health Act of 1970 applicable to the United States Postal Service in the same manner as any other employer.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MCCAIN, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 2107. A bill to enhance electronic commerce by promoting the reliability and integrity of commercial transactions through establishing authentication standards for electronic communications, and for other purposes (Rept. No. 105-335).

By Mr. HATCH, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

H.R. 3303. A bill to authorize appropriations for the Department of Justice for fiscal years 1999, 2000, and 2001; to authorize appropriations for fiscal years 1999 and 2000 to carry out certain programs administered by the Department of Justice; to amend title 28 of the United States Code with respect to the use of funds available to the Department of Justice, and for other purposes.

By Mr. HATCH, from the Committee on the Judiciary, with an amendment in the nature of a substitute and an amendment to the title:

H.R. 3494. A bill to amend title 18, United States Code, with respect to violent sex crimes against children, and for other purposes.

By Mr. HATCH, from the Committee on the Judiciary, without amendment:

S. Res. 256. A resolution to refer S. 2274 entitled "A bill for the relief of Richard M. Barlow of Santa Fe, New Mexico" to the chief judge of the United States Court of Federal Claims for a report thereon.

By Mr. HATCH, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 1637. A bill to expedite State review of criminal records of applicants for bail enforcement officer employment, and for other purposes.

By Mr. HATCH, from the Committee on the Judiciary, with an amendment in the nature of a substitute and an amendment to the title:

S. 1727. A bill authorize the comprehensive independent study of the effects on trademark and intellectual property rights holders of adding new a generic top-level domains and related dispute resolution procedures.

S. 2392. A bill to encourage the disclosure and exchange of information about computer processing problems and related matters in connection with the transition to the Year 2000.

EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of committees were submitted:

By Mr. HATCH, from the Committee on the Judiciary:

William B. Traxler, Jr., of South Carolina, to be United States Circuit Judge for the Fourth Circuit.

Alvin K. Hellerstein, of New York, to be United States District Judge for the Southern District of New York.

Richard M. Berman, of New York, to be United States District Judge for the Southern District of New York.

Donovan W. Frank, of Minnesota, to be United States District Judge for the District of Minnesota.

Colleen McMahon, of New York, to be United States District Judge for the Southern District of New York.

William H. Pauley III, of New York, to be United States District Judge for the Southern District of New York.

Thomas J. Whelan, of California, to be United States District Judge for the Southern District of California.

H. Dean Buttram, Jr., of Alabama, to be United States District Judge for the Northern District of Alabama.

Inge Prytz Johnson, of Alabama, to be United States District Judge for the Northern District of Alabama.

Robert Bruce Green, of Oklahoma, to be United States Attorney for the Eastern District of Oklahoma for the term of four years.

Scott Richard Lassar, of Illinois, to be United States Attorney for the Northern District of Illinois for the term of four years.

James A. Tassone, of Florida, to be United States Marshal for the Southern District of Florida for the term of four years.

(The above nominations were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. WELLSTONE:

S. 2489. A bill to amend the Child Care and Development Block Grant Act of 1990 and the Higher Education Act of 1965 to establish and improve programs to increase the availability of quality child care, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. FAIRCLOTH:

S. 2490. A bill to prohibit postsecondary educational institutions from requiring the purchase of goods and services from on-campus businesses, intentionally withholding course information from off-campus businesses, or preventing students from obtaining course information or materials from off-campus businesses; to the Committee on Labor and Human Resources.

By Mr. HATCH (for himself, Mr. LEAHY, and Mr. DEWINE):

S. 2491. A bill to amend title 18, United States Code, to protect children from sexual abuse and exploitation, and for other purposes; to the Committee on the Judiciary.

By Mr. GRASSLEY (for himself and Mr. GRAHAM):

S. 2492. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for the long-term care insurance costs of all individuals who are not eligible to participate in employer-subsidized long-term care health plans; to the Committee on Finance.

By Mr. HARKIN:

S. 2493. A bill to amend the Internal Revenue Code of 1986 to allow a tax credit for the nutrient management costs of animal feeding operations; to the Committee on Finance.

By Mr. MCCAIN (for himself, Mr. LEAHY, Mr. HATCH, Mr. DEWINE, and Mr. KOHL):

S. 2494. A bill to amend the Communications Act of 1934 (47 U.S.C. 151 et seq.) to enhance the ability of direct broadcast satellite and other multichannel video providers to compete effectively with cable television systems, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. MOYNIHAN (for himself and Mr. D'AMATO):

S. 2495. A bill to establish the Kate Mullany National Historic Site in the State of New York, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. SPECTER:

S. 2496. A bill to designate the Department of Veterans Affairs medical center in Aspinwall, Pennsylvania, as the "H. John Heinz III Department of Veterans Affairs Medical Center"; to the Committee on Veterans Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. TORRICELLI (for himself, Mr. D'AMATO, Mr. MURKOWSKI, Mr. CRAIG, Mr. AKAKA, Mr. LAUTENBERG, Mr. GRAHAM, Mr. DASCHLE, Ms. LANDRIEU, Mr. LIEBERMAN, Mr. HATCH, Mr. DOMENICI, Mr. STEVENS, Mr. BENNETT, and Mr. HARKIN):

S. Res. 279. A resolution expressing the sense of the Senate supporting the right of the United States citizens in Puerto Rico to express their desires regarding their future political status; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. WELLSTONE:

S. 2489. A bill to amend the Child Care and Development Block Grant Act of 1990 and the Higher Education Act of 1965 to establish and improve programs to increase the availability of quality child care, and for other purposes; to the Committee on Labor and Human Resources.

CHILD DEVELOPMENT ACT

Mr. WELLSTONE. Mr. President, right now in our country there are about 10 million children—of course, when I talk about children, I am talking about their parents as well—who are eligible for good developmental child care opportunities. As it turns out, we provide assistance to 1.4 million out of this 10 million. In other words, fully 86 percent of children who are eligible to receive some assistance so that they will get better child care in those critical early years receive no assistance at all.

I introduce today this piece of legislation, which I have called the Child Development Act. I have been working on it for the last year and a half. Altogether, over the next 5 years, it calls for $62 billion, about $12 billion—less than 1 percent of the budget—to be invested in the health, skills, intellect and character of our children.

About $37.5 billion just increases funding for the Child Care and Development Block Grant Program (CCDBG), which has been a proven success in providing more money so that we can expand child care in our States and provide help to many working families that need this help.

In addition, the bill provides funding for improving afterschool programs. We have funds that are set aside to improve the quality of child care. Children Defense Fund studies have shown that six out of seven child care facilities in this country provide only poor-to-mediocre service, and one out of eight centers actually put children at risk.

There is additional funding for professional training, for new construction, and I say to my colleagues, there is also funding for loan forgiveness, which is the effort that I have been working on with my colleague, Senator DEWINE from Ohio, so that those men and women who do their undergraduate work and receive training in early childhood development, where the wages are so low, at least will receive loan forgiveness which will help them. Finally, there is some $13 billion in tax credits for low- and middle-income working parents to help them afford child care.

Research has shown that much of what happens in life depends upon the first three years of development. The brain is so profoundly influenced during this time that the brain of a three-year-old has twice as many synapses (connections between brain cells) as that of her adult parents. The process of brain development is actually one of "pruning" out the synapses that one does not need (or more accurately, does not use) from those that become the brains standard "wiring." This is why the first three years of development are so important—this is the time that the brain must develop the wiring that is going to be used for the rest of one's life. According to a report on brain development published by the Families and Work Institute, "Early care and nurture have a decisive, long lasting impact on how people develop, their ability to learn, and their capacity to control their own emotions." If children do not receive proper care before the age of three, they never receive the chance to develop into fully functioning adults.

We are not allowing our children a chance in life when we do not provide them with proper care in their early years. If America is to achieve its goal of equal opportunity for our children, we need to start with proper care in

their early years. It is a painful statistic then that our youngest citizens are also some of the poorest Americans. One out of every four of our country's 12 million children under the age of three live in poverty. It becomes very difficult to break out of the cycle of poverty if poor children are not allowed to develop into fully functioning adults.

Yet many parents in America do not have the option of providing adequate care for their children. For parents who can barely afford rent it is nearly impossible to take advantage of the Family Medical Leave Act, and sacrifice 12 weeks of pay in order to directly supervise a child. Many mothers need to return to work shortly after giving birth and find that the only options open to them are to place their children in care that is substandard, even potentially dangerous—but affordable. According to the Children's Defense Fund, six out of seven child care centers provide only poor to mediocre care, and one in eight centers provide care that could jeopardize children's safety and development. The same study said that one in three home-based care situations could be harmful to a child's development. How can we abide by these statistics?

This is a serious problem, and frighteningly widespread. The eligibility levels set for receiving child care aid through the federal Child Care and Development Block Grant (CCDBG) is 85 percent of a state's median income. Nationally, this comes out to about $35,000 for a family of three in 1998. However, according to the Children's defense fund, fully half of all families with young children earn less than $35,000 per year. Half! A family that has two parents working full time at minimum wage earns only $21,400 per year. This is not nearly enough to even dream of adequate child care.

Child care costs in the United States for one child in full day care range from $4,000 to $10,000 a year. It is not surprising that, on average, families with incomes under $15,000 a year spend 23 percent of their annual incomes on child care. And in West Virginia, if a family of three makes more than that $15,000, they no longer qualify for child care aid! In fact, thirty-two states do not allow a family of three which earns $25,000 a year (approximately 185 percent of poverty) to qualify for help. Only four states in our nation set eligibility cut offs for receiving child care assistance at 85 percent of median family income, the maximum allowed by federal law. There is obviously not enough funding to support the huge need for child care assistance in our nation, and that is why I am proposing the Child Care Development Act.

There is widespread support for expanded investments to improve the affordability and quality of child care. A recent survey of 550 police chiefs found that nine out of ten police chiefs surveyed agreed that "America could sharply reduce crime if government invested more in programs to help children and youth get a good start" such as Head Start and child care. Mayors across the country identified child care, more than any other issue, as one of the most pressing issues facing children and families in their communities in 1996 survey. A recent poll found that a bipartisan majority of those polled support increased investments in helping families pay for child care—specifically, 74% of those polled favor a bill to help low-income and middle-class families pay for child care, including 79% of Democrats, 69% of Republicans, and 76% of Independents.

It is clear that many like to talk about supporting our children, and many are in favor of supporting our children, but what action is actually taken? Yes, the addition of new child care dollars in 1996 has helped welfare recipients, but it has done nothing for working, low-income families not receiving TANF. The Children's Defense Fund recommends that Congress pass comprehensive legislation that guarantees at least $20 billion over five years in new funding for the Child Care Development Block Grant (CCDBG). My Child Care Development Act goes beyond this, yet even my bill is just a first step. This bill is designed to provide affordable, quality child care to half of the ten million American children presently in need of subsidized care. It will provide $62.5 billion over 5 years—$12.5 billion a year—nearly three times the amount proposed in the President's most ambitious, and still unprosecuted, proposal. In 1997 the President proposed extending care to 600,000 children from poor families, leaving fully 80% of eligible children without aid. That was the last we heard of it. And it wasn't good enough, anyway.

If we are serious about putting parents to work and protecting children, we need to invest more in families and in child care help for them. Enabling families to work and helping children thrive means giving states enough money so that they can set reasonable eligibility levels, let families know that help is available, and take working families off the waiting lists.

The Child Care Development Act will require $62.5 billion over five years. There will be several offsets necessary if we are serious about giving children in this country the type of care they need and deserve. Shifting spending from these offsets demonstrates that our true national priority is children, not wasteful military spending and corporate tax loopholes.

The offsets that will be necessary are as follows. If we repeal the reductions in the Corporate Minimum Tax from the 1997 Budget Bill, we create $8.2 billion. The elimination of the Special Oil and Gas Depletion Allowance will make room for and additional $4.3 billion. An offset of $.575 billion will come from a repeal of the Enhanced Oil Recovery Credit and an offset of $13.767 billion will come from the elimination of exclusion for Foreign-Earned Income. From these four different offsets in tax provisions a sub total amount of $26.835 is created to spend on child care.

Defense Cuts will also be necessary in the amount of $24.4 billion. This will come from canceling the F-22, a plane plagued with troubles, which will free up $19.29 billion, and $5.11 billion will come from a reduction in Nuclear Delivery Systems Within Overall Limits of START II.

The remaining offsets can be made by reducing the Intelligence Budget by 5 percent, which would save $6.675 billion; by reducing Military Export Subsidies by $.85 billion; and by canceling the International Space Station, which costs $10.045 billion. All of which, when added together, allows for an additional $68.805 billion to be used to support our children.

This is, finally, a child care bill on the same scope as the problem itself. We as a nation are neglecting the most vulnerable and important portion of our society—our children. Here is an ambitious solution to this vast problem that has been plaguing our country. So that we don't have to be a country that just talks about putting our children first.

Mr. President, I want to speak a little bit from the heart. We are now at a point in our session where we have maybe 2½, 3 weeks to go. I think it is a tragedy that, in many ways, we are not involved in the work of democracy. From my point of view as a Senator from Minnesota, the work of democracy is to try to respond and speak to the concerns and circumstances of people's lives.

As I travel around Minnesota and travel around the country, I believe that, more than anything else, what families are saying to us is, "We want to do our very best by our kids, because if we as parents," or a single parent, "can do our best by our kids, we will do our best by our country."

One of the reasons we—I am talking about the people now in the country—are so disillusioned about our political process, above and beyond all that they hear about every day, which I hate, is that all that is happening is no good for our country. I think the polls show this as well, people are saying, "Get on with your governing, too; please govern; please be relevant and important to our lives." People feel like we are not doing that.

I have to say that if we can respond to what most people are talking about, which is how we earn a decent living and how do we give our children the care we know they need and deserve,

we will be doing well by people. If we can do everything that we can do as Senators, Democrats and Republicans, and if the private sector plays its role and we also engage in voluntarism and a lot of good things happen at the community level and non-Government organizations, and nonprofits play their role, and I say to Rabbi Shemtov, our guest chaplain today, the religious community needs to play their role: if we all do everything we can to enable parents or a parent to do their best by their kids, then that is the best single thing we can do.

What saddens me and also angers me is that all of a sudden, the focus on children is just off the table. We have lost it. It wasn't that many months ago that we were having conferences and we were talking about reports that were coming out and we couldn't stop discussing the development of the brain; how important it is to make sure that we get it right for our children because by age 3, if we don't get it right for them, they are never going to be ready for school and never be ready for life.

What happened? What happened to our focus? We have lost our focus. We have lost our way. We are talking a lot about values, and we are talking a lot about moral issues and we should—we should. But isn't it also a moral question or a moral issue that one out of every four children under the age of 3 is growing up poor in America today, and one out of every three children of color under the age of 3 is growing up poor in America today?

With our economy still humming along, how can it be that we cannot do better? I don't understand that. I say to the Rabbi and Chaplain, in the words of Rabbi Hillel, "If not now, when?"

Here we are with 3 weeks to go to this Congress, and we haven't done anything to help families, to help children, to fill their void so that we make sure that every child who comes to kindergarten comes to kindergarten ready to learn. If we are going to talk about education, and we are going to have a discussion about education—maybe we won't on the present course—I think we have to focus on the learning gap.

The truth of the matter is, we do quite well for kids in our public schools if they come to kindergarten ready to learn. It is the kids who come to kindergarten not ready to learn for whom we don't do well.

I am not trying to take K-12 off the hook. We need to do much better. But couldn't we say that as a national goal we want to make sure that every child who comes to kindergarten comes to kindergarten ready to learn? So that she knows the alphabet. He knows colors and shapes and sizes. She knows how to spell her name. They have been read to widely and they come with the readiness to learn.

The Presiding Officer, Senator DEWINE, is as committed to children as any Senator in the Senate. He knows what I am saying.

This is a cost-neutral bill. I will not go on about this bill's offsets. I cut into some tax loopholes and some subsidies that go to some of the largest corporations in America that do not need it. I raise some questions about whether we need some additional missiles and additional bombers. I redefine national security, and say, yes, we need a strong defense, but we need to take some of the money and invest for children. People can agree or disagree about where I get the money for this. Can't we agree that we take 1 percent of our budget and invest it in the health and skills and character and intellect of our children? They are 100 percent of our future.

I must repeat this point. I cannot believe that not that many months ago we were all talking about development of the brain, early childhood development. We were all talking about legislation—we were all talking about how we were going to do something to help parents do better by their kids, and we are not doing that.

That is why I introduce this legislation today. I do not think it is a cry in the wilderness, because I hope next year we are going to get this bill enacted. I am going to fight for this. And maybe, if I have a chance—I don't know that I will, given the next 3 weeks—I will bring some of it up as amendments. But we have to start speaking out about this, Mr. President. I say to Senator DEWINE, the Presiding Officer, we have to start speaking out about this because we should be doing better.

By Mr. FAIRCLOTH:

S. 2490. A bill to prohibit postsecondary educational institutions from requiring the purchase of goods and services from on-campus businesses, intentionally withholding course information from off-campus businesses, or preventing students from obtaining course information or materials from off-campus businesses; to the Committee on Labor and Human Resources.

THE COLLEGE COSTS SAVINGS ACT OF 1998

• Mr. FAIRCLOTH. Mr. President, this fall millions of college students are returning to campus. Today I introduce legislation that will ease the financial burden for these students, and reduce the costs of student financial aid on the taxpayers.

My bill seeks to inject some good, old-fashioned competition in the market for the purchase of college textbooks. Every student knows that the costs of textbooks can run into hundreds of dollars. It has become a major expense for most college students. My bill would bar financial aid to any university or any student attending a university that, directly or indirectly, requires students to purchase textbooks exclusively on campus. Further, the legislation would require that non-campus businesses have reasonable access to the textbook requirements of college courses, so that they too could stock textbooks and have them available to students at a more competitive price.

Regrettably, the way aid is currently disbursed by the Department of Education is artificially raising costs for students throughout the country. There is a nationwide use of financial aid to, in effect, channel funds exclusively to college "business-like" enterprises. These funding methods prevent financial aid from being spent at small businesses attempting to compete in the campus area marketplace.

Through the use of Department of Education-permitted "student accounts," colleges are creating their own dominance in such areas as college bookstores. Off-campus choice is virtually unavailable, even if off-campus stores offer students a less-expensive alternative. With the development of "campus cards," aid is even more captive to the on-campus economy.

I raised this issue with Secretary Riley at a hearing this spring and through a subsequent letter. The Department claims such distribution of aid funds is voluntary. The Department of Education stated in its June 22nd response that off-campus businesses can accept these campus cards only if an institution "wishes to establish a business relationship with an off-campus business." In most cases, that is not their wish. In most cases, only on-campus enterprises benefit. The Congress never intended financial aid funds—or any other funds—to be used for purposes of monopolization on college campuses. Competition in the campus-area marketplace is being restricted—and in many cases—eliminated. Students have little to no choice in shopping for books and materials.

The net result is that students are often paying higher costs for these goods and services, like textbooks. And, the federal government, providing student aid, is paying the higher price too.

There isn't a college student in this country that does not think that textbooks cost too much. Buying course books has become a major expense for the vast majority of students.

Evidence shows that off-campus bookstores are generally less-expensive if students receiving financial aid had full access to them. A recent report of the National Association of College Stores ("NACS") reports that each student spends an average of $300 for new textbooks at an on-campus bookstore compared with less than $200 for textbook purchases at an off-campus bookstore.

Additionally, another unfair practice that I have been informed about is that

some institutions refuse or obstruct access by off-campus college bookstores to the titles of textbooks required by the teaching staff. This legislation addresses both of these problems.

Further, I believe we should be taking any reasonable steps that we can to reduce the cost of attending college. A 1998 Congressional Commission on the Cost of Higher Education Report tells us that America has a "college cost crisis." It found that 71 percent of the public believes that a four-year education is not affordable for most Americans. Clearly, people are concerned about the ever-growing costs of higher education.

This legislation could save every student hundreds of dollars a year in college costs, if we can promote greater free market competition in the sale of college textbooks. As for financial aid, if this legislation can only save one percent of the amount that is spent on financial aid, it would approximate a $500 million savings.

Clearly parents, students and the federal government could use this kind of financial relief. Mr. President, I would urge my colleagues to support this legislation.●

By Mr. HATCH (for himself, Mr. LEAHY, and Mr. DEWINE):

S. 2491. A bill to amend title 18, United States Code, to protect children from sexual abuse and exploitation, and for other purposes; to the Committee on the Judiciary.

PROTECTION OF CHILDREN FROM SEXUAL PREDATORS ACT OF 1998

Mr. HATCH. Mr. President, today I am proud to introduce S. 2491 the Hatch-Leahy-DeWine "Protection of Children from Sexual Predators Act of 1998." I want to especially thank Senators LEAHY and DEWINE for their cooperation in drafting this exemplary piece of legislation. S. 2491 strengthens the ability of law enforcement and the courts to respond to high-tech sexual predators of children. Pedophiles who roam the Internet, purveyors of child pornography, and serial child molesters are specifically targeted.

The Internet is a wonderful creation. By allowing for instant communication around the globe, it has made the world a smaller place, a place in which people can express their thoughts and ideas without limitation. It has released the creative energies of a new generation of entrepreneurs and it is an unparalleled source of information.

While we should encourage people to take full advantage of the opportunities the Internet has to offer, we must also be vigilant in seeking to ensure that the Internet is not perverted into a hunting ground for pedophiles and other sexual predators, and a drive-through library and post office for purveyors of child pornography. Our children must be protected from those who would choose to sexually abuse and exploit them. And those who take the path of predation should know that the consequences of their actions will be severe and unforgiving.

How does this bill provide additional protection for our children? By prohibiting the libidinous dissemination on the Internet of information related to minors and the sending of obscene material to minors, we make it more difficult for sexual predators to gather information on, and lower the sexual inhibitions of, potential targets. And by requiring electronic communication service providers to report the commission of child pornography offenses to authorities, we mandate accountability and responsibility on the Internet.

Additionally, law enforcement is given effective tools to pursue sexual predators. The Attorney General is provided with authority to issue administrative subpoenas in child pornography cases. Proceeds derived from these offenses, and the facilities and instrumentalities used to perpetuate these offenses, will be subject to forfeiture. And prosecutors will now have the power to seek pretrial detention of sexual predators prior to trial.

Federal law enforcement will be given increased statutory authority to assist the States in kidnaping and serial murder investigations, which often involve children. In that vein, S. 2491 calls for the creation of the Morgan P. Hardiman Child Abduction and Serial Murder Investigative Resources Center. That center will gather information, expertise and resources that our nation's law enforcement agencies can draw upon to help combat these heinous crimes.

Sentences for child abuse and exploitation offenses will be made tougher. In addition to increasing the maximum penalties available for many crimes against children and mandating tough sentences for repeat offenders, the bill will also recommend that the Sentencing Commission reevaluate the guidelines applicable to these offenses, and increase them where appropriate to address the egregiousness of these crimes. And S. 2491 calls for life imprisonment in appropriate cases where certain crimes result in the death of children.

Protection of our children is not a partisan issue. We have drawn upon the collective wisdom of Senators from both sides of the aisle to draft a bill which includes strong, effective legislation protecting children. I call upon my colleagues to support this bill and speed its passage.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

[The bill was not available for printing. It will appear in a future edition of the RECORD.]

Mr. LEAHY. Mr. President, I know everyone is concerned about protecting this country's children from those who would prey upon them. Those concerns have intensified in recent years with the growing popularity of the internet and the world wide web. Cyberspace gives users access to a wealth of information; it connects people from around the world. But it also creates new opportunities for sexual predators and child pornographers to ply their trade. The challenge is to protect our children from exploitation in cyberspace while ensuring that the vast democratic forum of the Internet remains an engine for the free exchange of ideas and information.

The bill that we are introducing today meets this challenge. While it is not a cure-all for the scourge of child pornography, it is a good step toward limiting the ability of cyber-pornographers and predators from harming children.

This bill differs markedly from H.R. 3494, the child protection and sexual predator bill that the House passed last June. I should note that this bill mirrors a Hatch-Leahy-DeWine substitute to H.R. 3494, which passed the Judiciary Committee by unanimous consent this afternoon.

I thank the Chairman for working with me to fix the many problems in H.R. 3494, and to make this bill more focused and measured. Briefly, I would like to highlight and explain some of the differences between the bills.

As passed by the House, H.R. 3494 would make it a crime, punishable by up to 5 years' imprisonment, to do nothing more than "contact" a minor, or even just attempt to "contact" a minor, for the purpose of engaging in sexual activity. This provision does not appear in the Hatch-Leahy-DeWine bill. The act of making contact is not very far along the spectrum of an overt criminal act: it is only the expression of a criminal intention without follow through. A simple "hello" in an internet chat room, coupled with bad intentions, would expose the speaker to severe criminal sanctions. Targeting "attempts" to make contact would be even more like prosecuting a thought crime.

Another new crime created by the House bill prohibited the transmittal of identifying information about any person under 18 for the purpose of encouraging unlawful sexual activity. In its original incarnation, this provision would have had the absurd result of prohibiting a person under the age of consent from e-mailing her own address or telephone number to her boyfriend. We fixed this problem by making it clear that a violation must involve the transmission of someone else's identifying information. In addition, to eliminate any notice problem arising from the variations in state statutory rape laws, we lowered the

age of the identified minor from 18 to 16—the federal age of consent. Finally, we clarified that the defendant must know that the person about whom he was transmitting identifying information was, in fact, under 16. This change was particularly important because, in the anonymous world of cyberspace, a person may have no way of knowing the age of the faceless person with whom he is communicating.

I had many of the same concerns regarding another provision of the House bill, which makes it a crime to transfer obscene material to a minor. Again, the Hatch-Leahy-DeWine bill lowers the age of minority from 18 to 16 and provides that the defendant must know he is dealing with someone so young. I would add that this provision of the bill applies only to "obscene" material, that is, material that enjoys no First Amendment protection whatever—material that is patently offensive to the average adult. The bill does not purport to proscribe the transferral of constitutionally protected material that may, however, be unsuitable for minors. Besides raising serious constitutional concerns, such a provision would also have the unacceptable consequence of reducing the level of discourse over the Internet to what would be suitable for a sandbox.

The original House bill would also have criminalized certain conduct directed at a person who had been "represented" to be a minor, even if that person was, in fact, an adult. The evident purpose was to make clear that the targets of sting operations are not relieved of criminal liability merely because their intended victim turned out to be an undercover agent and not a child. The new "sting" provisions addressed a problem that simply does not currently exist: no court has ever endorsed an impossibility defense along the lines anticipated by the House bill. The creation of special "sting" provisions in this one area could lend credence to impossibility defenses raised in other sting and undercover situations. At the same time, these provisions would have criminalized conduct that was otherwise lawful: it is not a crime for adults to communicate with each other about sex, even if one of the adults pretends to be a child. Given these significant concerns, the "sting" provisions have been stricken from the Hatch-Leahy-DeWine bill.

Another major problem with the House bill is its modification of the child pornography possession laws. Current law requires possession of three or more pornographic images in order for there to be criminal liability. Congress wrote this requirement into the law as a way of protecting against government overreaching. By eliminating this numeric requirement, the House bill puts at risk the unsuspecting Internet user who, by inadvertence or mistake, downloads a single pornographic image of a child. The inevitable result would be to chill the free exchange of information over the web. I was unwilling to accept this possibility; the Hatch-Leahy-DeWine bill keeps current law in place.

Unlike H.R. 3494, the bill we are introducing today contains no new mandatory minimum sentences. I oppose the use of mandatory minimums because they take away the discretion of the sentencing judge, which can result in unjust sentences and can also induce defendants who would otherwise have pled guilty, hoping to obtain some measure of leniency from the court, to proceed to trial.

Another problematic provision of the House bill gives the Attorney General sweeping authority to subpoena records and witnesses in investigations involving crimes against children. We should be extremely wary of further extending the Justice Department's administrative subpoena power. The use of administrative subpoenas gives federal agents the power to compel disclosures without any oversight by a judge, prosecutor, or grand jury, and without any of the grand jury secrecy requirements. That being said, the secrecy requirements may pose a significant obstacle to the full and efficient cooperation of federal/state task forces in their joint efforts to reduce the steadily increasing use of the Internet to perpetrate crimes against children, including crimes involving the distribution of child pornography.

In addition, it appears that some U.S. Attorneys Offices are reluctant to open a grand jury investigation when the only goal is to identify individuals who have not yet, and may never, commit a federal (as opposed to state or local) offense. The Hatch-Leahy-DeWine bill accommodates all the competing interests by granting the Department a narrowly drawn authority to subpoena only the information that it most needs: routine subscriber account information from Internet service providers. Importantly, subscribers may obtain notice from their service provider.

The new reporting requirement established by H.R. 3494 is also troubling. Under current law, Internet service providers are generally free to report suspicious communications to law enforcement authorities. Under H.R. 3494, service providers would be required to report such communications when they involve child pornography; failure to do so would be punishable by a substantial fine.

Of course, we are all committed to eradicating the market for child pornography. Child pornography is inherently harmful to children. Service providers that come across such material should report it, and, in most cases, they already do. We must tread cautiously, however, before we compel private citizens to act as good Samaritans or to assume duties and responsibilities that are better left to law enforcement.

Working with the service providers, we have refined the House bill in various ways.

First, we raised the bar for the reporting duty; a service provider has no obligation to make a report unless it has "probable cause" to believe that the child pornography laws are being violated. By setting such a high standard, we intended to discourage service providers from erring on the side of over-reporting every questionable image. This would also overwhelm the FBI and law enforcement agencies.

Second, we provided that there is no liability for failing to make a report unless the service provider knew both of the existence of child pornography and of the duty to report it (if it rises to the level of probable cause).

Third, we made clear that we are not imposing a monitoring requirement of any kind: service providers must report child pornography when they come across it or it is brought to their attention, but they remain under no obligation to go out looking for it.

Fourth, we added privacy protections for any information reported under the bill.

Fifth, we lowered the maximum fine for first offenders to $50,000; a second or subsequent failure to report, however, may still result in a fine up to $100,000.

Thus improved, I am confident that the reporting requirement will accomplish its objectives without unduly burdening the service providers or violating the privacy rights of internet users.

Beyond this, the Hatch-Leahy-DeWine bill strips the House bill of various other extraneous or improvident provisions. Our bill is also free of certain add-ons that appeared in the original version offered by Senator HATCH. In particular, the original version would have opened the floodgates of federal inchoate crime prosecutions by creating a general attempt statute—making it a crime to commit each and every offense in title 18—and by making the penalty for its violation as well as for violation of the general conspiracy statute (which is now capped at 5 years) equal to the penalty for the offense that was the object of the attempt or conspiracy. The Chairman's original bill also created a new rule of criminal procedure requiring defendants to provide notice of their intention to assert an entrapment defense.

I think there are good reasons why these ideas have been rejected in the past, both by the Congress and by the Federal Judicial Conference, and why they are opposed by business and civil liberties groups alike. At the very least, we should not usher in such radical changes to the federal criminal law without more careful consideration, after proper hearings.

In conclusion, I commend Senators HATCH and DEWINE for their efforts to

address the terrible problem of child predators and pornographers. I am glad that we were able to join forces to construct a bill that goes a long way towards achieving our common goals.•

• Mr. LAUTENBERG. Mr. President, I rise to express my outrage at the depraved criminals who are using the Internet to exploit children.

Recently, the United States Customs Service, in cooperation with authorities in fourteen other nations, conducted successful raids on an extensive Internet child pornography ring. The ring, called the Wonderland Club, had been distributing more than 100,000 pornographic photographs of children. Some of the children were as young as 18 months. I am deeply disturbed, and disgusted, that people would victimize innocent children in this way.

I want to commend the Customs Service and the other international law enforcement agencies involved on their successful effort. They made 46 arrests worldwide and there may be hundreds more after all the evidence is analyzed. The raids also covered 22 states, including one location in my home state of New Jersey.

While this raid has put this one ring of Internet pedophiles out of business, I am concerned that there may be others. Many law enforcement officials are concerned that the advancements in Internet technology are making it that much easier for pedophiles to conduct their sickening schemes. Additionally, the anonymity of the Internet makes it easier for these criminals to evade detection.

Clearly, we must fight back against these cyberspace criminals. One step that we can take is to ensure strong penalties for those who use the Internet for these horrible purposes. That is why I support the Child Protection and Sexual Predator Punishment Act of 1998. This measure would double the maximum penalty for sexual abuse of a child under twelve—from ten years to twenty years. It would also increase the prison terms and fines for anyone using the Internet, or the mail, to contact a minor for the purpose of engaging in sexual activity or transferring obscene material.

I urge my colleagues to support this bill, and I hope it will pass the Senate before we adjourn this year. We must act quickly to help prevent another generation of children from suffering.•

By Mr. GRASSLEY (for himself and Mr. GRAHAM):

S. 2492. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for the long-term care insurance costs of all individuals who are not eligible to participate in employer-subsidized long-term care health plans; to the Committee on Finance.

LONG-TERM CARE AND RETIREMENT SECURITY ACT

• Mr. GRASSLEY. Mr. President, I introduce the Long-Term Care and Retirement Security Act. This bill is an important first step in helping Americans prepare for their long-term care needs. A companion bill to the Long-Term Care and Retirement Security Act has been introduced in the House of Representatives by Representative NANCY JOHNSON.

Longer and healthier lives are a blessing and a testament to the progress and advances made by our society. However, all Americans must be alert and prepare for long-term care needs. The role of private long-term care insurance is critical in meeting this challenge.

The financial challenges of health care in retirement are not new. Indeed, too many family caregivers can tell stories about financial devastation that was brought about by the serious long-term care needs of a family member. Because increasing numbers of Americans are likely to need long term care services, it is especially important to encourage planning today.

Most families are not financially prepared when a loved one needs long-term care. When faced with nursing home costs that can run more than $40,000 a year, families often turn to Medicaid for help. In fact, Medicaid pays for nearly two of every three nursing home residents at a cost of more than $30 billion each year for nursing home costs. With the impending retirement of the Baby Boomers, it is imperative that Congress takes steps now to encourage all Americans to plan ahead for potential long-term care needs.

The Long-Term Care and Retirement Security Act will allow Americans who do not currently have access to employer subsidized long-term care plans to deduct the cost of such a plan from their taxable income. This bill will encourage planning and personal responsibility while helping to make long-term care insurance more affordable for middle class taxpayers.

This measure will encourage Americans to be pro-active and prepare for their own long term care needs by making insurance more affordable. I urge my colleagues to support this bill.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

[The bill was not available for printing. It will appear in a future edition of the RECORD.]

• Mr. GRAHAM. Mr. President, I rise today, along with Senator GRASSLEY, to introduce legislation designed to protect our nation's families hard-earned savings and ensure quality long-term care.

Our nation has achieved great strides in the 20th century in delivering quality health care and improving the standards of living of its citizens. Just last year Congress added preventive benefits to the Medicare program, thereby ensuring that Americans will have longer, more productive lives. In fact, thanks to these developments life expectancy has increased from 47 years in 1900 to 68 years in 1950, and has steadily increased to 76 years in 1991. These tremendous advances in medicine have also produced challenges because as more and more people live longer, chances increase that they will experience chronic illnesses and disability.

A three-year stay in a nursing home can cost upwards of $125,000. As a result, nearly half of all nursing home residents who enter as privately-paying patients exhaust their personal savings and lose health insurance coverage during their stay. Medicaid becomes many retirees' last refuge of financial support.

Another challenge facing America in the future will be the aging of the "baby boomers." Unfortunately, many "baby boomers" are not planning for the future because they are preoccupied with more immediate concerns. This portion of our population represents more than half of all workers and are the parents of 75% of the nation's children under age 18. Child care, housing expenses and saving for their children's college education tend to dominate their budgets.

Many Americans mistakenly believe that Medicare will pay for their long-term care needs. "Baby boomers" need to understand the limitations of government programs with regard to long-term care. In reality, this program primarily focuses on hospital stays and physician visits. Without adequate private insurance a significant number of retirees are likely to deplete their assets in order to receive essential long-term care.

Insurance products are available to ensure that an individual's long-term care needs are met. However, current tax law establishes several obstacles to purchasing long-term care insurance. First, most Americans purchase health insurance through their employer. Over sixty-five percent of 235 million individuals, under age 65, purchase their health insurance through their employer or union. However, tax law prohibits an employer from offering employer subsidized long-term care insurance products through its employee benefits plans.

Since the enactment of the Kennedy-Kassebaum legislation of 1996, purchasers of qualified long-term care insurance policies are permitted to deduct the premiums as part of their medical expenses. However, for taxpayers other than the self-employed, the tax code restricts the medical expense deduction to the portion of expenses exceeding 7.5 percent of their income—a threshold that bars the deduction for 95 percent of non-self employed people.

Kennedy-Kassebaum also precluded employees from purchasing long term care insurance on a pre-tax basis through their employer. Specifically, the legislation prohibited the inclusion of long-term care insurance in employer-sponsored cafeteria plans and flexible spending accounts. Only if the employer actually pays for the insurance can the employee obtain the coverage on a tax-free basis, but few employers currently are willing to pay for the coverage. The result is that only a small percentage of purchasers of long-term care insurance can obtain the insurance on a pre-tax basis.

Second, long-term care insurance paid directly by the taxpayer is only deductible if the individual both itemizes his or her deductions and already has deductible medical expenses in excess of 7.5 percent of their adjusted gross income.

Suppose Mr. and Ms. Jones earn $40,000 per year and want to purchase long-term care insurance. Under current law, health and medical expenses are not deductible unless they exceed 7.5 percent of $40,000, which is $3,000.

Suppose the premiums for long-term care insurance totaled $1,000. The Joneses would get no tax benefit from the deduction of the premiums unless they already had $2,000 in other qualified medical expenses, and would not get the full benefit of the deduction unless they had $3,000 in other qualified expenses.

Even if they meet this threshold, the Joneses still will not benefit from the current deduction unless their total itemized deductions—health and non-health—exceed the standard deduction, currently $6,900 for a married couple.

It becomes clear that the current deduction for log-term care insurance premiums is not providing a very strong incentive to prepare for one's health retirement. A recent survey shows that premium deductibility was cited most frequently as the action that would make non-buyers more interested in long-term care insurance.

Looking into the future, there are two key goals for retirement security: (1) saving enough money for retirement, and (2) protecting against life's uncertainties, including long-term care costs. An unanticipated nursing home stay can deplete hard-earned savings and threaten a family's financial future. This situation could be especially difficult for the surviving spouse of someone who has had a long-term care stay and depleted all of their retirement savings. The widow or widower can have many years left to live and no remaining retirement assets.

A recent study by the American Council for Life Insurance indicates that long-term care insurance has the potential to significantly reduce future out-of-pocket and Medicaid expenditures for long-term care. If individuals are covered by long-term care insurance, they are less likely to become Medicaid beneficiaries, thus preserving the individual's savings and decreasing government spending. This would also reinforce Medicaid's intent of serving as a safety net for those who are most needy.

With the provisions in this legislation, Americans can be more assured of a financially secure retirement.•

By Mr. HARKIN:

S. 2493. A bill to amend the Internal Revenue Code of 1986 to allow a tax credit for the nutrient management costs of animal feeding operations; to the Committee on Finance.

THE ANIMAL AGRICULTURE ENVIRONMENTAL INCENTIVES ACT OF 1998

• Mr. HARKIN. Mr. President, recently we have seen growing concerns around the country about the environmental problems associated with livestock, dairy and poultry production. Continued reports of manure spills, evidence of water pollution from manure runoff, and ongoing complaints about odor and air pollution are creating increasing pressure on the livestock and poultry industry.

Last year, I introduced the Animal Agriculture Reform Act, the first legislation of its kind to call for national environmental standards for animal feeding operations. Just this week, the U.S. Environmental Protection Agency and the U.S. Department of Agriculture announced what they call a Draft Unified National Strategy for Animal Feeding Operations. That is a big title, but what it boils down to is a comprehensive, national plan for tackling the environmental problems of the livestock and poultry industry.

The Administration's Strategy looks a lot like my bill, so I think it is a good start. The Strategy calls for mandatory nutrient management plans for larger operations and restrictions on manure application to protect the environment—those provisions are at the heart of my bill and also are the focus of the EPA/USDA Strategy.

However, the Administration's plan is only a strategy and it must be implemented. We will still see manure spills, runoff and threatened waterways around the country until we have better management and better controls at animal feeding operations.

One of the keys to getting this job done, and to helping producers comply with EPA regulations, is finding solutions rather than imposing sanctions. That is why today I am introducing a bill that would provide a 25 percent tax credit to livestock producers to purchase equipment for new and innovative ways to process and use manure.

The aim of my bill is to help producers help themselves when it comes to manure management, particularly in circumstances where too much manure is generated to be safely applied to land.

The tax credit would cover equipment that allows farmers to carefully apply only as much manure as their crops need, and equipment that processes manure for safer handling, better nutrient value, or alternative uses like energy generation. This is the kind of equipment that producers need to comply more easily with nutrient management plans, move manure more economically to areas where crop land is available, or adopt alternative uses for manure.

The bottom line as I see it is that livestock, dairy and poultry producers in this country are going to face limits on manure application. These limits are going to have a serious effect on some operations, and particularly in certain regions of the country.

Of course, there are all kinds of operations that make up our livestock, dairy and poultry industry, and each producer needs an environmental solution that makes sense for that individual operation.

Some producers have enough land to apply all of their manure. For these producers, up to date facilities and careful management should be sufficient. For other producers, simple composting or efficient solid liquid separation may be the solution, so that solids can be transported more economically for off-site land application. In still other situations, particularly for very large operations or in regions with intensive production, we may need to adopt more advanced technology.

I believe that the bill I am introducing today is just a first step along the way to making the adoption of better technologies, whether low-tech composting or high-tech processing, more affordable for any size producer.

I want to thank the National Pork Producers Council for its support of this tax credit initiative. The National Pork Producers have been far in front of the crowd in engaging policy makers at the national level and in working with pork producers to address environmental problems. I look forward to continuing to work with them on these issues.

Let me be clear that I want the livestock industry to thrive in both Iowa and across the United States. But for our industry to flourish, we need to get our environmental house in order. I do believe that we can have both a healthy livestock industry and a sound environment, and I hope that the Congress will act quickly to enact this tax credit to help producers get the tools they need to reach this goal.

Mr. President, I ask unanimous consent that the bill and a letter of endorsement from the NPPC be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

[The bill was not available for printing. It will appear in a future edition of the RECORD.]

NATIONAL PORK PRODUCERS COUNCIL

Washington, DC, September 16, 1998.

Hon. TOM HARKIN,
U.S. Senate, Hart Office Building, Washington, DC.

DEAR SENATOR HARKIN: I'm writing on behalf of the members of the National Pork Producers Council (NPPC) to express our support for allowing livestock producers to claim an income tax credit for innovative environmental management equipment. We believe the goal of any tax credit for livestock manure handling practices and equipment should be to enhance the quality of surface and ground water and the air. The focus should be on those practices which are an alternative to traditional storage and handling practices or which significantly improve the function of traditional storage and handling methods.

Pork producers have been very aggressive in the development of new regulations for their operations through the National Environmental Dialogue on Pork Production recommendations. We recognize that sound environmental management and compliance with new regulations will, in many cases, require producers to adopt and pay for new equipment. In an increasingly competitive world pork industry, such a tax credit will provide U.S. producers an important advantage in the rapid development of sustainable, affordable production systems.

We look forward to working with you to enact this important initiative.

Sincerely,

DONNA REIFSCHNEIDER,
President.•

By Mr. MCCAIN (for himself, Mr. LEAHY, Mr. HATCH, Mr. DEWINE, and Mr. KOHL):

S. 2494. A bill to amend the Communications Act of 1934 (47 U.S.C. 151 et seq.) to enhance the ability of direct broadcast satellite and other multichannel video providers to compete effectively with cable television systems, and for other purposes; to the Committee on Commerce, Science, and Transportation.

THE MULTICHANNEL VIDEO COMPETITION ACT OF 1998

• Mr. MCCAIN. Mr. President, I introduce legislation that will address two problems confronting the millions of Americans who subscribe to satellite TV service. I am delighted to have Senators HATCH, LEAHY, DEWINE and KOHL as original co-sponsors.

These two problems involve the legal and practical difficulties satellite TV providers currently face in providing network TV stations as part of their service package.

The first problem is that the law effectively prevents satellite TV companies from providing local network stations to their subscribers. That hampers the ability of satellite TV to compete effectively with cable TV and, by doing so, to check cable rate increases.

The second problem is that existing law also forbids satellite TV providers from offering distant network stations unless the subscriber happens to be located beyond the reach of local network stations. But the satellite companies and their subscribers claim that the law's definition of what constitutes decent off-air TV reception is too narrow. This has resulted in many situations in which consumers who cannot receive local network stations as a practical matter, are nevertheless regarded as being able to receive them, as a legal matter. In many cases, satellite TV providers are offering distant network signals even though it's actually illegal. This has led to litigation and a court order that could cause more than a million satellite TV subscribers throughout the country to lose their network TV within the next several weeks.

Mr. President, we need to fix these problems, and we need to fix them quickly. No satellite TV company should be forced to suddenly discontinue any customer's network TV service, and satellite TV companies should be able to provide their subscribers with local network TV stations, just as cable TV companies can.

The legislation being introduced today is intended to strike a reasonable balance between the competing interests of cable operators, broadcasters, and satellite TV providers, to enable satellite TV providers to offer network stations, to assure that no satellite TV subscriber is unfairly deprived of network TV service, to assure local broadcasters are not deprived of the support of their local audience, and to make satellite TV a more effective competitive alternative to cable TV.

This legislation will also require changes to the Copyright Act, the Satellite Home Viewers Act, and the Communications Act. The distinguished Chairman of the Senate Judiciary Committee, Senator HATCH, has developed legislation to give satellite TV providers a compulsory copyright license enabling them to offer local TV stations. I am also cosponsoring this legislation.

The bill I am introducing today will be merged with Senator HATCH's legislation to provide a comprehensive and workable solution to all these problems. Let me briefly describe what my bill provides.

My bill directs the Federal Communications Commission to straighten out the rules governing satellite TV companies' carriage of distant network TV stations, and provides guidelines for the Commission's decision. It will also guarantee that no satellite TV subscriber loses network stations before the FCC issues revised rules next February. It will require that satellite TV companies carry all local TV stations, just as cable systems must, when it becomes feasible for them to do so. In the interim it will allow them to carry fewer than all local stations as long as they compensate any local stations that are not carried for any loss of revenue the stations will suffer as a result.

During the last several weeks the Majority Leader, Senator LOTT, and the Ranking Member of the Commerce Committee, Senator FRITZ HOLLINGS, have worked tirelessly with the broadcast and satellite industries to develop a compromise that will avoid the disruption of satellite TV subscribers network TV service until this legislation can be enacted into law. I would like to recognize them for their efforts on behalf of every member of the public who subscribes to multichannel video service, whether by satellite or by cable. All of us should be grateful for their leadership on this issue.

I intend to hold hearings on the status of the parties efforts to reach a compromise, and on the legislation sponsored by Senator HATCH and myself, next week. It is my hope that broadcasters and satellite TV providers can reach a mutually-acceptable temporary agreement that will enable Senator HATCH and myself to enact our comprehensive legislation as soon as possible, and in any event no later than early in the next Session of Congress.•

• Mr. KOHL. Mr. President, I support this measure, which will help create competition between satellite and cable television. Read in tandem with our Judiciary Committee proposal, it offers the promise of a comprehensive solution that removes some of the roadblocks to true video competition. Let me commend Senators MCCAIN, HOLLINGS, HATCH, LEAHY, DEWINE and LOTT for their efforts, all of which were instrumental in the creation of a comprehensive package with a real chance to be enacted this year.

Mr. President, let me explain why we need to move on these measures before the opportunity passes us by. Consumers want real choices. But they won't have a fair opportunity to choose between cable, satellite or other video systems if their network signals are, in essence, separate and unequal.

The legislation that the Judiciary and Commerce Committees have been working on together would eliminate this problem. They extend the Satellite Home Viewer Act, give satellite carriers the ability to provide local television broadcast signals (while appropriately phasing in must-carry), reduce the royalty fees for these signals, give the FCC time to take a much-needed second look at the definition of "unserved households," and make sure no one—no one—is terminated before February 28th of next year.

Mr. President, these bills are not perfect pieces of legislation. And we invite the interested parties to work with us to improve them. But the overall package is a fair and comprehensive one. If we continue to work together, then consumers will have real choices

among video providers, and that television programming will be more available and affordable for all of us. In addition, we will help to preserve local television stations, who provide all of us with vital information like news, weather, and special events—especially sports.

I urge my colleagues to support these bipartisan bills, which will move us toward video competition in the next millennium, and I hope we can enact them as one before this Congress adjourns in October.●

By Mr. MOYNIHAN (for himself and Mr. D'AMATO):

S. 2495. A bill to establish the Kate Mullany National Historic Site in the State of New York, and for other purposes; to the Committee on Energy and Natural Resources.

THE KATE MULLANY NATIONAL HISTORIC SITE ACT

●Mr. MOYNIHAN. Mr. President, it is with great pride, with my distinguished colleague Senator D'AMATO, I introduce the "Kate Mullany Historic Site Act," a bill to designate the Troy, New York home of pioneer labor organizer Kate Mullany as a National Historic Site. A similar measure introduced in the House of Representatives this year by Congressman MICHAEL R. MCNULTY has engendered a great deal of support and cosponsorship by over 100 members.

Like many Irish immigrants settling in Troy, Kate Mullany found her opportunities limited to the most difficult and low-paying of jobs, the collar laundry industry. Troy was then known as "The Collar City"—the birthplace of the detachable shirt collar. At the age of 19, Kate stood up against the often dangerous conditions and meager pay that characterized the industry and lead a movement of 200 female laundresses demanding just compensation and safe working conditions. These protests marked the beginning of the Collar Laundry Union, which some have called "the only bona fide female labor union in the country."

Kate Mullany's courage and organizing skills did not go unnoticed. She later traveled down the Hudson River to lead women workers in the sweatshops of New York City and was ultimately appointed Assistant Secretary of the then National Labor Union, becoming the first women ever appointed to a national labor office.

On April 1, 1998, Kate Mullany's home was designated as a National Historic Landmark by Secretary of the Interior Bruce Babbitt and on July 15 First Lady Hillary Rodham Clinton presented citizens of Troy with the National Historic Landmark plaque in a celebration. Given the recent attention to the contributions of Kate Mullany, I am quite pleased to introduce this bill with my colleague Senator D'AMATO today.●

By Mr. SPECTER:

S. 2496. A bill to designate the Department of Veterans Affairs medical center in Aspinwall, Pennsylvania, as the "H. John Heinz III Department of Veterans Affairs Medical Center"; to the Committee on Veterans' Affairs.

H. JOHN HEINZ III VETERANS AFFAIRS MEDICAL CENTER

Mr. SPECTER. Mr. President, today I am introducing a bill to honor the memory of Senator John Heinz by designating the Veterans Medical facility in Aspinwall, Pennsylvania, as the H. John Heinz III Veterans Affairs Medical Center.

Recognition of the distinguished work of Senator Heinz has been memorialized in a variety of ways. This designation of the Veterans Center pays tribute to his outstanding work for America's veterans. Senator Heinz, a veteran himself, made many contributions to this nation and to America's veterans.

H. John Heinz III was born on October 23, 1938 in Pittsburgh, Pennsylvania. While he grew up in San Francisco, California, he spent many summers in Pittsburgh with his father who was chairman of the H.J. Heinz Company founded in 1869 by the Senator's great-grandfather. John graduated from Yale University with honors in 1960 and piloted a single-engine plane through Africa and the Middle East, ending up in Sydney, Australia working as a salesman for a truck company. He entered Harvard Business School in 1961 and the following year worked for the summer with the Union Bank of Switzerland in Geneva. While in Switzerland he met his future wife, Teresa Simoes Ferreira, who was attending graduate school in Geneva. He received his Master's degree in Business Administration from Harvard in 1963.

After enlisting in the U.S. Air Force Reserve, John Heinz served on active duty in 1963 at Lackland Air Force Base in San Antonio, Texas. For the remainder of his enlistment, he served with the 911th Troop Carrier Group based at the Greater Pittsburgh Airport. As an Airman Third Class, he received a U.S. Department of Defense citation for suggestions to improve the management of parts and supplies, saving the Air Force $400,000 annually. With the rank of staff sergeant, he received an honorable discharge from the Air Force Reserves in 1969.

In 1964, John Heinz served as a special assistant to Senator Hugh Scott (R-PA) in Washington, D.C. and as assistant campaign manager in Senator Scott's successful reelection bid. Returning to Pittsburgh, he was employed in the financial and marketing divisions of the H.J. Heinz Company from 1965 to 1970. He married Teresa in 1966, and they subsequently had three sons: Henry John IV, Andre, and Christopher. He taught at the Graduate School of Industrial Administration at Carnegie Mellon University in Pittsburgh during the 1970-71 academic year.

Senator Heinz was a stalwart of the Republican Party, contributing generously of his time, talents and efforts by campaigning for others. He was active in the campaigns of Governor William Scranton for the Republican Presidential nomination in 1964, Judge Maurice B. Cohill for Juvenile Court in 1965, Richard L. Thornburgh for Congress in 1966, Robert Friend for County Controller in 1967, and John Tabor for Mayor in 1969. He chaired the Pennsylvania Republican platform committee hearings in 1968, won election as a delegate at the Republican National Convention in the same year (and again in 1972, 1976, and 1980), and chaired the Pennsylvania Republican State Platform Committee in 1970.

Upon the sudden death in April 1971 of Congressman Robert J. Corbett (R-PA), John Heinz pursued the unexpired term and won, making him the youngest Republican member of the U.S. House of Representatives at 33 years old. In November 1972 and 1974, John Heinz was re-elected to the House.

When Senator Hugh Scott announced his retirement in December 1975, Senator Heinz, George Packer and I ran for the Republican nomination for U.S. Senate in the April 1976 primary. After Senator Heinz won that primary contest, I endorsed him at a major rally in September 1976 in Delaware County at the kick off of his campaign in Southeastern Pennsylvania. Senator Heinz defeated Congressman William J. Green III and took his seat in the United States Senate on January 3, 1977.

In his capacity as Chairman of the Republican Senatorial Campaign Committee, Senator Heinz gave me tremendous support and was instrumental in my election to the United States Senate in November 1980.

Thereafter, Senator Heinz and I established a very close friendship and working relationship. Although I cannot personally attest to all other Senate relationships, I believe that our cooperation and coordination was as close as any two Senators from the same state in the Senate's history.

When one of us was unable to attend a specific event, the other was always ready, willing and able to take his place. We discussed the pending international, national and state issues incessantly. On the late night sessions, and there were many, I would drive John home in my aging Jaguar leaving him off in the alley behind his home in Georgetown.

On one occasion in 1982 we had a lengthy discussion about the upcoming vote the next day on a constitutional amendment for a balanced budget. I laid out my reasons for opposing the amendment and John gave me his reasons for supporting it. I found his arguments so persuasive that I voted for

the constitutional amendment for the balanced budget the next day. I was surprised to find that he voted against it. We had a good laugh on that exchange of views and our reciprocal change of positions.

Senator Heinz and I made it a practice to inform and invite the other to all of our events. On April 3, 1991, our paths crossed in Altoona, Pennsylvania, where he had scheduled a meeting with a group of doctors. I accepted his invitation and recall his warm greeting when Joan and I arrived to join the discussion. He kissed Joan on the cheek and joked with me about calling her "blondie." We parted that day and that was the last time I saw John Heinz because he had the fatal air crash the next day, April 4, 1991, in a small plane from Williamsport, Pennsylvania, to Philadelphia.

Senator Heinz was an extraordinary man and a great Senator. The designation of the Veterans Medical Center in Aspinwall, Pennsylvania, is an appropriate additional tribute to his memory.

Senator Heinz' work on behalf of the citizens of Pennsylvania, young and old, will long be remembered. He was a tireless advocate for seniors, working to ensure the long-term viability of the Social Security system. He fought to protect Medicare and Medicaid patients. He authored the Age Discrimination and Employment Amendments of 1985, protecting the employment rights of our nation's seniors. He authored a bill to strengthen the U.S. job training program for displaced veterans in the work force. For military families, he worked to ensure that the children of service members were adequately cared for. He worked on behalf of U.S. workers and businesses in an increasingly international marketplace. He also played an important role in ensuring appropriate environmental protections in Pennsylvania and across the nation. John Heinz had a remarkable career of public service.

As Chairman of the Senate Committee on Veterans' Affairs, I ask my colleagues to support this measure naming the Department of Veterans Affairs Medical Center in Aspinwall, Pennsylvania, after our departed colleague, Senator H. John Heinz III.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2496

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

SECTION 1. DESIGNATION OF H. JOHN HEINZ IN DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER, ASPINWALL, PENNSYLVANIA.

The Department of Veterans Affairs medical center in Aspinwall, Pennsylvania, is hereby designated as the "H. John Heinz III Department of Veterans Affairs Medical Center". Any reference to such medical center in any law, regulation, map, document, record, or other paper of the United States shall be considered to be a reference to the "H. John Heinz III Department of Veterans Affairs Medical Center".

ADDITIONAL COSPONSORS

S. 852

At the request of Mr. LOTT, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 852, a bill to establish nationally uniform requirements regarding the titling and registration of salvage, nonrepairable, and rebuilt vehicles.

S. 1805

At the request of Mr. KENNEDY, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 1805, a bill to amend the Fair Labor Standards Act of 1938 to increase the Federal minimum wage.

S. 1976

At the request of Mr. LAUTENBERG, his name was added as a cosponsor of S. 1976, a bill to increase public awareness of the plight of victims of crime with developmental disabilities, to collect data to measure the magnitude of the problem, and to develop strategies to address the safety and justice needs of victims of crime with developmental disabilities.

S. 2022

At the request of Mr. LAUTENBERG, his name was added as a cosponsor of S. 2022, a bill to provide for the improvement of interstate criminal justice identification, information, communications, and forensics.

S. 2041

At the request of Mr. SMITH, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 2041, a bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the design, planning, and construction of the Willow Lake Natural Treatment System Project for the reclamation and reuse of water, and for other purposes.

S. 2148

At the request of Mr. HATCH, the name of the Senator from Arkansas (Mr. HUTCHINSON) was added as a cosponsor of S. 2148, a bill to protect religious liberty.

S. 2233

At the request of Mr. CONRAD, the names of the Senator from Nevada (Mr. REID) and the Senator from Wyoming (Mr. THOMAS) were added as cosponsors of S. 2233, a bill to amend section 29 of the Internal Revenue Code of 1986 to extend the placed in service date for biomass and coal facilities.

S. 2323

At the request of Mr. GRASSLEY, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 2323, a bill to amend title XVIII of the Social Security Act to preserve access to home health services under the medicare program.

S. 2346

At the request of Mr. ALLARD, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 2346, a bill to amend the Internal Revenue Code of 1986 to expand S corporation eligibility for banks, and for other purposes.

S. 2364

At the request of Mr. CHAFEE, the names of the Senator from Michigan (Mr. LEVIN) and the Senator from New Jersey (Mr. TORRICELLI) were added as cosponsors of S. 2364, a bill to reauthorize and make reforms to programs authorized by the Public Works and Economic Development Act of 1965.

S. 2432

At the request of Mr. HARKIN, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 2432, a bill to support programs of grants to States to address the assistive technology needs of individuals with disabilities, and for other purposes.

SENATE RESOLUTION 257

At the request of Mr. MURKOWSKI, the names of the Senator from Ohio (Mr. DEWINE), the Senator from Pennsylvania (Mr. SPECTER), and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of Senate Resolution 257, a resolution expressing the sense of the Senate that October 15, 1998, should be designated as "National Inhalant Abuse Awareness Day."

SENATE RESOLUTION 259

At the request of Mr. THURMOND, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of Senate Resolution 259, a resolution designating the week beginning September 20, 1998, as "National Historically Black Colleges and Universities Week," and for other purposes.

SENATE RESOLUTION 279—EXPRESSING THE SENSE OF THE SENATE SUPPORTING THE RIGHT OF THE UNITED STATES CITIZENS IN PUERTO RICO TO EXPRESS THEIR DESIRES REGARDING THEIR FUTURE POLITICAL STATUS

Mr. TORRICELLI (for himself, Mr. D'AMATO, Mr. MURKOWSKI, Mr. CRAIG, Mr. AKAKA, Mr. LAUTENBERG, Mr. GRAHAM, Mr. DASCHLE, Ms. LANDRIEU, Mr. LIEBERMAN, Mr. HATCH, Mr. DOMENICI, Mr. STEVENS, Mr. BENNETT, and Mr. HARKIN): submitted the following resolution; which was considered and agreed to:

S. RES. 279

Whereas nearly 4,000,000 United States citizens live in the island of Puerto Rico;

Whereas 1998 marks the centenary of the acquisition of the island of Puerto Rico from Spain;

Whereas in 1917 the United States granted United States citizenship to the inhabitants of Puerto Rico;

Whereas since 1952, Puerto Rico has exercised local self-government under the sovereignty of the United States and subject to the provisions of the Constitution of the United States and other Federal laws applicable to Puerto Rico;

Whereas the Senate supports and recognizes the right of United States citizens residing in Puerto Rico to express their views regarding their future political status; and

Whereas the political status of Puerto Rico can be determined only by the Congress of the United States: Now, therefore, be it

Resolved,

SECTION 1. SENSE OF THE SENATE REGARDING A REFERENDUM ON THE FUTURE POLITICAL STATUS OF PUERTO RICO.

It is the sense of the Senate that—

(1) the Senate supports and recognizes the right of United States citizens residing in Puerto Rico to express democratically their views regarding their future political status through a referendum or other public forum, and to communicate those views to the President and Congress; and

(2) the Federal Government should review any such communication.

SENATE RESOLUTION 280—DIRECTING THE PRINTING AS A SENATE DOCUMENT OF A COMPILATION OF MATERIALS ENTITLED "HISTORY OF THE UNITED STATES SENATE COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY"

Mr. LUGAR (for himself and Mr. HARKIN) submitted the following resolution; which was considered and agreed to:

S. RES. 280

Resolved,

SECTION 1. PRINTING OF HISTORY OF THE UNITED STATES SENATE COMMITTEE ON AGRICUTURE, NUTRITION, AND FORESTRY.

The Public Printer shall print—

(1) as a Senate document a compilation of materials, with illustrations, entitled "History of the United States Senate Committee on Agriculture, Nutrition, and Forestry"; and

(2) 100 copies of the document in addition to the usual number.

AMENDMENTS SUBMITTED

CONSUMER BANKRUPTCY REFORM ACT OF 1998

GRASSLEY (AND DURBIN) AMENDMENT NO. 3595

Mr. GRASSLEY (for himself and Mr. DURBIN) proposed an amendment to amendment No. 3559 proposed by Mr. GRASSLEY to the bill (S. 1301) to amend title 11, United States Code, to provide for consumer bankruptcy protection, and for other purposes; as follows:

(1) In section 102(a)(5) strike "a party in interest" and insert "only the judge, United States trustee, bankruptcy administrator or panel trustee";

(2) In section 102(a)95) strike "not".

Strike 317 and replace with:

"Not later than 180 days after the date of enactment of this Act, the Federal Trade Commission shall promulgate regulations defining "household goods" under Section 522(c)(3) in a manner suitable and appropriate for cases under Title 11 of the United States Code. If new regulations are not effective within 180 days of enactment of this Act, then "household goods" under Section 522(c)(3) shall have the meaning given that term in section 444.1(i) of Title 16, of the Code of Federal Regulations, except that the term shall also include any tangible personal property reasonably necessary for the maintenance or support of a dependent child."

At the end of Title III, insert:

11 U.S.C. 507(a) to add a new section 507(a)(10) to read:

"Tenth, allowed claims for death or personal injury resulting from the operation of a motor vehicle or vessel if such operation was unlawful because the debtor was intoxicated from using alcohol, a drug or another substance."

Strike existing 315 and add the following:

SEC. 315. NONDISCHARGEABLE DEBTS.

Section 523(a) of title 11, United States Code, is amended by inserting after paragraph (14) the following:

"(14A) incurred to pay a debt that is nondischargeable by reason of section 727, 1141, 1228 (a) or (b), or 1328(b), or any other provision of this subsection, where the debtor incurred the debt to pay such a nondischargeable debt with the intent to discharge in bankruptcy the newly-created debt."

At the appropriate place in Title II, insert the following:

SEC. ___. ENHANCED DISCLOSURE FOR CREDIT EXTENSIONS SECURED BY DWELLING.

(a) OPEN-END CREDIT EXTENSIONS.—

(1) CREDIT APPLICATIONS.—Section 127A(a)(13) of the Truth in Lending Act (15 U.S.C. 1637a(a)(13)) is amended—

(A) by striking "CONSULTATION OF TAX ADVISOR.—A statement that the" and inserting the following: "TAX DEDUCTIBILITY.—A statement that—

"(A) the"; and

(B) by striking the period at the end and inserting the following: "; and

"(B) in any case in which the extension of credit exceeds the fair market value of the dwelling, the interest on the portion of the credit extension that is greater than the fair market value of the dwelling is not tax deductible for Federal income tax purposes.".

(2) CREDIT ADVERTISEMENTS.—Section 147(b) of the Truth in Lending Act (15 U.S.C. 1665b(b)) is amended—

(A) by striking "If any" and inserting the following:

"(1) IN GENERAL.—If any"; and

(B) by adding at the end the following:

"(2) CREDIT IN EXCESS OF FAIR MARKET VALUE.—Each advertisement described in subsection (a) that relates to an extension of credit that may exceed the fair market value of the dwelling shall include a clear and conspicuous statement that—

"(A) the interest on the portion of the credit extension that is greater than the fair market value of the dwelling is not tax deductible for Federal income tax purposes; and

"(B) the consumer may want to consult a tax advisor for further information regarding the deductibility of interest and charges.".

(b) NON-OPEN END CREDIT EXTENSIONS.—

(1) CREDIT APPLICATIONS.—Section 128 of the Truth in Lending Act (15 U.S.C. 1638) is amended—

(A) in subsection (a), by adding at the end the following:

"(15) In the case of a consumer credit transaction that is secured by the principal dwelling of the consumer, in which the extension of credit may exceed the fair market value of the dwelling, a clear and conspicuous statement that—

"(A) the interest on the portion of the credit extension that is greater than the fair market value of the dwelling is not tax deductible for Federal income tax purposes; and

"(B) the consumer should consult a tax advisor for further information regarding the deductibility of interest and charges."; and

(B) in subsection (b), by adding at the end the following:

"(3) In the case of a credit transaction described in paragraph (15) of subsection (a), disclosures required by that paragraph shall be made to the consumer at the time of application for such extension of credit.".

(2) CREDIT ADVERTISEMENTS.—Section 144 of the Truth in Lending Act (15 U.S.C. 1664) is amended by adding at the end the following:

"(e) Each advertisement to which this section applies that relates to a consumer credit transaction that is secured by the principal dwelling of a consumer in which the extension of credit may exceed the fair market value of the dwelling shall clearly and conspicuously state that—

"(1) the interest on the portion of the credit extension that is greater than the fair market value of the dwelling is not tax deductible for Federal income tax purposes; and

"(2) the consumer may want to consult a tax advisor for further information regarding the deductibility of interest and charges.".

This section shall become effective one year after the date of enactment.

At the appropriate place in Title II, insert the following:

SEC. ___. DUAL-USE DEBIT CARD.

(a) CONSUMER LIABILITY.—

(1) IN GENERAL.—Section 909 of the Electronic Fund Transfer Act (15 U.S.C. 1693g) is amended—

(A) by redesignating subsections (b) through (e) as subsections (d) through (g), respectively;

(B) in subsection (a)—

(i) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively, and indenting appropriately;

(ii) by inserting "CARDS NECESSITATING UNIQUE IDENTIFIER.—

"(1) IN GENERAL.—" after "(a)";

(iii) by striking "other means of access can be identified as the person authorized to use it, such as by signature, photograph," and inserting "other means of access can be identified as the person authorized to use it by a unique identifier, such as a photograph, retina scan,"; and

(iv) by striking "Notwithstanding the foregoing," and inserting the following:

"(2) NOTIFICATION.—Notwithstanding paragraph (1),"; and

(C) by inserting before subsection (d), as so designated by this section, the following new subsections:

"(b) CARDS NOT NECESSITATING UNIQUE IDENTIFIER.—A consumer shall be liable for an unauthorized electronic fund transfer only if—

"(1) the liability is not in excess of $50;

"(2) the unauthorized electronic fund transfer is initiated by the use of a card that has been properly issued to a consumer other than the person making the unauthorized transfer as a means of access to the account of that consumer for the purpose of initiating an electronic fund transfer;

"(3) the unauthorized electronic fund transfer occurs before the card issuer has been notified that an unauthorized use of the card has occurred or may occur as the result of loss, theft, or otherwise; and

"(4) such unauthorized electronic fund transfer did not require the use of a code or other unique identifier (other than a signature), such as a photograph, fingerprint, or retina scan.

"(c) NOTICE OF LIABILITY AND RESPONSIBILITY TO REPORT LOSS OF CARD, CODE, OR OTHER MEANS OF ACCESS.—No consumer shall be liable under this title for any unauthorized electronic fund transfer unless the consumer has received in a timely manner the notice required under section 905(a)(1), and any subsequent notice required under section 905(b) with regard to any change in the information which is the subject of the notice required under section 905(a)(1).".

(2) CONFORMING AMENDMENT.—Section 905(a)(1) of the Electronic Fund Transfer Act (15 U.S.C. 1693c(a)(1)) is amended to read as follows:

"(1) the liability of the consumer for any unauthorized electronic fund transfer and the requirement for promptly reporting any loss, theft, or unauthorized use of a card, code, or other means of access in order to limit the liability of the consumer for any such unauthorized transfer;".

(b) VALIDATION REQUIREMENT FOR DUAL-USE DEBIT CARDS.—

(1) IN GENERAL.—Section 911 of the Electronic Fund Transfer Act (15 U.S.C. 1693i) is amended—

(A) by redesignating subsection (c) as subsection (d); and

(B) by inserting after subsection (b) the following new subsection:

"(c) VALIDATION REQUIREMENT.—No person may issue a card described in subsection (a), the use of which to initiate an electronic fund transfer does not require the use of a code or other unique identifier other than a signature (such as a fingerprint or retina scan), unless—

"(1) the requirements of paragraphs (1) through (4) of subsection (b) are met; and

"(2) the issuer has provided to the consumer a clear and conspicuous disclosure that use of the card may not require the use of such code or other unique identifier.".

(2) TECHNICAL AND CONFORMING AMENDMENT.—Section 911(d) of the Electronic Fund Transfer Act (15 U.S.C. 1993i(d)) (as redesignated by subsection (a)(1) of this section) is amended by striking "For the purpose of subsection (b)" and inserting "For purposes of subsections (b) and (c)".

On page 6, line 23 insert "or United States Trustee" after "trustee".

At the end of Title III:

"If requested by the United States trustee or a trustee serving in the case, the debtor provide a document that establishes the identity of the debtor, including a driver's license, passport, or other document that contains a photograph of the debtor and such other personal identifying information relating to the debtor that establishes the identity of the debtor.".

At the appropriate place in title VII, insert the following:

SEC. 7__. ROLLING STOCK EQUIPMENT.

(a) IN GENERAL.—Section 1168 of title 11, United States Code, is amended to read as follows:

"§ 1168. Rolling stock equipment.

"(a)(1) The right of a secured party with a security interest in or of a lessor or conditional vendor of equipment described in paragraph (2) to take possession of such equipment in compliance with an equipment security agreement, lease, or conditional sale contract, and to enforce any of its other rights or remedies under such security agreement, lease, or conditional sale contract, to sell, lease, or otherwise retain or dispose of such equipment, is not limited or otherwise affected by any other provision of this title or by any power of the court, except that that right to take possession and enforce those other rights and remedies shall be subject to section 362, if—

"(A) before the date that is 60 days after the date of commencement of a case under this chapter, the trustee, subject to the court's approval, agrees to perform all obligations of the debtor under such security agreement, lease, or conditional sale contract; and

"(B) any default, other than a default of a kind described in section 365(b)(2), under such security agreement, lease, or conditional sale contract—

"(i) that occurs before the date of commencement of the case and is an event of default therewith is cured before the expiration of such 60-day period;

"(ii) that occurs or becomes an event of default after the date of commencement of the case and before the expiration of such 60-day period is cured before the later of—

"(I) the date that is 30 days after the date of the default or event of the default; or

"(II) the expiration of such 60-day period; and

"(iii) that occurs on or after the expiration of such 60-day period is cured in accordance with the terms of such security agreement, lease, or conditional sale contract, if cure is permitted under that agreement, lease, or conditional sale contract.

"(2) The equipment described in this paragraph—

"(A) is rolling stock equipment or accessories used on rolling stock equipment, including superstructures or racks, that is subject to a security interest granted by, leased to, or conditionally sold to a debtor; and

"(B) includes all records and documents relating to such equipment that are required, under the terms of the security agreement, lease, or conditional sale contract, that is to be surrendered or returned by the debtor in connection with the surrender or return of such equipment.

"(3) Paragraph (1) applies to a secured party, lessor, or conditional vendor acting in its own behalf or acting as trustee or otherwise in behalf of another party.

"(b) The trustee and the secured party, lessor, or conditional vendor whose right to take possession is protected under subsection (a) may agree, subject to the court's approval, to extend the 60-day period specified in subsection (a)(1).

"(c)(1) In any case under this chapter, the trustee shall immediately surrender and return to a secured party, lessor, or conditional vendor, described in subsection (a)(1), equipment described in subsection (a)(2), if at any time after the date of commencement of the case under this chapter such secured party, lessor, or conditional vendor is entitled pursuant to subsection (a)(1) to take possession of such equipment and makes a written demand for such possession of the trustee.

"(2) At such time as the trustee is required under paragraph (1) to surrender and return equipment described in subsection (a)(2), any lease of such equipment, and any security agreement or conditional sale contract relating to such equipment, if such security agreement or conditional sale contract is an executory contract, shall be deemed rejected.

"(d) With respect to equipment first placed in service on or prior to October 22, 1994, for purposes of this section—

"(1) the term 'lease' includes any written agreement with respect to which the lessor and the debtor, as lessee, have expressed in the agreement or in a substantially contemporaneous writing that the agreement is to be treated as a lease for Federal income tax purposes; and

"(2) the term 'security interest' means a purchase-money equipment security interest.

"(e) With respect to equipment first placed in service after October 22, 1994, for purposes of this section, the term 'rolling stock equipment' includes rolling stock equipment that is substantially rebuilt and accessories used on such equipment.".

(b) AIRCRAFT EQUIPMENT AND VESSELS.—Section 1110 of title 11, United States Code, is amended to read as follows:

"§ 1110. Aircraft equipment and vessels

"(a)(1) Except as provided in paragraph (2) and subject to subsection (b), the right of a secured party with a security interest in equipment described in paragraph (3), or of a lessor or conditional vendor of such equipment, to take possession of such equipment in compliance with a security agreement, lease, or conditional sale contract, and to enforce any of its other rights or remedies, under such security agreement, lease, or conditional sale contract, to sell, lease, or otherwise retain or dispose of such equipment, is not limited or otherwise affected by any other provision of this title or by any power of the court.

"(2) The right to take possession and to enforce the other rights and remedies described in paragraph (1) shall be subject to section 362 if—

"(A) before the date that is 60 days after the date of the order for relief under this chapter, the trustee, subject to the approval of the court, agrees to perform all obligations of the debtor under such security agreement, lease, or conditional sale contract; and

"(B) any default, other than a default of a kind specified in section 365(b)(2), under such security agreement, lease, or conditional sale contract—

"(i) that occurs before the date of the order is cured before the expiration of such 60-day period;

"(ii) that occurs after the date of the order and before the expiration of such 60-day period is cured before the later of—

"(I) the date that is 30 days after the date of the default; or

"(II) the expiration of such 60-day period; and

"(iii) that occurs on or after the expiration of such 60-day period is cured in compliance with the terms of such security agreement, lease, or conditional sale contract, if a cure is permitted under that agreement, lease, or contract.

"(3) The equipment described in this paragraph—

"(A) is—

"(i) an aircraft, aircraft engine, propeller, appliance, or spare part (as defined in section 40102 of title 49) that is subject to a security interest granted by, leased to, or conditionally sold to a debtor that, at the time such transaction is entered into, holds an air carrier operating certificate issued pursuant to chapter 447 of title 49 for aircraft capable of carrying 10 or more individuals or 6,000 pounds or more of cargo; or

"(ii) a documented vessel (as defined in section 30101(1) of title 46) that is subject to a security interest granted by, leased to, or conditionally sold to a debtor that is a water carrier that, at the time such transaction is entered into, holds a certificate of public convenience and necessity or permit issued by the Department of Transportation; and

"(B) includes all records and documents relating to such equipment that are required, under the terms of the security agreement, lease, or conditional sale contract, to be surrendered or returned by the debtor in connection with the surrender or return of such equipment.

"(4) Paragraph (1) applies to a secured party, lessor, or conditional vendor acting in its own behalf or acting as trustee or otherwise in behalf of another party.

"(b) The trustee and the secured party, lessor, or conditional vendor whose right to take possession is protected under subsection (a) may agree, subject to the approval of the court, to extend the 60-day period specified in subsection (a)(1).

"(c)(1) In any case under this chapter, the trustee shall immediately surrender and return to a secured party, lessor, or conditional vendor, described in subsection (a)(1), equipment described in subsection (a)(3), if at any time after the date of the order for relief under this chapter such secured party, lessor, or conditional vendor is entitled pursuant to subsection (a)(1) to take possession of such equipment and makes a written demand for such possession to the trustee.

"(2) At such time as the trustee is required under paragraph (1) to surrender and return equipment described in subsection (a)(3), any lease of such equipment, and any security agreement or conditional sale contract relating to such equipment, if such security agreement or conditional sale contract is an executory contract, shall be deemed rejected.

"(d) With respect to equipment first placed in service on or before October 22, 1994, for purposes of this section—

"(1) the term 'lease' includes any written agreement with respect to which the lessor and the debtor, as lessee, have expressed in the agreement or in a substantially contemporaneous writing that the agreement is to be treated as a lease for Federal income tax purposes; and

"(2) the term 'security interest' means a purchase-money equipment security interest.".

At the appropriate place in title VII, insert the following:

SEC. 7___. CURBING ABUSIVE FILINGS.

(a) IN GENERAL.—Section 362(d) of title 11, United States Code, is amended—

(1) in paragraph (2), by striking "or" at the end;

(2) in paragraph (3), by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following:

"(4) with respect to a stay of an act against real property under subsection (a), by a creditor whose claim is secured by an interest in such real estate, if the court finds that the filing of the bankruptcy petition was part of a scheme to delay, hinder, and defraud creditors that involved either—

"(A) transfer of all or part ownership of, or other interest in, the real property without the consent of the secured creditor or court approval; or

"(B) multiple bankruptcy filings affecting the real property.

If recorded in compliance with applicable State laws governing notices of interests or liens in real property, an order entered pursuant to this subsection shall be binding in any other case under this title purporting to affect the real property filed not later than 2 years after that recording, except that a debtor in a subsequent case may move for relief from such order based upon changed circumstances or for good cause shown, after notice and a hearing.".

(b) AUTOMATIC STAY.—Section 362(b) of title 11, United States Code, as amended by section 709, is amended—

(1) in paragraph (24), by striking "or" at the end;

(2) in paragraph (25) by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following:

"(26) under subsection (a) of this section, of any act to enforce any lien against or security interest in real property following the entry of an order under section 362(d)(4) as to that property in any prior bankruptcy case for a period of 2 years after entry of such an order. The debtor in a subsequent case, however, may move the court for relief from such order based upon changed circumstances or for other good cause shown, after notice and a hearing; or

"(27) under subsection (a) of this section, of any act to enforce any lien against or security interest in real property—

"(A) if the debtor is ineligible under section 109(g) to be a debtor in a bankruptcy case; or

"(B) if the bankruptcy case was filed in violation of a bankruptcy court order in a prior bankruptcy case prohibiting the debtor from being a debtor in another bankruptcy case.".

At the appropriate place in title VII, insert the following:

SEC. 7___. STUDY OF OPERATION OF TITLE 11 OF THE UNITED STATES CODE WITH RESPECT TO SMALL BUSINESSES.

Not later than 2 years after the date of the enactment of this Act, the Administrator of the Small Business Administration, in consultation with the Attorney General, the Director of the Administrative Office of United States Trustees, and the Director of the Administrative Office of the United States Courts, shall—

(1) conduct a study to determine—

(A) the internal and external factors that cause small businesses, especially sole proprietorships, to become debtors in cases under title 11 of the United States Code and that cause certain small businesses to successfully complete cases under chapter 11 of such title; and

(B) how Federal laws relating to bankruptcy may be made more effective and efficient in assisting small businesses to remain viable; and

(2) submit to the President pro tempore of the Senate and the Speaker of the House of Representatives a report summarizing that study.

After section 104(b)(3) add a new section 104(b)(4) reading:

"The dollar amount in section 101(18) shall be adjusted at the same times and in the same manner as the dollar amounts in paragraph (1) of this subsection, beginning with the adjustment to be made on April 1, 2001."

In section 101(19)(A) strike: "more than 50 percent of such individual's or such individual and spouse's gross income for the taxable year preceding the taxable year in which the case concerning such individual or such individual and spouse was filed" and replace it with:

"Such individual has had or such individual and spouse have had more than 50 percent of her/his/their income from such farming operation in at least one of the three calendar years preceding the year in which the case concerning such individual or such individual or spouse was filed."

After section 1225(b)(2) add a new section 1225(b)(3) reading:

If the plan provides for specific amounts of property to be distributed on account of allowed unsecured claims as required by paragraph (1)(b) of this subsection, those amounts equal or exceed the debtor's projected disposable income for that period, and the plan meets the requirements for confirmation other than those of this subsection, the plan shall be confirmed.

After section 1229(c) add a new section 1229(d) reading:

(1) A modification of the plan under this section may not increase the amount of payments that were due prior to the date of the order modifying the plan;

(2) A modification of the plan under this section to increase payments based on an increase in the debtor's disposable income may not require payments to unsecured creditors in any particular month greater than the debtor's disposable income for that month unless the debtor proposes such a modification;

(3) A modification of the plan in the last year of the plan shall not require payments that would leave the debtor with insufficient funds to carry on the farming operation after the plan is completed unless the debtor proposes such a modification.

At the end of the III, insert:

SEC. 2___. PROTECTION OF RETIREMENT SAVINGS IN BANKRUPTCY.

(a) IN GENERAL.—Section 522 of title 11, United States Code, is amended—

(1) in subsection (b)—

(A) in paragraph (2)—

(i) by striking "(2)(A) any property" and inserting:

"(3) Property listed in this paragraph is—

"(A) any property";

(ii) in subparagraph (A), by striking "and" at the end;

(iii) in subparagraph (B), by striking the period at the end and inserting "; and"; and

(iv) by adding at the end the following:

"(C) retirement funds to the extent that those funds are in a fund or account that is exempt from taxation under section 401, 403, 408, 408A, 414, 457, or 501(a) of the Internal Revenue Code of 1986.";

(B) by striking paragraph (1) and inserting:

"(2) Property listed in this paragraph is property that is specified under subsection (d) of this section, unless the State law that is applicable to the debtor under paragraph (3)(A) of this subsection specifically does not so authorize.";

(C) in the matter preceding paragraph (2)—

(i) by striking "(b)" and inserting "(b)(1)";

(ii) by striking "paragraph (2)" both places it appears and inserting "paragraph (3)";

(iii) by striking "paragraph (1)" each place it appears and inserting "paragraph (2)"; and

(iv) by striking "Such property is—"; and

(D) by adding at the end of the subsection the following:

"(4) For purposes of paragraph (3)(C), the following shall apply:

"(A) If the retirement funds are in a retirement fund that has received or is eligible to receive a favorable determination pursuant to section 7805 of the Internal Revenue Code of 1986, and that determination is in effect as of the date of the commencement of the case under section 301, 302, or 303, those funds shall be presumed to be exempt from the estate.

"(B) If the retirement funds are in a retirement fund that is not eligible to receive a favorable determination pursuant to such section 7805, those funds shall be presumed to be exempt from the estate if—

"(i) no prior determination to the contrary has been made by a court or the Internal Revenue Service; and

"(ii)(I) the retirement fund is in substantial compliance with the applicable requirements of the Internal Revenue Code of 1986; or

"(II) the retirement fund fails to be in substantial compliance with such applicable requirements, the debtor is not materially responsible for that failure.

"(C) A direct transfer of retirement funds from 1 fund or account that is exempt from taxation under section 401, 403, 408, 408A, 414, 457, or 501(a) of the Internal Revenue Code of 1986, pursuant to section 401(a)(31) of the Internal Revenue Code of 1986, or otherwise, shall not cease to qualify for exemption under paragraph (3)(C) by reason of that direct transfer.

"(D)(i) Any distribution that qualifies as an eligible rollover distribution within the meaning of section 402(c) of the Internal Revenue Code of 1986 or that is described in clause (ii) shall not cease to qualify for exemption under paragraph (3)(C) by reason of that distribution.

"(ii) A distribution described in this clause is an amount that—

"(I) has been distributed from a fund or account that is exempt from taxation under section 401, 403, 408, 408A, 414, 457, or 501(a) of the Internal Revenue Code of 1986; and

"(II) to the extent allowed by law, is deposited in such a fund or account not later than 60 days after the distribution of that amount."; and

(2) in subsection (d)—

(A) in the matter preceding paragraph (1), by striking "subsection (b)(1)" and inserting "subsection (b)(2)"; and

(B) by adding at the end the following:

"(12) Retirement funds to the extent that those funds are in a fund or account that is exempt from taxation under section 401, 403, 408, 408A, 414, 457, or 501(a) of the Internal Revenue Code of 1986.".

(b) AUTOMATIC STAY.—Section 362(b) of title 11, United States Code, is amended—

(1) in paragraph (17), by striking "or" at the end;

(2) in paragraph (18), by striking the period and inserting "; or";

(3) by inserting after paragraph (18) the following:

"(19) under subsection (a), of withholding of income from a debtor's wages and collection of amounts withheld, pursuant to the debtor's agreement authorizing that withholding and collection for the benefit of a pension, profit-sharing, stock bonus, or other plan established under section 401, 403, 408, 408A, 414, 457, or 501(a) of the Internal Revenue Code of 1986 that is sponsored by the employer of the debtor, or an affiliate, successor, or predecessor of such employer—

"(A) to the extent that the amounts withheld and collected are used solely for payments relating to a loan from a plan that satisfies the requirements of section 408(b)(1) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1108(b)(1)); or

"(B) in the case of a loan from a thrift savings plan described in subchapter III of title 5, that satisfies the requirements of section 8433(g) of that title."; and

(4) by adding at the end of the flush material following paragraph (19) the following: "Paragraph (19) does not apply to any amount owed to a plan referred to in that paragraph that is incurred under a loan made during the 1-year period preceding the filing of a petition. Nothing in paragraph (19) may be construed to provide that any loan made under a governmental plan under section 414(d) of the Internal Revenue Code of 1986 constitutes a claim or a debt under this title.".

(c) EXCEPTIONS TO DISCHARGE.—Section 523(a) of title 11, United States Code, as amended by section 202, is amended—

(1) by striking "or" at the end of paragraph (17);

(2) by striking the period at the end of paragraph (18) and inserting "; or"; and

(3) by adding at the end the following:

"(19) owed to a pension, profit-sharing, stock bonus, or other plan established under section 401, 403, 408, 408A, 414, 457, or 501(c) of the Internal Revenue Code of 1986, pursuant to—

"(A) a loan permitted under section 408(b)(1) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1108(b)(1)); or

"(B) a loan from the thrift savings plan described in subchapter III of title 5, that satisfies the requirements of section 8433(g) of that title.

Paragraph (19) does not apply to any amount owed to a plan referred to in that paragraph that is incurred under a loan made during the 1-year period preceding the filing of a petition. Nothing in paragraph (19) may be construed to provide that any loan made under a governmental plan under section 414(d) of the Internal Revenue Code of 1986 constitutes a claim or a debt under this title.".

(d) PLAN CONTENTS.—Section 1322 of title 11, United States Code, is amended by adding at the end the following:

"(f) A plan may not materially alter the terms of a loan described in section 362(b)(19).".

(e) PLAN CONFIRMATION.—Section 1325 of title 11, United States Code, is amended—

(1) in subsection (b)(2), in the matter preceding subparagraph (A), by striking "debtor and" and inserting "debtor (not including income that is withheld from the debtor's wages for the purposes described in section 362(b)(19)) and"; and

(2) in subsection (c), by striking "income to" and inserting "income (except income that is withheld after confirmation of a plan from a debtor's wages for the purposes described in section 362(b)(19)) to".

On page 48, line 15, insert "as amended by section 207(a)" after "Code,".

On page 48, line 17, strike "(b)(2)(A)" and insert "(b)(3)(A)".

On page 48, line 22, strike "subsection (b)(2)(A)" and insert "subsection (b)(3)(A)".

On page 62, line 20, insert ", as amended by section 207(b)," after "362(b) of title 11, United States Code".

On page 62, line 22, strike "(17)" and insert "(18)".

On page 62, line 24, strike "(18)" and insert "(19)".

On page 63, line 1, strike "by adding at the end the following:" and insert "by inserting after paragraph (19) the following:".

On page 63, line 2, strike "(19)" and insert "(20)".

On page 63, line 6, strike "(20)" and insert "(21)".

On page 80, strike lines 4 through 6, and insert the following:

ment;";

(D) in paragraph (20), by striking "or" at the end;

(E) in paragraph (21), by striking the period and inserting "; or";

On page 80, line 7, strike "(E)" and insert "(F)".

On page 80, line 9, strike "(19)" and insert (22)".

On page 80, line 21, strike "(19)" and insert (22)".

On page 131, line 3, strike "section 326" and insert "sections 326 and 401".

On page 50, line 7-8 strike "chief judge" and insert "United States Trustee or Bankruptcy Administrator".

On page 50, line 10, after "not" insert "reasonably".

On page 50, line 14, strike "chief judge" and insert "United States Trustee or Bankruptcy Administrator".

On page 50, line 16, strike "180 days" and insert "one year".

On page 50, line 17-18, strike "180 days" and insert "one year".

In Section 312, in amended section 707(c)(3), strike "20" and replace with "50".

At the appropriate place in title IV, insert the following:

SEC. 4 . FEES ARISING FROM CERTAIN OWNERSHIP INTERESTS.

Section 523(a)(16) of title 11, United States Code, is amended—

(1) by striking "dwelling" the first place it appears;

(2) by striking "ownership or" and inserting "ownership,";

(3) by striking "housing" the first place it appears; and

(4) by striking "but only" and all that follows through "such period,", and inserting "or a lot in a homeowners association, for as long as the debtor or the trustee has a legal, equitable, or possessory ownership interest in such unit, such corporation, or such lot,".

At the appropriate place, insert the following new section:

Sec. . ENHANCED DISCLOSURES UNDER AN OPEN END CREDIT PLAN.

(a) AMENDMENTS TO THE TRUTH IN LENDING ACT.—

(1) ENHANCED DISCLOSURE OF REPAYMENT TERMS.—

(A) IN GENERAL.—Section 127(b) of the Truth in Lending Act (15 U.S.C. 1637(b)) is amended by adding at the end the following:

"(11)(A) Repayment information that would apply to the outstanding balance of the consumer under the credit plan in a clear and conspicuous manner, including—

"(i) the required minimum monthly payment on that balance, represented as both a dollar figure and as a percentage of that balance,

"(ii) the number of months (rounded to the nearest month) that it would take to pay the entire amount of that balance, if the consumer pays only the required minimum monthly payments and if no further advances are made;

"(iii) the total cost to the consumer, including interest and principal payments, of paying that balance in full, if the consumer pays only the required minimum monthly payments and if no further advances are made.

(B) PUBLICATION OF MODEL FORMS.—Not later than 180 days after the date of enactment of this Act, the Board of Governors of the Federal Reserve System shall publish model disclosure forms in accordance with section 195 of the Truth in Lending Act for the purpose of compliance with section 127(b)(II) of the Truth in Lending Act, as added by this paragraph.

(2) ENHANCED DISCLOSURES IN CONNECTION WITH SOLICITATIONS.—

(A) IN GENERAL.—Section 127(c)(I)(B) of the Truth in Lending Act (15 U.S.C. 1637(c)(1)(B))

is amended by adding at the end the following:

"(iv) CREDIT WORKSHEET.—An easily understandable worksheet designed to aid consumers in determining their ability to assume more debt, including consideration of the personal expenses of the consumer and a simple formula for the consumer to determine whether the assumption of additional debt is advisable.

"(v) BASIS OF PREAPPROVAL.—In any case in which the application or solicitation states that the consumer has been preapproved for an account under an open end consumer credit plan, the following statement clearly and conspicuously: "Your pre-approval for this credit card does not mean that we have reviewed your individual financial circumstances. You should review your own budget before accepting this offer of credit.".

"(vi) AVAILABILITY OF CREDIT REPORTS.—That the consumer is entitled to a copy of his or her credit report, in accordance with the Fair Credit Reporting Act.".

(B) PUBLICATION OF MODEL FORM.—Not later than 180 days after the date of enactment of this Act, the Board of Governors of the Federal Reserve System shall publish worksheet forms in accordance with section 195 on the Truth in Lending Act for the purpose of compliance with section 127(c)(1)(B)(iv) of the Truth in Lending Act, as added by this paragraph. This section shall be effective no later than January 1, 2001.

Strike section 307 and insert:

SEC. 307. AUDIT PROCEDURES.

(a) AMENDMENTS.—Section 586 of title 28, United States Code, is amended—

(1) in subsection (a), as amended by section 301 of this Act, by striking paragraph (6) and inserting the following:

"(6) make such reports as the Attorney General directs, including the results of audits performed under subsection (f); and"; and

(2) by adding at the end the following: "(f)(1)(A) The Attorney General shall establish procedures to determine the accuracy and completeness of petitions, schedules, and other information which the debtor is required to provide under sections 521 and 1322 of title 11, and, if applicable, section 111 of title 11, in individual cases filed under chapter 7 or 13 of such title.

Those procedures shall—

"(i) establish a method of selecting appropriate qualified persons to contract to perform those audits;

"(ii) establish a method of randomly selecting cases to be audited, except that not less than 1 out of every 500 cases in each Federal judicial district shall be selected for audit;

"(iii) require audits for schedules of income and expenses which reflect greater than average variances from the statistical norm of the district in which the schedules were filed; and

"(iv) establish procedures for—

providing, not less frequently than annually, public information concerning the aggregate results of such audits including the percentage of cases, by district, in which a material misstatement of income or expenditures is reported.

"(2) The United States trustee for each district is authorized to contract with auditors to perform audits in cases designated by the United States trustee according to the procedures established under paragraph (1).

(A) The report of each audit conducted under this subsection shall be filed with the court and transmitted to the United States trustee. Each report shall clearly and conspicuously specify any material misstatement of income or expenditures or of assets identified by the person performing the audit. In any case where a material misstatement of income or expenditures or of assets has been reported, the clerk of the bankruptcy court shall give notice of the misstatement to the creditors in the case.

"(B) If a material misstatement of income or expenditures or of assets is reported the United States trustee shall—

"(i) report the material misstatement, if appropriate, to the United States Attorney pursuant to section 3057 of title 18, United States Code;

"(ii) if advisable, take appropriate action, including but not limited to commencing an adversary proceeding to revoke the debtor's discharge pursuant to section 727(d) of title 11, United States Code.

(b) AMENDMENTS.—Section 521 of title 11, United States Code is amended in subsections (3) and (4) by adding "or an auditor appointed pursuant to section 586 of title 28, United States Code" after "serving in the case."

(c) AMENDMENTS.—Section 727(d) of title II, United States Code is amended—

(1) By deleting "or" at the end of paragraph (2);

(2) By substituting "; or" for the period at the end of paragraph (3); and

(3) Adding the following at the end of paragraph (3)—

"(4) the debtor has failed to explain satisfactorily—

"(A) a material misstatement in an audit performed pursuant to section 586(f) of title 28, United States Code; or

"(B) a failure to make available for inspection all necessary accounts, papers, documents, financial records, files and all other papers, things, or property belonging to the debtor that are requested for an audit conducted pursuant to section 586(f) of title 28, United States Code.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect 18 months after the date of enactment of this Act.

In section 102, in the new section 707(j)(2)(A), strike "20" and replace with "30".

At the appropriate place in title II, insert the following:

SEC. 2 . VIOLATIONS OF THE AUTOMATIC STAY

(a) Sec. 362(a) is amended by adding after subsection (8) the following:

"(9) any communication threatening a debtor, at any time after the commitment and before the granting of a discharge in a case under this title, an intention to file a motion to determine the dischargeability of a debt, or to file a motion under 11 U.S.C. Section 707(b) to dismiss or convert a case, or to repossess collateral from the debtor to which the stay applies."

At the appropriate place in title II, insert the following:

SEC. 2 . DISCOURAGING ABUSIVE REAFFIRMATION PRACTICES.

Sec. 524 of title 11, United States Code, is amended—

(1) in subsection (c)(2)(B) by adding at the end the following:

"(C) such agreement contains a clear and conspicuous statement which advises the debtor what portion of the debt to be reaffirmed is attributable to principal, interest, late fees, creditor's attorneys fees, expenses or other costs relating to the collection of the debt."

(2) in subsection (c)(6)(B), by inserting after "real property" the following: "or is a debt described in subsection (c)(7)."

(7) in a case concerning an individual, if the consideration for such agreement is based in whole or in part on an unsecured consumer debt, or is based in whole or in part upon a debt for an item of personalty the value of which at point of purchase was $250 or less, and in which the creditor asserts a purchase money security interest, the court approves such agreement as—

(i) in the best interest of the debtor in light of the debtor's income and expenses;

(ii) not imposing an undue hardship on the debtor's future ability of the debtor to pay for the needs of children and other dependents (including court ordered support);

(iii) not requiring the debtor to pay the creditor's attorney's fees, expenses or other costs relating to the collection of the debt;

(iv) not entered into to protect property that is necessary for the care and maintenance of children or other dependents that would have nominal value on repossession;

(v) not entered into after coercive threats or actions by the creditor in the creditor's course of dealings with the debtor.

(3) in subsection (d)(2) by adding after "subsections (c)(6)" "and (c)(7)", and after "of this section," by striking "if the consideration for such agreement is based in whole or in part on a consumer debt that is not secured by real property of the debtor" and adding at the end: "as applicable;"

At the appropriate place insert the following:

SEC. . ENHANCED DISCLOSURES UNDER AN OPEN END CREDIT PLAN.

(a) AMENDMENTS TO THE TRUTH IN LENDING ACT.—

(1) ENHANCED DISCLOSURE OF REPAYMENT TERMS.—

(A) IN GENERAL.—Section 127(b) of the Truth in Lending Act (15 U.S.C. 1637(b)) is amended by adding at the end the following:

"(11)(A) In a clear and conspicuous manner, repayment information that would apply to the outstanding balance of the consumer under the credit plan, including—

"(i) the required minimum monthly payment on that balance, represented as both a dollar figure and a percentage of that balance;

"(ii) the number of months (rounded to the nearest month) that it would take to pay the entire amount of that current balance if the consumer pays only the required minimum monthly payments and if no further advances are made; and

"(iii) the total cost to the consumer, including interest and principal payments, of paying that balance in full if the consumer pays only the required minimum monthly payments and if no further advances are made.

"(B) In making the disclosures under subparagraph (A) the creditor shall apply the annual interest rate that applies to that balance with respect to the current billing cycle for that consumer in effect on the date on which the disclosure is made.

(B) PUBLICATION OF MODEL FORMS.—Not later than 180 days after the date of enactment of this Act, the Board of Governors of the Federal Reserve System shall publish model disclosure forms in accordance with Section 195 of the Truth in Lending Act for the purpose of compliance with section 127(b)(11) of the Truth in Lending Act, as added by this paragraph.

(C) CIVIL LIABILITY.—Section 130(a) of the Truth in Lending Act (15 U.S.C. 1640(a)) is amended, in the undesignated paragraph following paragraph (4), by striking the second sentence and inserting the following: "In connection with the disclosures referred to

in subsections (a) and (b) of section 1637 of this title, a creditor shall have a liability determined under paragraph (2) only for failing to comply with the requirements of section 1635, 1637(a), or of paragraphs (4), (5), (6), (7), (8), (9), (10), or (11) of section 1637(b) or for failing to comply with disclosure requirements under State law for any term or item that the Board has determined to be substantially the same in meaning under section 1610(a)(2) as any of the terms or items referred to in section 1637(a), paragraph (4), (5), (6), (7), (8), (9), (10), or (11) of section 1637(b) of this title."

(2) DISCLOSURES IN CONNECTION WITH SOLICITATIONS.—

(A) IN GENERAL.—Section 127(c)(1)(B) of the Truth in Lending Act (15 U.S.C. 1637(c)(1)(B) is amended by adding the following:

"(iv) CREDIT WORKSHEET.—An easily understandable credit worksheet designed to aid consumers in determining their ability to assume more debt, including consideration of the personal expenses of the consumer and a simple formula for the consumer to determine whether the assumption of additional debt is advisable.

(v) BASIS OF PREAPPROVAL.—In any case in which the application or solicitation states that the consumer has been preapproved for an account under an open end consumer credit plan, the following statement clearly and conspicuously: "Your pre-approval for this credit card does not mean that we have reviewed your individual financial circumstances. You should review your own budget before accepting this offer of credit."

(vi) AVAILABILITY OF CREDIT REPORT.—That the consumer is entitled to a copy of his or her credit report, in accordance with the Fair Credit Reporting Act."

(B) PUBLICATION OF MODEL FORMS.—Not later than 180 days after the date of enactment of this Act, the Board of Governors of the Federal Reserve System shall publish model disclosure forms in accordance with Section 195 of the Truth in Lending Act for the purpose of compliance with section 127(c)(1)(B) of the Truth in Lending Act, as amended by this paragraph.

(b) EFFECTIVE DATE.—The provisions of this section shall become effective on January 1, 2001.

Insert at an appropriate place:

Amend 11 U.S.C. Section 1325(6)(a), insert, after "received by the debtor," "(other than child support payments, foster care payments, or disability payments for a dependent child made in accordance with applicable non-bankruptcy law and which is reasonably necessary (to be expended)".

Insert at an appropriate place:

11 U.S.C. 507(a) to add a new section 507(a)(10) to read:

"Tenth, allowed claims for injuries resulting from the operation of a motor vehicle or vessel if such operation was unlawful because the debtor was intoxicated from using alcohol, a drug or another substance."

In 523(a)(9), insert "or vessel" after "vehicle".

Strike sections 323 through 329 and insert the following:

SEC. 323. DEFINITION OF DOMESTIC SUPPORT OBLIGATION.

Section 101 of title 11, United States Code, as amended by section 321(g) of this Act, is amended—

(1) by striking paragraph (12A); and

(2) by inserting after paragraph (14) the following:

"(14A) 'domestic support obligation' means a debt (that accrues before or after the entry of an order for relief under this title) that is—

"(A) owed to or recoverable by—

"(i) a spouse, former spouse, or child of the debtor or that child's legal guardian; or

"(ii) a governmental unit;

"(B) in the nature of alimony, maintenance, or support (including assistance provided by a govermental unit) of such spouse, former spouse, or child, without regard to whether such debt is expressly so designated;

"(C) established or subject to establishment before or after entry of an order for relief under this title, by reason of applicable provisions of—

"(i) a separation agreement, divorce decree, or property settlement agreement;

"(ii) an order of a court of record; or

"(iii) a determination made in accordance with applicable nonbankruptcy law by a governmental unit; and

"(D) not assigned to a nongovernmental entity, unless that obligation is assigned voluntarily by the spouse, former spouse, child, or parent solely for the purpose of collecting the debt.".

SEC. 324. PRIORITIES FOR CLAIMS FOR DOMESTIC SUPPORT OBLIGATIONS.

Section 507(a) of title 11, United States Code, is amended—

(1) by striking paragraph (7);

(2) by redesignating paragraphs (1) through (6) as paragraphs (2) through (7), respectively;

(3) in paragraph (2), as redesignated, by striking "First" and inserting "Second";

(4) in paragraph (3), as redesignated, by striking "Second" and inserting "Third";

(5) in paragraph (4), as redesignated, by striking "Third" and inserting "Fourth";

(6) in paragraph (5), as redesignated, by striking "Fourth" and inserting "Fifth";

(7) in paragraph (6), as redesignated, by striking "Fifth" and inserting "Sixth";

(8) in paragraph (7), as redesignated, by striking "Sixth" and inserting "Seventh"; and

(9) by inserting before paragraph (2), as redesignated, the following:

"(1) First, allowed claims for domestic support obligations to be paid in the following order on the condition that funds received under this paragraph by a governmental unit in a case under this title be applied:

"(A) Claims that, as of the date of entry of the order for relief, are owed directly to a spouse, former spouse, or child of the debtor, or the parent of such child, without regard to whether the claim is filed by the spouse, former spouse, child, or parent, or is filed by a governmental unit on behalf of that person.

"(B) Claims that, as of the date of entry of the order for relief, are assigned by a spouse, former spouse, child of the debtor, or the parent of that child to a governmental unit or are owed directly to a governmental unit under applicable nonbankruptcy law.".

SEC. 325. REQUIREMENTS TO OBTAIN CONFIRMATION AND DISCHARGE IN CASES INVOLVING DOMESTIC SUPPORT OBLIGATIONS.

Title 11, United States Code, is amended—

(1) in section 1129(a), by adding at the end the following:

"(14) If the debtor is required by a judicial or administrative order or statute to pay a domestic support obligation, the debtor has paid all amounts payable under such order or statute for such obligation that become payable after the date on which the petition is filed.";

(2) in section 1325(a)—

(A) in paragraph (5), by striking "and" at the end;

(B) in paragraph (6), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(7) if the debtor is required by a judicial or administrative order or statute to pay a domestic support obligation, the debtor has paid all amounts payable under such order for such obligation that become payable after the date on which the petition is filed."; and

(3) in section 1328(a), as amended by section 314 of this Act, in the matter preceding paragraph (1), by inserting ", and with respect to a debtor who is required by a judicial or administrative order to pay a domestic support obligation, certifies that all amounts payable under such order or statute that are due on or before the date of the certification (including amounts due before or after the petition was filed) have been paid" after "completion by the debtor of all payments under the plan".

SEC. 326. EXCEPTIONS TO AUTOMATIC STAY IN DOMESTIC SUPPORT OBLIGATION PROCEEDINGS.

Section 362(b) of title 11, United States Code, is amended—

(1) by striking paragraph (2) and inserting the following:

"(2) under subsection (a)—

"(A) of the commencement or continuation of an action or proceeding for—

"(i) the establishment of paternity as a part of an effort to collect domestic support obligations; or

"(ii) the establishment or modification of an order for domestic support obligations; or

"(B) the collection of a domestic support obligation from property that is not property of the estate;";

(2) in paragraph (17), by striking "or" at the end;

(3) in paragraph (18), by striking the period at the end and inserting a semicolon; and

(4) by adding at the end the following:

"(19) under subsection (a) with respect to the withholding of income pursuant to an order as specified in section 466(b) of the Social Security Act (42 U.S.C. 666(b)); or

"(20) under subsection (a) with respect to—

"(A) the withholding, suspension, or restriction of drivers' licenses, professional and occupational licenses, and recreational licenses pursuant to State law, as specified in section 466(a)(16) of the Social Security Act (42 U.S.C. 666(a)(16)) or with respect to the reporting of overdue support owed by an absent parent to any consumer reporting agency as specified in section 466(a)(7) of the Social Security Act (42 U.S.C. 666(a)(7));

"(B) the interception of tax refunds, as specified in sections 464 and 466(a)(3) of the Social Security Act (42 U.S.C. 664 and 666(a)(3)); or

"(C) the enforcement of medical obligations as specified under title IV of the Social Security Act (42 U.S.C. 601 et seq.).".

SEC. 327. NONDISCHARGEABILITY OF CERTAIN DEBTS FOR ALIMONY, MAINTENANCE, AND SUPPORT.

(a) IN GENERAL.—Section 523 of title 11, United States Code, as amended by section 202 of this Act, is amended—

(1) in subsection (a), by striking paragraph (5) and inserting the following:

"(5) for a domestic support obligation;";

(2) in subsection (c), by striking "(6), or (15)" and inserting "or (6)"; and

(3) in paragraph (15), by striking "governmental unit" and all through the end of the paragraph and inserting a semicolon.

SEC. 328. CONTINUED LIABILITY OF PROPERTY.

Section 522 of title 11, United States Code, is amended—

(1) in subsection (c), by striking paragraph (1) and inserting the following:

"(1) a debt of a kind specified in paragraph (1) or (5) of section 523(a) (in which case, notwithstanding any provision of applicable bankruptcy law to the contrary, such property shall be liable for a debt of a kind specified in section 523(a)(5);"; and

(2) in subsection (f)(1)(A), by striking the dash and all that follows through the end of the subparagraph and inserting "of a kind that is specified in section 523(a)(5); or".

SEC. 329. PROTECTION OF DOMESTIC SUPPORT CLAIMS AGAINST PREFERENTIAL TRANSFER MOTIONS.

Section 547(c)(7) of title 11, United States Code, is amended to read as follows:

"(7) to the extent such transfer was a bona fide payment of a debt for a domestic support obligation; or".

SEC. 709. AUTOMATIC STAY.

Section 362(b) of title 11, United States Code, as amended by section 326 of this Act, is amended—

(1) in paragraph (21), by striking "or" at the end;

(2) in paragraph (22), by striking the period at the end and inserting a semicolon; and

(3) by inserting after paragraph (22) the following:

"(23) under subsection (a) of this section of any transfer that is not avoidable under section 544 and that is not avoidable under section 549;

"(24) under subsection (a)(3) of this section, of the continuation of any eviction, unlawful detainer action, or similar proceeding by a lessor against a debtor involving residential real property in which the debtor resides as a tenant under a rental agreement and the debtor has not paid rent to the lessor pursuant to the terms of the lease agreement or applicable state law after the commencement and during the course of the case; or

"(25) under subsection (a)(3) of this section, of the commencement or continuation of any eviction, unlawful detainer action, or similar proceeding by a lessor against a debtor involving residential real property in which the debtor resides as a tenant under a rental agreement that has terminated pursuant to the lease agreement or applicable State law.".

(26) under subsection (a)(3) of this section, of any eviction, unlawful detainer action, or similiar proceeding, if the debtor has previously filed within the last year and failed to pay post-petition rent during the course of that case.

(27) under subsection (a)(3) of this section, of eviction actions based on endangerment to property or person or the use of illegal drugs.

At the appropriate place in title VII, insert the following:

SEC. 7___. TRANSFERS MADE BY NONPROFIT CHARITABLE CORPORATIONS.

(a) SALE OF PROPERTY OF ESTATE.—Section 363(d) of title 11, United States Code, is amended—

(1) by striking "only" and all that follows through the end of the subsection and inserting "only—

"(1) in accordance with applicable nonbankruptcy law that governs the transfer of property by a corporation or trust that is not a moneyed, business, or commercial corporation or trust; and

"(2) to the extent not inconsistent with any relief granted under subsection (c), (d), (e), or (f) of section 362".

(b) CONFIRMATION OF PLAN FOR REORGANIZATION.—Section 1129(a) of title 11, United States Code, is amended by adding at the end the following:

"(14) All transfers of property of the plan shall be made in accordance with any applicable provisions of nonbankruptcy law that govern the transfer of property by a corporation or trust that is not a moneyed, business, or commercial corporation or trust.".

(c) TRANSFER OF PROPERTY.—Section 541 of title 11, United States Code, is amended by adding at the end the following:

"(e) Notwithstanding any other provision of this title, property that is held by a debtor that is a corporation described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code may be transferred to an entity that is not such a corporation, but only under the same conditions as would apply if the debtor had not filed a case under this title.".

(d) APPLICABILITY.—The amendments made by this section shall apply to a case pending under title 11, United States Code, on the date of enactment of this Act, except that the court shall not confirm a plan under Chapter 11 of this title without considering whether this section would substantially affect the rights of a party in interest who first acquired rights with respect to the debtor after the date of the petition. The parties who may appear and be heard in a proceeding under this section include the attorney general of the state in which the debtor is incorporated, was formed, or does business.

REED AMENDMENT NO. 3596

Mr. REED proposed an amendment to amendment No. 3559 proposed by Mr. GRASSLEY to the bill (S. 1301) to amend title 11, United States Code, to provide for consumer bankruptcy protection, and for other purposes; as follows:

At the appropriate place in title IV, insert the following:

SEC. 4___. PROHIBITION ON CERTAIN ACTIONS FOR FAILURE TO INCUR FINANCE CHARGES.

Section 106 of the Truth in Lending Act (15 U.S.C. 1605) is amended by adding at the end the following:

"(g) PROHIBITION ON CERTAIN ACTIONS FOR FAILURE TO INCUR FINANCE CHARGES.—A creditor may not, solely because a consumer has not incurred finance charges in connection with an extension of credit—

"(1) refuse to renew or continue to offer the extension of credit to that consumer; or

"(2) charge a fee to that consumer in lieu of a finance charge.".

D'AMATO (AND OTHERS) AMENDMENT NO. 3597

Mr. D'AMATO (for himself, Mr. CHAFEE, Mr. DODD, Mr. BRYAN, Ms. MOSELEY-BRAUN, and Mrs. BOXER) proposed an amendment to amendment No. 3559 proposed by Mr. GRASSLEY to the bill, S. 1301, supra; as follows:

At the appropriate place, insert the following new section:

SEC. ___. PROHIBITION OF CERTAIN ATM FEES.

(a) DEFINITION.—Section 903 of the Electronic Fund Transfer Act (15 U.S.C. 1693a) is amended—

(1) in paragraph (10), by striking "and" at the end;

(2) in paragraph (11), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following new paragraphs:

"(12) the term 'electronic terminal surcharge' means a transaction fee assessed by a financial institution that is the owner or operator of the electronic terminal; and

"(13) the term 'electronic banking network' means a communications system linking financial institutions through electronic terminals.".

(b) CERTAIN FEES PROHIBITED.—Section 905 of the Electronic Fund Transfer Act (12 U.S.C. 1693c) is amended by adding at the end the following new subsection:

"(d) LIMITATION ON FEES.—With respect to a transaction conducted at an electronic terminal, an electronic terminal surcharge may not be assessed against a consumer if the transaction—

"(1) does not relate to or affect an account held by the consumer with the financial institution that is the owner or operator of the electronic terminal; and

"(2) is conducted through a national or regional electronic banking network.".

DODD AMENDMENT NO. 3598

Mr. DODD proposed an amendment to amendment No. 3559 proposed by Mr. GRASSLEY to the bill, S. 1301, supra; as follows:

At the appropriate place, insert the following new section:

SEC. ___. EXTENSIONS OF CREDIT TO UNDERAGE CONSUMERS.

(a) IN GENERAL.—Section 127(c) of the Truth in Lending Act (15 U.S.C. 1637(c)) is amended—

(1) by redesignating paragraph (5) as paragraph (6); and

(2) by inserting after paragraph (4) the following:

"(5) APPLICATIONS FROM UNDERAGE CONSUMERS.—

"(A) PROHIBITION ON ISSUANCE.—No credit card may be issued to, or open end credit plan established on behalf of, a consumer who has not reached the age of 21 unless the consumer has submitted a written application to the card issuer that meets the requirements of subparagraph (B).

"(B) APPLICATION REQUIREMENTS.—An application to open a credit card account by an individual who has not reached the age of 21 as of the date of submission of the application shall require—

"(i) the signature of the parent or guardian of the consumer indicating joint liability for debts incurred by the consumer in connection with the account before the consumer has reached the age of 21; or

"(ii) submission by the consumer of financial information indicating an independent means of repaying any obligation arising from the proposed extension of credit in connection with the account.".

(b) REGULATORY AUTHORITY.—The Board of Governors of the Federal Reserve System may issue such rules or publish such model forms as it considers necessary to carry out section 127(c)(5) of the Truth in Lending Act, as amended by this section.

KOHL AMENDMENT NO. 3599

Mr. KOHL proposed an amendment to amendment No. 3559 proposed by Mr. GRASSLEY to the bill, S. 1301, supra; as follows:

At the appropriate place, insert the following new section:

SEC. ___. SENSE OF THE SENATE REGARDING THE HOMESTEAD EXEMPTION.

(a) FINDINGS.—The Senate finds that—

(1) one of the most flagrant abuses of the bankruptcy system involves misuse of the

homestead exemption, which allows a debtor to exempt his or her home, up to a certain value, as established by State law, from being sold off to satisfy debts;

(2) while the vast majority of States responsibly cap the exemption at not more than $40,000, 5 States exempt homes regardless of their value;

(3) in the few States with unlimited homestead exemptions, debtors can shield their assets in luxury homes while legitimate creditors get little or nothing;

(4) beneficiaries of the homestead exemption include convicted insider traders and savings and loan criminals, while short-changed creditors include children, spouses, governments, and banks; and

(5) the homestead exemption should be capped at $100,000 to prevent such high-profile abuses.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) meaningful bankruptcy reform cannot be achieved without capping the homestead exemption; and

(2) bankruptcy reform legislation should include a cap of $100,000 on the homestead exemption to the bankruptcy laws.

HATCH (AND OTHERS) AMENDMENT NO. 3600

Mr. HATCH (for himself, Mr. GRAHAM, Mr. DURBIN, and Mr. GRASSLEY) proposed an amendment to amendment No. 3559 proposed by Mr. GRASSLEY to the bill, S. 1301, supra; as follows:

On page 60, after line 22, insert the following:

SEC. 2__. PROTECTION OF RETIREMENT SAVINGS IN BANKRUPTCY.

(a) IN GENERAL.—Section 522 of title 11, United States Code, is amended—

(1) in subsection (b)—

(A) in paragraph (2)—

(i) by striking "(2)(A) any property" and inserting:

"(3) Property listed in this paragraph is—

"(A) any property";

(ii) in subparagraph (A), by striking "and" at the end;

(iii) in subparagraph (B), by striking the period at the end and inserting "; and"; and

(iv) by adding at the end the following:

"(C) retirement funds to the extent that those funds are in a fund or account that is exempt from taxation under section 401, 403, 408, 408A, 414, 457, or 501(a) of the Internal Revenue Code of 1986 and which has not been pledged or promised to any person in connection with any extension of credit.";

(B) by striking paragraph (1) and inserting:

"(2) Property listed in this paragraph is property that is specified under subsection (d) of this section, unless the State law that is applicable to the debtor under paragraph (3)(A) of this subsection specifically does not so authorize.";

(C) in the matter preceding paragraph (2)—

(i) by striking "(b)" and inserting "(b)(1)";

(ii) by striking "paragraph (2)" both places it appears and inserting "paragraph (3)";

(iii) by striking "paragraph (1)" each place it appears and inserting "paragraph (2)"; and

(iv) by striking "Such property is—"; and

(D) by adding at the end of the subsection the following:

"(4) For purposes of paragraph (3)(C), the following shall apply:

"(A) If the retirement funds are in a retirement fund that has received a favorable determination pursuant to section 7805 of the Internal Revenue Code of 1986, and that determination is in effect as of the date of the commencement of the case under section 301, 302, or 303, those funds shall be presumed to be exempt from the estate.

"(B) If the retirement funds are in a retirement fund that has not received a favorable determination pursuant to such section 7805, those funds are to be exempt from the estate if the debtor demonstrates that—

"(i) no prior determination to the contrary has been made by a court or the Internal Revenue Service; and

"(ii)(I) the retirement fund is in substantial compliance with the applicable requirements of the Internal Revenue Code of 1986; or

"(II) the retirement fund fails to be in substantial compliance with such applicable requirements, the debtor is not materially responsible for that failure.

"(C) A direct transfer of retirement funds from 1 fund or account that is exempt from taxation under section 401, 403, 408, 408A, 414, 457, or 501(a) of the Internal Revenue Code of 1986, pursuant to section 401(a)(31) of the Internal Revenue Code of 1986, or otherwise, shall not cease to qualify for exemption under paragraph (3)(C) by reason of that direct transfer.

"(D)(i) Any distribution that qualifies as an eligible rollover distribution within the meaning of section 402(c) of the Internal Revenue Code of 1986 or that is described in clause (ii) shall not cease to qualify for exemption under paragraph (3)(C) by reason of that distribution.

"(ii) A distribution described in this clause is an amount that—

"(I) has been distributed from a fund or account that is exempt from taxation under section 401, 403, 408, 408A, 414, 457, or 501(a) of the Internal Revenue Code of 1986; and

"(II) to the extent allowed by law, is deposited in such a fund or account not later than 60 days after the distribution of that amount."; and

(2) in subsection (d)—

(A) in the matter preceding paragraph (1), by striking "subsection (b)(1)" and inserting "subsection (b)(2)"; and

(B) by adding at the end the following:

"(12) Retirement funds to the extent that those funds are in a fund or account that is exempt from taxation under section 401, 403, 408, 408A, 414, 457, or 501(a) of the Internal Revenue Code of 1986.".

(b) AUTOMATIC STAY.—Section 362(b) of title 11, United States Code, is amended—

(1) in paragraph (17), by striking "or" at the end;

(2) in paragraph (18), by striking the period and inserting "; or";

(3) by inserting after paragraph (18) the following:

"(19) under subsection (a), of withholding of income from a debtor's wages and collection of amounts withheld, pursuant to the debtor's agreement authorizing that withholding and collection for the benefit of a pension, profit-sharing, stock bonus, or other plan established under section 401, 403, 408, 408A, 414, 457, or 501(a) of the Internal Revenue Code of 1986 that is sponsored by the employer of the debtor, or an affiliate, successor, or predecessor of such employer—

"(A) to the extent that the amounts withheld and collected are used solely for payments relating to a loan from a plan that satisfies the requirements of section 408(b)(1) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1108(b)(1)); or

"(B) in the case of a loan from a thrift savings plan described in subchapter III of title 5, that satisfies the requirements of section 8433(g) of that title."; and

(4) by adding at the end of the flush material following paragraph (19) the following: "Paragraph (19) does not apply to any amount owed to a plan referred to in that paragraph that is incurred under a loan made during the 1-year period preceding the filing of a petition. Nothing in paragraph (19) may be construed to provide that any loan made under a governmental plan under section 414(d) of the Internal Revenue Code of 1986 constitutes a claim or a debt under this title.".

(c) EXCEPTIONS TO DISCHARGE.—Section 523(a) of title 11, United States Code, as amended by section 202, is amended—

(1) by striking "or" at the end of paragraph (17);

(2) by striking the period at the end of paragraph (18) and inserting "; or"; and

(3) by adding at the end the following:

"(19) owed to a pension, profit-sharing, stock bonus, or other plan established under section 401, 403, 408, 408A, 414, 457, or 501(c) of the Internal Revenue Code of 1986, pursuant to—

"(A) a loan permitted under section 408(b)(1) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1108(b)(1)); or

"(B) a loan from the thrift savings plan described in subchapter III of title 5, that satisfies the requirements of section 8433(g) of that title.

Paragraph (19) does not apply to any amount owed to a plan referred to in that paragraph that is incurred under a loan made during the 1-year period preceding the filing of a petition. Nothing in paragraph (19) may be construed to provide that any loan made under a governmental plan under section 414(d) of the Internal Revenue Code of 1986 constitutes a claim or a debt under this title.".

(d) PLAN CONTENTS.—Section 1322 of title 11, United States Code, is amended by adding at the end the following:

"(f) A plan may not materially alter the terms of a loan described in section 362(b)(19).".

On page 48, line 15, insert "as amended by section 207(a)" after "Code,".

On page 48, line 17, strike "(b)(2)(A)" and insert "(b)(3)(A)".

On page 48, line 22, strike "subsection (b)(2)(A)" and insert "subsection (b)(3)(A)".

On page 62, line 20, insert ", as amended by section 207(b)," after "362(b) of title 11, United States Code".

On page 62, line 22, strike "(17)" and insert "(18)".

On page 62, line 24, strike "(18)" and insert "(19)".

On page 63, line 1, strike "by adding at the end the following:" and insert "by inserting after paragraph (19) the following:".

On page 63, line 2, strike "(19)" and insert "(20)".

On page 63, line 6, strike "(20)" and insert "(21)".

On page 80, strike lines 4 through 6, and insert the following:

ment;";

(D) in paragraph (20), by striking "or" at the end;

(E) in paragraph (21), by striking the period and inserting "; or";

On page 80, line 7, strike "(E)" and insert "(F)".

On page 80, line 9, strike "(19)" and insert (22)".

On page 80, line 21, strike "(19)" and insert (22)".

On page 131, line 3, strike "section 326" and insert "sections 326 and 401".

TRADEMARK LAW TREATY IMPLEMENTATION ACT

HATCH AMENDMENT NO. 3601

Mr. SANTORUM (for Mr. HATCH) proposed an amendment to the bill (S. 2193) to implement the provisions of the Trademark Law Treaty; as follows:

Strike all after the enacting clause and insert the following:

TITLE I—TRADEMARK LAW TREATY IMPLEMENTATION

SEC. 101. SHORT TITLE.

This title may be cited as the "Trademark Law Treaty Implementation Act".

SEC. 102. REFERENCE TO THE TRADEMARK ACT OF 1946.

For purposes of this title, the Act entitled "An Act to provide for the registration and protection of trademarks used in commerce, to carry out the provisions of certain international conventions, and for other purposes", approved July 5, 1946 (15 U.S.C. 1051 et seq.), shall be referred to as the "Trademark Act of 1946".

SEC. 103. APPLICATION FOR REGISTRATION; VERIFICATION.

(a) APPLICATION FOR USE OF TRADEMARK.—Section 1(a) of the Trademark Act of 1946 (15 U.S.C. 1051(a)) is amended to read as follows:

"SECTION 1. (a)(1) The owner of a trademark used in commerce may request registration of its trademark on the principal register hereby established by paying the prescribed fee and filing in the Patent and Trademark Office an application and a verified statement, in such form as may be prescribed by the Commissioner, and such number of specimens or facsimiles of the mark as used as may be required by the Commissioner.

"(2) The application shall include specification of the applicant's domicile and citizenship, the date of the applicant's first use of the mark, the date of the applicant's first use of the mark in commerce, the goods in connection with which the mark is used, and a drawing of the mark.

"(3) The statement shall be verified by the applicant and specify that—

"(A) the person making the verification believes that he or she, or the juristic person in whose behalf he or she makes the verification, to be the owner of the mark sought to be registered;

"(B) to the best of the verifier's knowledge and belief, the facts recited in the application are accurate;

"(C) the mark is in use in commerce; and

"(D) to the best of the verifier's knowledge and belief, no other person has the right to use such mark in commerce either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods of such other person, to cause confusion, or to cause mistake, or to deceive, except that, in the case of every application claiming concurrent use, the applicant shall—

"(i) state exceptions to the claim of exclusive use; and

"(ii) shall specify, to the extent of the verifier's knowledge—

"(I) any concurrent use by others;

"(II) the goods on or in connection with which and the areas in which each concurrent use exists;

"(III) the periods of each use; and

"(IV) the goods and area for which the applicant desires registration.

"(4) The applicant shall comply with such rules or regulations as may be prescribed by the Commissioner. The Commissioner shall promulgate rules prescribing the requirements for the application and for obtaining a filing date herein.".

(b) APPLICATION FOR BONA FIDE INTENTION TO USE TRADEMARK.—Subsection (b) of section 1 of the Trademark Act of 1946 (15 U.S.C. 1051(b)) is amended to read as follows:

"(b)(1) A person who has a bona fide intention, under circumstances showing the good faith of such person, to use a trademark in commerce may request registration of its trademark on the principal register hereby established by paying the prescribed fee and filing in the Patent and Trademark Office an application and a verified statement, in such form as may be prescribed by the Commissioner.

"(2) The application shall include specification of the applicant's domicile and citizenship, the goods in connection with which the applicant has a bona fide intention to use the mark, and a drawing of the mark.

"(3) The statement shall be verified by the applicant and specify—

"(A) that the person making the verification believes that he or she, or the juristic person in whose behalf he or she makes the verification, to be entitled to use the mark in commerce;

"(B) the applicant's bona fide intention to use the mark in commerce;

"(C) that, to the best of the verifier's knowledge and belief, the facts recited in the application are accurate; and

"(D) that, to the best of the verifier's knowledge and belief, no other person has the right to use such mark in commerce either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods of such other person, to cause confusion, or to cause mistake, or to deceive.

Except for applications filed pursuant to section 44, no mark shall be registered until the applicant has met the requirements of subsections (c) and (d) of this section.

"(4) The applicant shall comply with such rules or regulations as may be prescribed by the Commissioner. The Commissioner shall promulgate rules prescribing the requirements for the application and for obtaining a filing date herein.".

(c) CONSEQUENCE OF DELAYS.—Paragraph (4) of section 1(d) of the Trademark Act of 1946 (15 U.S.C. 1051(d)(4)) is amended to read as follows:

"(4) The failure to timely file a verified statement of use under paragraph (1) or an extension request under paragraph (2) shall result in abandonment of the application, unless it can be shown to the satisfaction of the Commissioner that the delay in responding was unintentional, in which case the time for filing may be extended, but for a period not to exceed the period specified in paragraphs (1) and (2) for filing a statement of use.".

SEC. 104. REVIVAL OF ABANDONED APPLICATION.

Section 12(b) of the Trademark Act of 1946 (15 U.S.C. 1062(b)) is amended in the last sentence by striking "unavoidable" and by inserting "unintentional".

SEC. 105. DURATION OF REGISTRATION; CANCELLATION; AFFIDAVIT OF CONTINUED USE; NOTICE OF COMMISSIONER'S ACTION.

Section 8 of the Trademark Act of 1946 (15 U.S.C. 1058) is amended to read as follows:

"DURATION

"SEC. 8. (a) Each registration shall remain in force for 10 years, except that the registration of any mark shall be canceled by the Commissioner for failure to comply with the provisions of subsection (b) of this section, upon the expiration of the following time periods, as applicable:

"(1) For registrations issued pursuant to the provisions of this Act, at the end of 6 years following the date of registration.

"(2) For registrations published under the provisions of section 12(c), at the end of 6 years following the date of publication under such section.

"(3) For all registrations, at the end of each successive 10-year period following the date of registration.

"(b) During the 1-year period immediately preceding the end of the applicable time period set forth in subsection (a), the owner of the registration shall pay the prescribed fee and file in the Patent and Trademark Office—

"(1) an affidavit setting forth those goods or services recited in the registration on or in connection with which the mark is in use in commerce and such number of specimens or facsimiles showing current use of the mark as may be required by the Commissioner; or

"(2) an affidavit setting forth those goods or services recited in the registration on or in connection with which the mark is not in use in commerce and showing that any such nonuse is due to special circumstances which excuse such nonuse and is not due to any intention to abandon the mark.

"(c)(1) The owner of the registration may make the submissions required under this section within a grace period of 6 months after the end of the applicable time period set forth in subsection (a). Such submission is required to be accompanied by a surcharge prescribed by the Commissioner.

"(2) If any submission filed under this section is deficient, the deficiency may be corrected after the statutory time period and within the time prescribed after notification of the deficiency. Such submission is required to be accompanied by a surcharge prescribed by the Commissioner.

"(d) Special notice of the requirement for affidavits under this section shall be attached to each certificate of registration and notice of publication under section 12(c).

"(e) The Commissioner shall notify any owner who files 1 of the affidavits required by this section of the Commissioner's acceptance or refusal thereof and, in the case of a refusal, the reasons therefor.

"(f) If the registrant is not domiciled in the United States, the registrant shall designate by a written document filed in the Patent and Trademark Office the name and address of some person resident in the United States on whom may be served notices or process in proceedings affecting the mark. Such notices or process may be served upon the person so designated by leaving with that person or mailing to that person a copy thereof at the address specified in the last designation so filed. If the person so designated cannot be found at the address given in the last designation, such notice or process may be served upon the Commissioner.".

SEC. 106. RENEWAL OF REGISTRATION.

Section 9 of the Trademark Act of 1946 (15 U.S.C. 1059) is amended to read as follows:

"RENEWAL OF REGISTRATION

"SEC. 9. (a) Subject to the provisions of section 8, each registration may be renewed for periods of 10 years at the end of each successive 10-year period following the date of registration upon payment of the prescribed fee and the filing of a written application, in such form as may be prescribed by the Commissioner. Such application may be made at

any time within 1 year before the end of each successive 10-year period for which the registration was issued or renewed, or it may be made within a grace period of 6 months after the end of each successive 10-year period, upon payment of a fee and surcharge prescribed therefor. If any application filed under this section is deficient, the deficiency may be corrected within the time prescribed after notification of the deficiency, upon payment of a surcharge prescribed therefor.

"(b) If the Commissioner refuses to renew the registration, the Commissioner shall notify the registrant of the Commissioner's refusal and the reasons therefor.

"(c) If the registrant is not domiciled in the United States, the registrant shall designate by a written document filed in the Patent and Trademark Office the name and address of some person resident in the United States on whom may be served notices or process in proceedings affecting the mark. Such notices or process may be served upon the person so designated by leaving with that person or mailing to that person a copy thereof at the address specified in the last designation so filed. If the person so designated cannot be found at the address given in the last designation, such notice or process may be served upon the Commissioner.".

SEC. 107. RECORDING ASSIGNMENT OF MARK.

Section 10 of the Trademark Act of 1946 (15 U.S.C. 1060) is amended to read as follows:

"ASSIGNMENT

"SEC. 10. (a) A registered mark or a mark for which an application to register has been filed shall be assignable with the good will of the business in which the mark is used, or with that part of the good will of the business connected with the use of and symbolized by the mark. Notwithstanding the preceding sentence, no application to register a mark under section 1(b) shall be assignable prior to the filing of an amendment under section 1(c) to bring the application into conformity with section 1(a) or the filing of the verified statement of use under section 1(d), except for an assignment to a successor to the business of the applicant, or portion thereof, to which the mark pertains, if that business is ongoing and existing. In any assignment authorized by this section, it shall not be necessary to include the good will of the business connected with the use of and symbolized by any other mark used in the business or by the name or style under which the business is conducted. Assignments shall be by instruments in writing duly executed. Acknowledgment shall be prima facie evidence of the execution of an assignment, and when the prescribed information reporting the assignment is recorded in the Patent and Trademark Office, the record shall be prima facie evidence of execution. An assignment shall be void against any subsequent purchaser for valuable consideration without notice, unless the prescribed information reporting the assignment is recorded in the Patent and Trademark Office within 3 months after the date of the subsequent purchase or prior to the subsequent purchase. The Patent and Trademark Office shall maintain a record of information on assignments, in such form as may be prescribed by the Commissioner.

"(b) An assignee not domiciled in the United States shall designate by a written document filed in the Patent and Trademark Office the name and address of some person resident in the United States on whom may be served notices or process in proceedings affecting the mark. Such notices or process may be served upon the person so designated by leaving with that person or mailing to that person a copy thereof at the address specified in the last designation so filed. If the person so designated cannot be found at the address given in the last designation, such notice or process may be served upon the Commissioner.".

SEC. 108. INTERNATIONAL CONVENTIONS; COPY OF FOREIGN REGISTRATION.

Section 44 of the Trademark Act of 1946 (15 U.S.C. 1126) is amended—

(1) in subsection (d)—

(A) by striking "23, or 44(e) of this Act" and inserting "or 23 of this Act or under subsection (e) of this section"; and

(B) in paragraphs (3) and (4) by striking "this subsection (d)" and inserting "this subsection"; and

(2) in subsection (e), by striking the second sentence and inserting the following: "Such applicant shall submit, within such time period as may be prescribed by the Commissioner, a certification or a certified copy of the registration in the country of origin of the applicant.".

SEC. 109. TRANSITION PROVISIONS.

(a) REGISTRATIONS IN 20-YEAR TERM.—The provisions of section 8 of the Trademark Act of 1946, as amended by section 105 of this Act, shall apply to a registration for trademark issued or renewed for a 20-year term, if the expiration date of the registration is on or after the effective date of this Act.

(b) APPLICATIONS FOR REGISTRATION.—This title and the amendments made by this title shall apply to any application for registration of a trademark pending on, or filed on or after, the effective date of this Act.

(c) AFFIDAVITS.—The provisions of section 8 of the Trademark Act of 1946, as amended by section 105 of this Act, shall apply to the filing of an affidavit if the sixth or tenth anniversary of the registration, or the sixth anniversary of publication of the registration under section 12(c) of the Trademark Act of 1946, for which the affidavit is filed is on or after the effective date of this Act.

(d) RENEWAL APPLICATIONS.—The amendment made by section 106 shall apply to the filing of an application for renewal of a registration if the expiration date of the registration for which the renewal application is filed is on or after the effective date of this Act.

SEC. 110. EFFECTIVE DATE.

This title and the amendments made by this title shall take effect—

(1) on the date that is 1 year after the date of the enactment of this Act, or

(2) upon the entry into force of the Trademark Law Treaty with respect to the United States,

whichever occurs first.

TITLE II—TECHNICAL CORRECTIONS

SEC. 201. TECHNICAL CORRECTIONS TO TRADEMARK ACT OF 1946.

(a) IN GENERAL.—The Act entitled "An Act to provide for the registration and protection of trademarks used in commerce, to carry out the provisions of certain international conventions, and for other purposes", approved July 5, 1946 (15 U.S.C. 1051 et seq.) (commonly referred to as the Trademark Act of 1946), is amended as follows:

(1) Section 1(d)(1) (15 U.S.C. 1051(d)(1)) is amended—

(A) by inserting "and," after "specifying the date of the applicant's first use of the mark in commerce"; and

(B) by striking "and, the mode or manner in which the mark is used on or in connection with such goods or services".

(2) Section 2 (15 U.S.C. 1052) is amended—

(A) in subsection (e)—

(i) in paragraph (3) by striking "or" after "them,"; and

(ii) by inserting before the period at the end the following: ", or (5) comprises any matter that, as a whole, is functional"; and

(B) in subsection (f), by striking "paragraphs (a), (b), (c), (d), and (e)(3)" and inserting "subsections (a), (b), (c), (d), (e)(3), and (e)(5)".

(3) Section 7(a) (15 U.S.C. 1057(a)) is amended in the first sentence by striking the second period at the end.

(4) Section 14(3) (15 U.S.C. 1064(3)) is amended by inserting "or is functional," before "or has been abandoned".

(5) Section 23(c) (15 U.S.C. 1091(c)) is amended by striking "or device" and inserting ", device, any matter that as a whole is not functional,".

(6) Section 26 (15 U.S.C. 1094) is amended by striking "7(c),," and inserting ", 7(c),".

(7) Section 31 (15 U.S.C. 1113) is amended—

(A) by striking—

"§ 31. Fees";

and

(B) by striking "(a)" and inserting "SEC. 31. (a)".

(8) Section 32(1) (15 U.S.C. 1114(1)) is amended by striking "As used in this subsection" and inserting "As used in this paragraph".

(9) Section 33(b) (15 U.S.C. 1115(b)) is amended—

(A) by redesignating paragraph (8) as paragraph (9); and

(B) by inserting after paragraph (7) the following:

"(8) That the mark is functional; or".

(10) Section 39(a) (15 U.S.C. 1121(a)) is amended by striking "circuit courts" and inserting "courts".

(11) Section 42 (15 U.S.C. 1124) is amended by striking "the any domestic" and inserting "any domestic".

(12) The Act is amended by striking "trademark" each place it appears in the text and the title and inserting "trademark".

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of enactment of this Act, and shall apply only to any civil action filed or proceeding before the United States Patent and Trademark Office commenced on or after such date relating to the registration of a mark.

TITLE III—MISCELLANEOUS PROVISIONS

SEC. 301. USE OF CERTIFICATION MARKS FOR ADVERTISING OR PROMOTIONAL PURPOSES.

Section 14 of the Act entitled "An Act to provide for the registration and protection of trademarks used in commerce, to carry out the provisions of certain international conventions, and for other purposes", approved July 5, 1946 (15 U.S.C. 1064) (commonly referred to as the Trademark Act of 1946) is amended by adding at the end the following: "Nothing in paragraph (5) shall be deemed to prohibit the registrant from using its certification mark in advertising or promoting recognition of the certification program or of the goods or services meeting the certification standards of the registrant. Such uses of the certification mark shall not be grounds for cancellation under paragraph (5), so long as the registrant does not itself produce, manufacture, or sell any of the certified goods or services to which its identical certification mark is applied.".

SEC. 302. OFFICIAL INSIGNIA OF NATIVE INDIAN TRIBES.

(a) IN GENERAL.—The Commissioner of Patents and Trademarks shall study the

issues surrounding the protection of the official insignia of federally and State recognized Native American tribes. The study shall address at least the following issues:

(1) The impact on Native American tribes, trademark owners, the Patent and Trademark Office, any other interested party, or the international legal obligations of the United States, of any change in law or policy with respect to—

(A) the prohibition of the Federal registration of trademarks identical to the official insignia of Native American tribes;

(B) the prohibition of any new use of the official insignia of Native American tribes; and

(C) appropriate defenses, including fair use, to any claims of infringement.

(2) The means for establishing and maintaining a listing of the official insignia of federally or State recognized Native American tribes.

(3) An acceptable definition of the term "official insignia" with respect to a federally or State recognized Native American tribe.

(4) The administrative feasibility, including the cost, of changing the current law or policy to—

(A) prohibit the registration, or prohibit any new uses of the official insignia of State or federally recognized Native American tribes; or

(B) otherwise give additional protection to the official insignia of federally and State recognized Native American tribes.

(5) A determination of whether such protection should be offered prospectively or retrospectively and the impact of such protection.

(6) Any statutory changes that would be necessary in order to provide such protection.

(7) Any other factors which may be relevant.

(b) COMMENT AND REPORT.—

(1) COMMENT.—Not later than 60 days after the date of enactment of this Act, the Commissioner shall initiate a request for public comment on the issues identified and studied by the Commissioner under subsection (a) and invite comment on any additional issues that are not included in such request. During the course of the public comment period, the Commissioner shall use any appropriate additional measures, including field hearings, to obtain as wide a range of views as possible from Native American tribes, trademark owners, and other interested parties.

(2) REPORT.—Not later than September 30, 1999, the Commissioner of Patents and Trademarks shall complete the study under this section and submit a report including the findings and conclusions of the study to the chairman of the Committee on the Judiciary of the Senate and the chairman of the Committee on the Judiciary of the House of Representatives.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Senate Committee on Commerce, Science, and Transportation be authorized on Thursday, September 17, 1998, at 9:30 a.m. on China Technology Transfer.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Thursday, September 17, for purposes of conducting a full committee hearing which is scheduled to begin at 10:00 a.m. The purpose of this hearing is to consider the nominations of Gregory H. Friedman to be Inspector General of the Department of Energy; Charles G. Groat to be Director of the United States Geological Survey, Department of the Interior, and to consider any other pending nominations which are ready for consideration before the Committee.

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. SANTORUM. Mr. President, I ask unanimous consent that the full Committee on Environment and Public Works be granted permission to conduct a hearing on the General Services Administration FY99 Capital Investment and Leasing Program, on the FY99 courthouse construction requests of the Administrative Office of the U.S. Courts, and proposed legislation dealing with public buildings reform Thursday, September 17, 9:00 a.m., Hearing Room (SD–406).

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

COMMITTEE ON FOREIGN RELATIONS

Mr. SANTORUM. Mr. President I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, September 17, 1998 at 10:00 a.m. to hold a hearing.

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

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. SANTORUM. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee to meet on Thursday, September 17, 1998, at 10:00 a.m., for a hearing on the nominations of Kenneth Prewitt, to be Director of the Bureau of the Census, and Robert "Mike" Walker, to be Deputy Director of the Federal Emergency Management Agency.

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

COMMITTEE ON THE JUDICIARY

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Committee on the Judiciary, be authorized to hold an executive business meeting during the session of the Senate on Thursday, September 17, 1998, at 9:30 a.m., in room SD226, of the Senate Dirksen Office Building.

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

COMMITTEE ON THE JUDICIARY

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Committee on the Judiciary, be authorized to hold an executive business meeting during the session of the Senate on Thursday, September 17, 1998, at 10:00, in room SD226, of the Senate Dirksen Office Building.

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

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet for a hearing on Professional Development: Incorporating Advances in Teaching during the session of the Senate on Thursday, September 17, 1998, at 10:00 a.m.

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

SPECIAL COMMITTEE ON THE YEAR 2000 TECHNOLOGY PROBLEM

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Special Committee on the Year 2000 Technology Problem be permitted to meet on September 17, 1998 at 9:30 a.m. for the purpose of conducting a hearing.

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

SUBCOMMITTEE ON FORESTS AND PUBLIC LAND MANAGEMENT

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Subcommittee on Forests and Public Land Management of the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Thursday, September 17, for purposes of conducting a subcommittee hearing which is scheduled to begin at 2:00 p.m. The purpose of this hearing is to receive testimony on S. 2385, a bill to establish the San Rafael Swell National Heritage Area and the San Rafael National Conservation Area in the State of Utah.

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

SUBCOMMITTEE ON NATIONAL PARKS, HISTORIC PRESERVATION AND RECREATION

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Subcommittee on National Parks, Historic Preservation and Recreation of the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Thursday, September 17, for purposes of conducting a subcommittee hearing which is scheduled to begin at 2:00 p.m. The purpose of this hearing is to receive testimony on S. 1175, a bill to reauthorize the Delaware Water Gap National Recreation Area Citizen Advisory Commission for 10 additional years; S. 1641, a bill to direct the Secretary of the Interior to study alternatives for establishing a national historic trail to commemorate and interpret the history of women's rights in the United States; S. 1960, a bill to allow the National Park Service to acquire certain land for addition to the Wilderness Battlefield, as previously authorized by law, by purchase or exchange as well as by donation; S. 2086, a

bill to revise the boundaries of the George Washington birthplace National Monument; S. 2133, a bill to designate former United States Route 66 as "America's Main Street" and authorize the Secretary of the Interior to provide assistance; S. 2239, a bill to revise the boundary of Fort Matanzas National Monument, and for other purposes; S. 2240, a bill to establish the Adams National Historical Park in the Commonwealth of Massachusetts, and for other purposes; S. 2241, a bill to provide for the acquisition of lands formerly occupied by the Franklin D. Roosevelt family at Hyde Park, New York, and for other purposes; S. 2246, a bill to amend the Act which established the Frederick Law Olmsted National Historic Site, in the Commonwealth of Massachusetts, by modifying the boundary, and for other purposes; S. 2247, a bill to permit the payment of medical expenses incurred by the United States Park Police in the performance of duty to be made directly by the National Park Service, and for other purposes; S. 2248, a bill to allow for waiver and indemnification in mutual law enforcement agreements between the National Park Service and a State or political subdivision, when required by State law, and for other purposes, S. 2285, the Women's Progress Commemoration Act; S. 2297, a bill to provide for the distribution of certain publication in units of the National Park System under a sales agreement between the Secretary of the Interior and a private contractor; S. 2309, the Gateway Visitor Center Authorization Act of 1998; S. 2401, a bill to authorize the addition of the Paoli Battlefield site in Malvern, Pennsylvania, to Valley Forge National Historical Park, and H.R. 2411, a bill to provide for a land exchange involving the Cape Cod National Seashore and to extend the authority for the Cape Cod National Seashore Advisory Commission.

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

ADDITIONAL STATEMENTS

211TH ANNIVERSARY OF THE SIGNING OF THE CONSTITUTION

• Mr. LEAHY. Mr. President, this is a great date in the history not only of the United States, but of all free people, and of all people who would be free. On September 17, 1787, a small group of truly remarkable Americans gathered to sign one of the greatest documents in all of human history, the Constitution of the United States.

George Washington signed it as the President of the Constitutional Convention and deputy from Virginia. The names of other signers are familiar to all Americans: Benjamin Franklin, James Madison and Alexander Hamilton. Other names should be more familiar than they are, names like Morris and Pinkney and Dickinson and Rutledge.

We owe them a great debt. They have given us a firm foundation on which has been built our great and abiding stability. Even when this Nation was torn by a terrible fight over the institution of slavery, the Constitution allowed us to recover with amazing speed, become one Nation again, and avoid the generations of smoldering conflict that afflict so many other countries.

Our Constitution is at once solid and flexible. It can and has been amended from time to time to improve the machinery of government and to expand the rights that citizens enjoy. Throughout our history we have sought to follow Madison's wise advice to limit amendments to "certain great and extraordinary occasions."

In Federalist No. 43, James Madison wrote that the Constitution establishes a balanced system for amendment, guarding "equally against that extreme facility, which would render the Constitution too mutable, and that extreme difficulty, which might perpetuate its discovered faults." The Constitution is profoundly conservative, in the best sense of that word. As Madison expressed in Federalist No. 49:

> [A]s every appeal to the people would carry an implication of some defect in government, frequent appeals would, in great measure, deprive the government of that veneration which time bestows on everything and without which perhaps the wisest and freest governments would not possess the requisite stability.

It is remarkable that although some 11,000 constitutional amendments have been offered in our history, and more than 100 in the 105th Congress alone, the elected representatives in Congress and in the States have adopted only 17 since the original Bill of Rights. We have rejected many amendments that seemed to be good ideas at the time, but which on further reflection proved to be unnecessary. We have found that we could achieve the same results by statute, or have on sober reflection recognized that the amendments would have been mere symbolic gestures. We have avoided turning the Constitution into a mere bulletin board on which we "send a message." We have respected it and, most importantly, we have resisted the temptation to limit the fundamental freedoms of Americans. We have rejected the temptation to erode the Bill of Rights.

I cannot ignore the fact that Congress and the States did succumb once to what looked like a good idea without carefully considering the consequences of their action. The eighteenth amendment imposed prohibition and conjured up a swarm of gangsters, bootlegging, and wholesale disobedience of the law. It was a bad idea that had to be undone by another constitutional amendment. We should regard the eighteenth amendment as a reminder that we should go slow, and stop and consider carefully all of the implications of any change before we put it in the Constitution.

I submit that the Constitution of the United States is a good document—not a sacred text—but as good a law as has been written. That is why it has survived as the supreme law of the land with so few alterations throughout the last 200 years.

It has contributed to our success as a Nation by binding us together, rather than tearing us apart. It contains the Great Compromise that allowed small States and large States to join together in a spirit of mutual accommodation and respect. It embodies the protections that make real the pronouncements in our historic Declaration of Independence and give meaning to our inalienable rights to life, liberty and the pursuit of happiness.

The Constitution requires due process and guarantees equal protection of the law. It protects our freedom of thought and expression, our freedom to worship or not as we each choose, and our political freedoms, as well. It is the basis for our fundamental right of privacy and for limiting government's intrusions and burdens in our lives.

I oppose what I perceive to be a growing fascination with laying waste to our Constitution and the protections that have served us well for over 200 years. The First Amendment, separation of powers and power of the purse should be supported and defended.

When we embarked in this Congress, we each swore an oath to support and defend the Constitution. That is our duty to those who forged this great document, our responsibility to those who sacrificed to protect and defend our Constitution, our commitment to our constituents and our legacy to those who will succeed us.

The Framers gave us a remarkable document, an extraordinary system of government and protections for our individual liberties. So I celebrate this day, not with the parades or fireworks of the Fourth of July, but with solemn consideration of how the Framers guaranteed our freedom through checks on government power. Most of all, I mark this day with a renewed commitment to cherish and to protect this most precious of legacies, to resist easy amendments, to resist assaults on our Bill of Rights, and to preserve the Constitution for our children and grandchildren.•

WOMEN'S ST. CLAIR SHORES CIVIC LEAGUE 60TH ANNIVERSARY

• Mr. ABRAHAM. Mr. President, I rise today to honor the St. Clair Shores Civic League, in St. Clair Shores, Michigan on its 60th Anniversary. The mission of the League, "to maintain a high standard of civic life . . . by activities designed to stimulate citizen

participation in government and to promote the cultural growth of the city'' is very respectable and has led the organization to be very successful.

The Women's St. Clair Shores Civic League has grown tremendously over the course of over six decades. The committee of six women that eventually became the League, was formed in 1930 to aid the youth of the community and assist in civic improvements. In an effort to better handle their increasing tasks, the committee became the Women's St. Clair Shores Civic League in 1939. Some the League's projects over the years have included consolidating three school districts, building a municipal park, and incorporating St. Clair Shores. These achievements, few among many, are testament to the devotion and hard work of the Women's St. Clair Shores Civic League.

I am proud to congratulate this special organization on 60 years. The Women's St. Clair Shores Civic League will undoubtedly enjoy continued success.•

SCHOOL MODERNIZATION TAX INCENTIVES

• Ms. MOSELEY-BRAUN. Mr. President, today, 39 of my olleagues and I are sending a letter to the Senate Majority Leader, Senator LOTT, and the chairman of the Senate Finance Committee, Senator ROTH, urging them to include school modernization tax incentives in any tax legislation considered by the Senate this year. While we may have different positions on the advisability of enacting such legislation, and different positions on what that legislation should include, we are united in believing that any tax legislation must include significant relief for communities seeking to rebuild and modernize their schools.

This month, according to a recent report from the Department of Education, a record number of students are pouring into our nation's classrooms. 52.7 million children enrolled in elementary and secondary schools this year, a 500,000 student increase from last year. Ten years from now, according to the report, enrollment is expected to reach 54.3 million. We cannot continue to pack these children into today's schools. We need to build an estimated 6,000 new schools over the next 10 years just to keep up with rising enrollment.

In addition, the U.S. General Accounting Office has documented $112 billion worth of deferred maintenance and neglect of existing school buildings. It will cost $112 billion nationwide—$13 billion in Illinois alone—to bring existing school buildings up to good, overall condition. That is not the cost of equipping them with new computers, or even of retrofitting them so teachers have a place to plug in new computers. That is just the cost of bringing existing buildings up to good, overall condition.

Crumbling and overcrowded schools are found in every type of community, all across the nation. The GAO found that 38 percent of urban schools, 30 percent of rural schools, and 29 percent of suburban schools are crumbling down around our children.

The problem is so pervasive because it is a symptom of our failed school finance structure. For more than 100 years, we have relied on local property taxes to finance our schools. This system may have made sense when the nation's wealth was held and measured in terms of property, but it does not make sense today.

According to the GAO, our school finance system actually militates against most communities' best efforts to improve their schools. In 35 states, poor districts have higher tax rates than wealthy districts, but raise less revenue because of lower property values.

In 11 states, courts have actually declared school finance systems unconstitutional. In nearly every case, states have complied by raising property or sales taxes to fund school improvements. Similar litigation is pending in another 16 states, and many of these lawsuits appear likely to result in higher state and local taxes as well.

The Senate has an opportunity this year to break this cycle of crumbling schools and higher local taxes. We have an opportunity to create a new partnership between the federal government, states, and communities to improve our schools. We can do this in a way that does not reduce the projected budget surplus, which is properly being reserved for Social Security, and in a way that maintains continued fiscal discipline.

In last year's Taxpayer Relief Act, the Congress took the first steps toward the creation of this new partnership, when it enacted the Qualified Zone Academy Bond program. Under this program, school districts issue zero-interest bonds, and purchasers of these bonds receive federal income tax credits in lieu of interest. This mechanism can cut the cost of major school improvements by 30 to 50 percent. In Chicago, the school system will presently issue $14 million worth of these bonds for a school renovation project. By using these bonds instead of regular municipal bonds, the school system will save Chicago taxpayers $7 million in interest costs. In other words, this project will cost $14 million, instead of $21 million.

I propose that we use the same mechanism to facilitate school improvements nationwide. According to the Joint Committee on Taxation, we can supply $22 billion worth of these special bonds to states and communities at a cost of only $3.3 billion to the federal treasury over the next five years. That $3.3 billion cost actually represents tax relief for purchasers of these school modernization bonds. Under this plan, communities get better schools and children get a better education; local property taxpayers and federal income taxpayers get lower bills. This is the kind of innovative partnership we need to rebuild and modernize our schools for the 21st century.

Last week, President Clinton, Vice President GORE, governors, members of Congress, cabinet members, parents, teachers, and school officials gathered at 84 sites around the country to focus attention on the urgent need to create a new partnership to modernize our schools. Speaking at a school in Maryland, President Clinton said our ''children deserve schools that are as modern as the world in which they will live.'' He went on to say that, ''Nothing we do will have a greater effect on the future of this country than guaranteeing every child, without regard to race or station in life or region in this country, a world-class education. Nothing.''

That statement could not be more true. The rungs on the ladder of opportunity in America have always been crafted in the classroom, and in the emerging global economy, the importance of education continues to grow. As H.G. Wells noted, ''Human history becomes more and more a race between education and catastrophe.''

As we approach the 21st century, we are faced with the real problem that too many of our schools do not provide the kind of learning environment necessary to educate our children for a competitive, global economy. Studies have proven a correlation between building conditions, student achievement, student discipline. The fact is, our children cannot learn in schools that are falling down around them.

I hope the Congress can use the remaining time we are in session, short as it may be, to create a school modernization partnership that will carry our children into the next century. I look forward to working with my colleagues on both sides of the aisle to ensure that our plan is a part of any tax legislation considered this year.

According to a recent Gallup poll, 86 percent of adults support providing federal funds to repair and replace older school buildings. That figure suggests that the American people want Congress to put aside partisanship and ideology and work together to help improve our schools. I hope we won't let them down.

Mr. President, I ask that the text of the letter to Senator LOTT be printed in the RECORD. An identical copy of the letter has been sent to Senator ROTH.

The text of the letter follows:

U.S. SENATE,
Washington, DC, September 17, 1998.

Hon. TRENT LOTT,
Majority Leader, U.S. Senate, Washington, DC.

DEAR MR. LEADER: As you know, the House and Senate have each passed fiscal year 1999

Budget Resolutions calling for the enactment of substantial tax relief legislation. We believe that any such legislation should include major tax relief for communities seeking to rebuild and modernize their school facilities.

The problem of crumbling and overcrowded schools has grown too large and is too important for Congress to ignore. According to the U.S. General Accounting Office (GAO), it will cost $112 billion just to bring existing schools up to good, overall condition. In addition, the Department of Education reports that the nation's school districts will need to build an additional 6,000 schools over the next ten years simply to keep class sizes at current levels as student enrollment rises. Crumbling and overcrowded schools are found in virtually every kind of community and every part of the country. The GAO found that 38 percent of urban schools, 30 percent of rural schools, and 29 percent of suburban schools reported needing extensive repair or replacement of one or more buildings.

The large and growing school infrastructure deficit in the United States reflects problems and inequities in our system of school finance. In 35 States, poor districts have higher tax rates than wealthy districts but raise less revenue because of lower property values. School financing systems have been ruled unconstitutional in 11 states. In nearly every case, States have complied by raising property or sales taxes to fund school improvements. Similar litigation is pending in 16 other States, and many of these lawsuits appear likely to result in higher state and local taxes as well.

The Senate has an opportunity in this year's tax legislation to break this cycle of crumbling schools and higher local taxes. We have an opportunity to create a new partnership between the federal government, States, and communities to improve the learning environment for our children—our economy's most precious asset. We believe this objective can be accomplished in a manner that does not reduce the projected budget surplus, which is properly being reserved for Social Security, and that maintains continued fiscal discipline.

The condition of school facilities has been found to have a direct effect on student behavior and achievement. By helping States and communities rebuild and modernize their schools, the federal government can make a constructive contribution to the quality of education in America, while helping to free resources at the local level for other school initiatives or much-deserved property and sales tax relief.

This subject has been of growing concern to us in recent years. Earlier proposals to commit federal resources to address this problem have been unsuccessful, and it has become clear that needed assistance to schools will only be acceptable to a majority of Senators if it is in the form of tax relief. Therefore, as the Senate considers tax legislation this year, we look forward to working with you to provide substantial tax relief targeted to the rebuilding and modernizing of our nation's schools.

Sincerely,

Carol Moseley-Braun, Ted Kennedy, Patty Murray, John F. Kerry, Robert Torricelli, Tom Daschle, Fritz Hollings, Charles Robb, Chris Dodd, Dale Bumpers.

Max Cleland, Daniel Akaka, Joseph Lieberman, Byron L. Dorgan, Frank R. Lautenberg, Paul S. Sarbanes, Dianne Feinstein, Carl Levin, Mary L. Landrieu, Tom Harkin, Kent Conrad, Jeff Bingaman, Barbara A. Mikulski, Tim Johnson, Harry Reid, Herb Kohl, Barbara Boxer, John Glenn.

Daniel K. Inouye, Jack Reed, Wendell Ford, Dick Durbin, Richard H. Bryan, Max Baucus, Paul Wellstone, Jay Rockefeller, Bob Kerrey, John Breaux, Patrick Leahy, Ron Wyden.●

THE DEPARTMENT OF JUSTICE'S WAR AGAINST CAPITALISM

Mr. GORTON. Mr. President, few of my colleagues would dispute the notion that capitalism is the foundation of America's economic success. Under capitalism, competition inspires innovation. Innovation led in the 19th Century to the industrial revolution, and in the 20th Century to the digital age. These developments have made the United States the richest, most successful nation in the world. But this Administration seems to distrust our capitalist, competitive system and wants to replace it with some sort of "third-way" in which government bureaucrats make major decisions about what innovations will be allowed in our economic system, and when.

I refer particularly, Mr. President, to the Justice Department's vendetta against Microsoft, a company that has had the ingenuity and determination to achieve the American dream. Against the odds, one man with a good idea turned a workshop in his garage into the most successful high technology company in the world. The Administration is now on a path to destroy not only the man and his company but to destroy the dream as well.

Assistant Attorney General Joel Klein, head of the Justice Department's Antitrust Division, has declare war on success in the name of antitrust law. According to Joel Klein's world view, it is the duty of the United States government to protect not the consumer but the company that cannot compete on its own merits.

Mr. Klein has made his ambition abundantly clear. When he testified before the Senate Judiciary Committee in June he said, "We reject categorically the notion that markets will self-correct and we should sit back and watch." Instead, Mr. Klein believes the government should control every move of America's most successful and innovative companies.

What candidate for president ran on this platform? The American people were not informed that free markets were to be abandoned as our principal economic guide. Instead of allowing the best man, or in this case the best company, to win, the Justice Department wants to control the market and dole out slices of it to companies of its choice.

This is anathema to the free market, Mr. President.

The Department's case, after all, is merely an attempt to give Netscape and other Microsoft rivals a leg up in the ongoing battle for market share in the software industry. Microsoft has earned its current prominence in the software industry through hard work, innovation, and consumer choice. The company has been successful because it has had better ideas and more efficient means of turning those ideas into superior products. Consumers in the United States and throughout the world simply prefer Microsoft products.

But jealous rivals who have not reached the same level of success have now enlisted the Justice Department to give them what they and the Administration believe is rightfully theirs—more market share. These rivals, I fear, may soon regret ever having opened this Pandora's box. For a precedent may have already been set. That precedent is that government intervention in the market, in the absence of consumer complaint or dissatisfaction, is acceptable.

That is why I speak here today, Mr. President, as one in a growing number of voices in America in firm opposition to the Administration's case against Microsoft.

As I see it, the Administration is not working for the greater good, but for its own good. Those at the highest levels of this Administration believe they, not the market and certainly not consumers, know what is best for the nation. Rick Rule, former Assistant Attorney General for Antitrust under President Ronald Reagan, summed it up best when he said, "The Hubris reflected in the government's case against Microsoft is monumental."

This is just the beginning, Mr. President. Yesterday, at the Upside Conference, a meeting of high-tech industry leaders here in Washington, Roberta Katz, General Counsel for Netscape, said of the government's case against Microsoft, "This is about a lot more than just Microsoft." To Ms. Katz I say, be careful what you wish for, be very careful what you wish for. Today the government's target is Microsoft, but tomorrow, it could very well be Netscape.

The Antitrust Division, in filing its case against Microsoft, is working to justify an expanded role for government in the high-tech industry. The further its tentacles are allowed to reach into high-tech market, the tighter its grip on the industry will become.

In fact, at a hearing tomorrow before Judge Jackson, the Justice Department will request that it be allowed to expand the scope of its case against Microsoft. There are two explanations for the Justice Department's motives; both are troubling. The first is that the Antitrust division is seeking to increase the aspects of the high-tech industry over which it will gain control if it wins the case. The second is that the Division is becoming increasingly desperate to find an issue, any issue, on which is can prevail in court.

The first point should be of no little concern to Ms. Katz of Netscape and her counterparts at all the other high-tech companies cheering the Justice Department on. But it is the second point on which I would like to expand.

The Antitrust Division knows that its case against Microsoft is literally falling apart at the seams. As my colleagues will recall, on June 23 a three judge United States Appeals Court panel overturned the preliminary injunction issued against Microsoft last December. The heart of the injunction, and the heart of the Department's current case against Microsoft, is the company's decision to integrate its web browser into its Windows operating system.

As soon as the Appeals Court ruled that the integration of browser technology into Windows as not a violation of U.S. antitrust law, Joel Klein started scrambling frantically for other claims to make against Microsoft. If the Administration's concern was truly that Microsoft was acting illegally in integrating products into Windows, the Justice Department would have and should have dismissed its case then and there. But it didn't.

Joel Klein continued attempts to drag more and more issues into the case is telling, Mr. President. Those attempts are a clear sign that the government's real beef with Microsoft is its size. The government can't stand the fact that Microsoft is successful. Microsoft, in the eyes of the Administration, is just too big. So the Justice Department will do everything it can to paint Bill Gates as the bad guy.

As Holman W. Jenkins, Jr. aptly described it in an editorial in Wednesday's Wall Street Journal, Joel Klein "has spraypainted the world with subpoenas, calling companies to testify about every failed and not-yet-failed collaboration between competitive allies and allied competitors in the computer industry."

the strategy, according to Rick Rule, is "the old plaintiff's trick of throwing up lots of snippets of dialogue that try to tar the defendant as a bad guy."

Aside from all the legal commentary, the real issue, Mr. President, is that the Justice Department's case against Microsoft is a bad one. Joel Klein knows it, the high-tech community knows it, and I know it.

No legal wrangling can disguise the fact that what the Administration is doing is wrong. It is not only wrong in the sense that the Justice Department will probably lose in the end. But it is wrong in the sense that the very premise on which it stands is at fundamental odds with the free market capitalism that has made this nation great.

U.S.-ASIA INSTITUTE

• Mr. INOUYE. Mr. President, the U.S.-Asia Institute, a non-profit organization, recently completed its 40th Congressional Staff Delegation to China and Hong Kong in cooperation with the Chinese People's Institute of Foreign Affairs (CPIFA). I am pleased to bring this milestone to the attention of the Senate.

The Institute's commitment to promoting friendship and understanding between countries in Asia and the U.S. government goes back almost 20 years. Founded in 1979 by Esther Kee, Norman Lau Kee, and Joji Konoshima, the U.S.-Asia Institute has been steadily working to achieve its goal through international conferences, seminars, student exchange programs, and Congressional staff trips to Asia.

Among its numerous activities in support of cultural understanding, the U.S.-Asia Institute's Congressional staff trip program to China and Hong Kong is unrivaled. Since its inception in 1985, the China program has hosted more than 320 Congressional staff members in numerous places throughout China—from Heihe in the North on the Russian border to Hainan in the South; from the dynamic coastal cities of Shanghai and Guangzhou to the remote city of Urumqi, an oasis on the ancient Silk Road; and to the capital, Beijing. Over 150 Congressional offices have benefited from the intense, hectic, fact finding programs that provide Congressional staff members a unique opportunity to observe this dynamic nation first-hand and to further their understanding of complex Sino-U.S. relations. This program has survived the sometimes tumultuous relationship between the two countries thanks to the steadfast commitment of the U.S.-Asia Institute and the CPIFA to promote dialog on issues of mutual interest to our two great nations.

I congratulate the U.S.-Asia Institute and CPIFA for their remarkable achievements and hope their long-standing partnership will continue into the 21st century.•

TRIBUTE TO LIEUTENANT GENERAL RICHARD A. BURPEE, U.S. AIR FORCE, RETIRED

• Mr. INHOFE. Mr. President, I rise today to pay tribute to an exceptional leader in recognition of a remarkable career of service to his country—Lieutenant General Richard A. Burpee, United States Air Force, retired. Dick Burpee has amassed a truly distinguished record, including 35 years of service in the Air Force uniform, that merits special recognition on the occasion of his retirement as chairman of the board of directors of the Retired Officers Association.

Born and raised in Delton, Michigan, he is now a distinguished citizen of the great State of Oklahoma. He enlisted in the Air Force just after the Korean War in 1953. Subsequently selected for pilot training, he earned his aviator's wings and Second Lieutenant's commission in 1955.

Over the next decade, Dick served in a variety of flying and staff positions, including assignments as an instructor pilot and as an exchange pilot with the Royal Canadian Armed Forces. In the process, he successfully completed studies leading to the award of a bachelor's degree in economics and a master's degree in public administration.

During a 1967–68 tour of duty with the 12th Tactical Fighter Wing in Vietnam, he distinguished himself with a record of 336 combat missions in the F–4 fighter and the award of the Silver Star, two Distinguished Flying Crosses, a Bronze Star and fifteen air medals.

Air Force leaders recognized the talent and potential of this general-to-be and selected him for prestigious positions at Air Force headquarters in Washington, DC, first in the Office of the Director for Operational Test and Evaluation and subsequently as an aide to the Air Force Vice Chief of Staff.

Following completion of the National War College and selection for promotion to the grade of Colonel, he returned to operational flying duty in a series of leadership positions, ultimately serving as Commander of the Strategic Air Command's (SAC) 509th Bombardment Wing in 1974–1975.

Exceeding even the Strategic Air Command's high standards of leadership excellence, Dick Burpee was hardly getting started. Following selection to General officer rank, he carved a path of performance and achievement through assignments at Headquarters Strategic Air Command, as Commander of the 19th air division, and in senior plans and operations positions at Air Force headquarters in the Pentagon. From 1983 to 1985, the great State of Oklahoma had the good fortune to get to know Dick Burpee as a particularly outstanding Commander of the Oklahoma City Air Logistics Center.

Oklahomans were not alone in recognizing his talents, as he was subsequently promoted to three-star rank and assigned as Director for Operations for the Pentagon's Joint Staff—the highest ranking operations staff officer of our country's Armed Forces.

Finally, in 1988, he was appointed to command the Strategic Air Command's prestigious 15th Air Force, a position he held until his retirement from active military service in 1990.

In addition to the impressive combat record I have already mentioned, I would note that General Burpee's military files reflect an outstanding total of 11,000 flying hours as well as the award of the Defense Distinguished Service Medal, two Distinguished Service Medals, and the Legion of Merit. A true warrior and leader, indeed.

Dick Burpee, however, is not a person who considers even 35 years of arduous

service a full working career. Following his retirement, he started a successful consulting business in management and marketing with aerospace industries and government. Since relocating to Oklahoma City in 1991, he has served as vice president for development and vice president of administration at the University of Central Oklahoma, sits on the board of directors of the United Bank in Oklahoma City, and has been deeply involved with the Oklahoma City Chamber of Commerce. Elected to the board of directors of the Retired Officers Association (TROA) in 1992, he was unanimously selected as TROA's chairman of the board in 1996, a position from which he is now retiring.

Through his stewardship, the Retired Officers Association continues to play a vital role as a staunch advocate of legislative initiatives to maintain readiness and improve the quality of life for all members of the uniformed service community—active, reserve and retired, plus their families and survivors.

I won't describe all of his accomplishments, but will briefly touch on some highlights to illustrate his involvement and concern for military people. As chairman, he has championed the fight for health care equity for retirees of the uniformed services, whose access to the military health care system has been severely curtailed by base closures, downsizing, and shrinking military medical budgets. His persistent and well-reasoned proposals have translated into successful legislative initiatives aimed at expanding Medicare-eligible retirees' access to military facilities and allowing them to enroll in the federal employees health benefits program. He also has been one of the most vocal advocates for ending the practice of capping annual pay raises for active and reserve personnel below those enjoyed by the average American. Happily, those efforts are now bearing fruit in the form of full-comparability raises for the troops in 1999 and, hopefully, from 2000 on.

Taken together, these comprise two of the most important institutional inducements to help reverse declining career retention statistics in all services.

In forcefully articulating the urgency of honoring long-standing health care and retirement commitments to those who have already served and by championing improved quality-of-life initiatives for those now serving, Dick Burpee has significantly raised Congress' sensitivity to these important retention and readiness issues.

Perhaps most importantly, Dick Burpee has distinguished himself and TROA from other, often strident, critics by consistently offering cogent, well-researched plans that outline workable legislative solutions to these complex problems.

My closing observation, with which I am sure you will all agree, is that General Dick Burpee has been, in every sense of the word, a leader in the military, TROA and the entire retired community. Our very best wishes go with him for long life, well-earned happiness, and continued success in service to his Nation and the uniformed servicemembers whom he has so admirably led.

As a former soldier myself, who entered military service at about the same time he did, I offer General Burpee a grateful and heartfelt salute.•

"MEMORIES AND MIRACLES"

• Mr. MOYNIHAN. Mr. President, I rise to commend to the Senate the stirring tale of Jack Ratz, a New Yorker who recently published a remarkable book, Endless Miracles. Mr. Ratz, who resides with his wife, Doris, in the Brooklyn neighborhood of Mill Basin, is one of the last survivors of the flourishing Jewish community of Latvia, which lost all but 300 of its 35,000 members during the Holocaust.

Jack Ratz's memoirs is an eloquent refutation to those who would dare to trivialize, distort, or even deny the Holocaust's important lessons. His book well reflects the affirmative message that Jack Ratz shares with New York City school children during his regular visits to the city classrooms.

As the survivors of the Holocaust succumb to old age there are fewer and fewer eyewitnesses to this tragedy. Jack Ratz has provided an invaluable service with his moving account of the Latvian Holocaust experience.

I ask to have printed in the RECORD a recent article in the New York City Jewish Week about Jack Ratz and "Endless Miracles."

The article follows:

[From the Jewish Week, Aug. 14, 1998]

MEMORIES AND MIRACLES

(By Nancy Beiles)

During a recent trip to Riga, Latvia, Jack Ratz visited a museum commemorating Latvian Holocaust victims, and was drawn to a series of photos of camp inmates hanging on the wall. One in particular caught his attention—a black-and-white photo of a 16-year-old boy, head shaven, wearing work clothes decorated with the Star of David and the number 281.

"I asked the guard, 'Who are those people?' He said, 'they died a long time ago,' recalled Ratz, of Mill Basin, a Latvian-born Holocaust survivor. "I told him I know three of those people. Two were father and son and yes, they were killed. But the photo of the young fellow on the right—he is talking to you. He is me."

Ratz had come to Riga to say Kaddish for members of his family killed in the Rumboli Forest in 1941, and to visit the old ghetto where he and his father lived before being sent off to a series of work and concentration camps.

"All of a sudden I saw a picture of myself hanging on the wall and a flash of memories came rushing back to me of 55 years ago," Ratz recalls, tearfully. "I could only cry. I found myself hanging on the wall with all the dead people.

Of the 35,000 Jews who lived in Latvia at the time of German occupation in 1941, Ratz is one of just 300 who survived. Because of the scarcity of Latvian survivors, their particular experience during the Holocaust is rarely recounted. "Very few Latvian Jews escaped because the general population was not sympathetic to aiding the Jews," says William Schulman, director of the Holocaust Resource Center at Queensborough Community College. 'The Germans made use of the Latvians to guard the Jews and persecute them, to send them to their death. So there are very few memoirs of survivors."

Ratz, who is retired from the television repair business, and his American-born wife, Doris, are and trying to fill that gap in Holocaust memory.

The four years he and his father spent in labor and concentration camps and their subsequent liberation forms the basis for 'Ratz's newly-published memoir, "Endless Miracles" (1998; Shengold Publishers Inc.). Ratz's account caught the attention of Moshe Sheinhaum, president of Shengold Publishers, precisely because it explores episodes of the Holocaust that are not often talked about. "I've published over 70 books on the Holocaust and this is one of the most exciting," says Sheinbaum. "Very little has been done about Riga."

Starting with historical background about the Jewish community in Latvia, the book's emotional beginning describes the first Nazi programs in Riga that would eventually spiral into genocide. Shortly after the Germans arrived in Latvia in 1941, displacing the Russians, who had occupied Latvia just a year earlier, they created two Jewish ghettos. One was for able-bodied men, the other for women, children and the disabled. Just 14 at the time, Ratz could have stayed with his mother and younger siblings, but he decided to "take a chance," he says, and go with his father.

This is the first of the "endless miracles" Ratz describes—fortuitous decisions that saved his life. After he and his father went to the Jewish workers' ghetto, over the course of a few weeks the Nazis executed all the women, children, elderly and disabled men from the other ghetto—including Ratz's mother and siblings—in grisly mass executions in the Rumboli Forest.

With no chance to grieve, Ratz writes, "Even our mourning was cut short. We were forced to return to work immediately under penalty of instant death." The subsequent years are an accumulation of sorrows and terror.

Ratz and his father were first sent to Lenta, a work camp near Riga, then to Salaspils, a death camp, back to Lenta and from there to Stuthoff, another death camp, and Burgraben. During these four years, Ratz and his father managed to stay alive by luck—for example, being in the second half of a line from which the Nazis take the first half to kill, and by what Ratz says can only be attributed to God's grace.

Unlike many survivors, who lost not only their loved ones but also their faith somewhere in the camps, Ratz's faith stayed intact. It was his belief in God that allowed him to weather those years and survive. "If I would not believe in God, I would not be alive today," he says. "By believing it, I felt I survived. God actually picked up his hand and showed me the way."

One time, that way meant masquerading as a skilled craftsman with his father so

they could be eligible for a work slot in a factory near Stuthoff outside of the firing range. On another occasion, it meant stealing cigarettes from guards to trade for food from more recent arrivals who were not yet starved. The loaf of bread that was bartered for two cigarettes helped Ratz and his father ward off hunger a little longer.

Ratz links his experience during those years to that of Jews throughout history, dating back to biblical times—Jews who were persecuted and whose faith was tested. Ratz, whose Hebrew name is Isaac, says that when his father first went with him to the ghetto in Riga, his father identified with Abraham, sensing that he too was being called upon to sacrifice his son, his Isaac.

For his part, Ratz appears in the book as a latter-day Joseph. Like the biblical figure who gave food from the Egyptian storehouses to his hungry brothers during a famine, Ratz, himself weak and hungry, whenever possible retrieved food to give to people in the camps who were hovering ever closer to starvation. On one occasion, he managed to salvage scraps of food from refuse bins in a camp kitchen where he worked; another time, Ratz accidentally discovered a dead horse from which he was able to give to people what was a rare commodity in the camps: meat. "God also showed me how to help people instead of how Hitler destroyed people," Ratz explains.

In Ratz's book, the brutality of the camps springs to life most poignantly in small details that are often overlooked by historians. He tells of sand irritating his throat because the Nazis would use potatoes still caked with soil for the inmates' soup and of relishing the straw matting on the bunks in one camp because he had just come from a camp where he and three others slept on a single wooden board. And he describes his father sewing his few valuables into his hernia belt so that he would have something to trade for food when all else failed.

In 1945, when the Russians finally liberated Ratz and his father, the freedom was initially hollow. "You have to be lucky how you're liberated also," Ratz says. "To be liberated by Russians was not freedom."

Unlike the survivors liberated by Americans or British who were immediately assigned to "displaced persons" camps and given medical treatment, those freed by the Russians were left to fend for themselves. "We were all free, but we did not know what to do or where to go," Ratz writes.

The Russian zone is described by Ratz as chaotic. When it became clear the Russians were not making any arrangements to treat the sick, some newly-free Jews stole to bring those in need of medical care to a hospital. Those Germans from the camps who eluded imprisonment tried to disguise themselves as Jews so that the Russians would not capture them. Ratz chillingly recounts seeing guards from the camp, now wearing prisoners' uniforms, hiding in a crowd. Speaking to the Soviet soldiers in Russian, he pointed them out and watched as the soldiers shot them on the spot.●

UNANIMOUS CONSENT AGREEMENT—S. 1645

Mr. SANTORUM. Mr. President, I ask unanimous consent that immediately following the 9:30 a.m. vote on Friday, the Senate proceed to S. 1645.

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

INDIAN HEALTH CARE IMPROVEMENT ACT AMENDMENTS

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 560, S. 1770.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

A bill (S. 1770) to elevate the position of Director of the Indian Health Service to Assistant Secretary of Health and Human Services, to provide for the organizational independence of the Indian Health Service within the Department of Health and Human Services, and for other purposes.

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

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Indian Affairs, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. OFFICE OF ASSISTANT SECRETARY FOR INDIAN HEALTH.

(a) ESTABLISHMENT.—There is established within the Department of Health and Human Services the Office of the Assistant Secretary for Indian Health in order to, in a manner consistent with the government-to-government relationship between the United States and Indian tribes—

(1) facilitate advocacy for the development of appropriate Indian health policy; and

(2) promote consultation on matters related to Indian health.

(b) ASSISTANT SECRETARY FOR INDIAN HEALTH.—In addition to the functions performed on the date of enactment of this Act by the Director of the Indian Health Service, the Assistant Secretary for Indian Health shall perform such functions as the Secretary of Health and Human Services may designate. The Assistant Secretary for Indian Health shall—

(1) report directly to the Secretary concerning all policy- and budget-related matters affecting Indian health;

(2) collaborate with the Assistant Secretary for Health concerning appropriate matters of Indian health that affect the agencies of the Public Health Service;

(3) advise each Assistant Secretary of the Department of Health and Human Services concerning matters of Indian health with respect to which that Assistant Secretary has authority and responsibility;

(4) advise the heads of other agencies and programs of the Department of Health and Human Services concerning matters of Indian health with respect to which those heads have authority and responsibility; and

(5) coordinate the activities of the Department of Health and Human Services concerning matters of Indian health.

(c) REFERENCES.—Reference in any other Federal law, Executive order, rule, regulation, or delegation of authority, or any document of or relating to the Director of the Indian Health Service shall be deemed to refer to the Assistant Secretary for Indian Health.

(d) RATE OF PAY.—

(1) POSITIONS AT LEVEL IV.—Section 5315 of title 5, United States Code, is amended—

(A) by striking the following:

"Assistant Secretaries of Health and Human Services (6).'; and

(B) by inserting the following:

"Assistant Secretaries of Health and Human Services (7).".

(2) POSITIONS AT LEVEL V.—Section 5316 of such title is amended by striking the following:

"Director, Indian Health Service, Department of Health and Human Services.".

(e) DUTIES OF ASSISTANT SECRETARY FOR INDIAN HEALTH.—Section 601 of the Indian Health Care Improvement Act (25 U.S.C. 1661) is amended in subsection (a)—

(1) by inserting "(1)" after "(a)";

(2) in the second sentence of paragraph (1), as so designated, by striking "a Director," and inserting "the Assistant Secretary for Indian Health,"; and

(3) by striking the third sentence of paragraph (1) and all that follows through the end of the subsection and inserting the following: "The Assistant Secretary for Indian Health shall carry out the duties specified in paragraph (2).

"(2) The Assistant Secretary for Indian Health shall—

"(A) report directly to the Secretary concerning all policy- and budget-related matters affecting Indian health;

"(B) collaborate with the Assistant Secretary for Health concerning appropriate matters of Indian health that affect the agencies of the Public Health Service;

"(C) advise each Assistant Secretary of the Department of Health and Human Services concerning matters of Indian health with respect to which that Assistant Secretary has authority and responsibility;

"(D) advise the heads of other agencies and programs of the Department of Health and Human Services concerning matters of Indian health with respect to which those heads have authority and responsibility; and

"(E) coordinate the activities of the Department of Health and Human Services concerning matters of Indian health.".

(f) CONTINUED SERVICE BY INCUMBENT.—The individual serving in the position of Director of the Indian Health Service on the date preceding the date of enactment of this Act may serve as Assistant Secretary for Indian Health, at the pleasure of the President after the date of enactment of this Act.

(g) CONFORMING AMENDMENTS.—

(1) AMENDMENTS TO INDIAN HEALTH CARE IMPROVEMENT ACT.—The Indian Health Care Improvement Act (25 U.S.C. 1601 et seq.) is amended—

(A) in section 601—

(i) in subsection (c), by striking "Director of the Indian Health Service" both places it appears and inserting "Assistant Secretary for Indian Health"; and

(ii) in subsection (d), by striking "Director of the Indian Health Service" and inserting "Assistant Secretary for Indian Health"; and

(B) in section 816(c)(1), by striking "Director of the Indian Health Service" and inserting "Assistant Secretary for Indian Health".

(2) AMENDMENTS TO OTHER PROVISIONS OF LAW.—The following provisions are each amended by striking "Director of the Indian Health Service" each place it appears and inserting "Assistant Secretary for Indian Health":

(A) Section 203(a)(1) of the Rehabilitation Act of 1973 (29 U.S.C. 761b(a)(1)).

(B) Subsections (b) and (e) of section 518 of the Federal Water Pollution Control Act (33 U.S.C. 1377 (b) and (e)).

(C) Section 803B(d)(1) of the Native American Programs Act of 1974 (42 U.S.C. 2991b–2(d)(1)).

Mr. SANTORUM. Mr. President, I ask unanimous consent that the committee substitute be agreed to; that the bill be considered read a third time and passed, as amended; that the motion to reconsider be laid upon the table; that the amendment to the title be agreed to; that the amended title be

agreed to; and that any statements relating to the bill appear at the appropriate place in the RECORD.

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

The committee amendment was agreed to.

The bill (S. 1770), as amended, was considered read the third time and passed.

The title was amended so as to read:

A bill to elevate the position of Director of the Indian Health Service within the Department of Health and Human Services to Assistant Secretay for Indian Health, and for other purposes.

FOUR CORNERS INTERPRETIVE CENTER ACT

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 563, S. 1998.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The bill clerk read as follows:

A bill (S. 1998) to authorize an interpretive center and related visitor facilities within the Four Corners Monument Tribal Park, and for other purposes.

The Senate proceeded to consider the bill.

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

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

The bill (S. 1998) was considered read the third time and passed, as follows:

S. 1998

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Four Corners Interpretive Center Act".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the Four Corners Monument is nationally significant as the only geographic location in the United States where 4 State boundaries meet;

(2) the States with boundaries that meet at the Four Corners area are Arizona, Colorado, New Mexico, and Utah;

(3) between 1868 and 1875 the boundary lines that created the Four Corners were drawn, and in 1899 a monument was erected at the site;

(4) a United States postal stamp will be issued in 1999 to commemorate the centennial of the original boundary marker;

(5) the Four Corners area is distinct in character and possesses important historical, cultural, and prehistoric values and resources within the surrounding cultural landscape;

(6) although there are no permanent facilities or utilities at the Four Corners Monument Tribal Park, each year the park attracts approximately 250,000 visitors;

(7) the area of the Four Corners Monument Tribal Park falls entirely within the Navajo Nation or Ute Mountain Ute Tribe reservations;

(8) the Navajo Nation and the Ute Mountain Ute Tribe have entered into a Memorandum of Understanding governing the planning and future development of the Four Corners Monument Tribal Park;

(9) in 1992, through agreements executed by the governors of Arizona, Colorado, New Mexico, and Utah, the Four Corners Heritage Council was established as a coalition of Federal, State, tribal, and private interests;

(10) the State of Arizona has obligated $45,000 for planning efforts and $250,000 for construction of an interpretive center at the Four Corners Monument Tribal Park;

(11) numerous studies and extensive consultation with American Indians have demonstrated that development at the Four Corners Monument Tribal Park would greatly benefit the people of the Navajo Nation and the Ute Mountain Ute Tribe;

(12) the Arizona Department of Transportation has completed preliminary cost estimates that are based on field experience with rest-area development for the construction for a Four Corners Monument Interpretive Center and surrounding infrastructure, including restrooms, roadways, parking, water, electrical, telephone, and sewage facilities;

(13) an interpretive center would provide important educational and enrichment opportunities for all Americans; and

(14) Federal financial assistance and technical expertise are needed for the construction of an interpretive center.

(b) PURPOSES.—The purposes of this Act are—

(1) to recognize the importance of the Four Corners Monument and surrounding landscape as a distinct area in the heritage of the United States that is worthy of interpretation and preservation;

(2) to assist the Navajo Nation and the Ute Mountain Ute Tribe in establishing the Four Corners Interpretive Center and related facilities to meet the needs of the general public;

(3) to highlight and showcase the collaborative resource stewardship of private individuals, Indian tribes, universities, Federal agencies, and the governments of States and political subdivisions thereof (including counties); and

(4) to promote knowledge of the life, art, culture, politics, and history of the culturally diverse groups of the Four Corners region.

SEC. 3. DEFINITIONS.

As used in this Act:

(1) CENTER.—The term "Center" means the Four Corners Interpretive Center established under section 4, including restrooms, parking areas, vendor facilities, sidewalks, utilities, exhibits, and other visitor facilities.

(2) FOUR CORNERS HERITAGE COUNCIL.—The term "Four Corners Heritage Council" means the nonprofit coalition of Federal, State, and tribal entities established in 1992 by agreements of the Governors of the States of Arizona, Colorado, New Mexico, and Utah.

(3) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(4) RECIPIENT.—The term "recipient" means the State of Arizona, Colorado, New Mexico, or Utah, or any consortium of 2 or more of these States.

(5) FOUR CORNERS MONUMENT.—The term "Four Corners Monument" means the physical monument where the boundaries of the States of Arizona, Colorado, New Mexico and Utah meet.

(6) FOUR CORNERS MONUMENT TRIBAL PARK.—The term "Four Corners Monument Tribal Park" means lands within the legally defined boundary of the Four Corners Monument Tribal Park.

SEC. 4. FOUR CORNERS MONUMENT INTERPRETIVE CENTER.

(a) ESTABLISHMENT.—Subject to the availability of appropriations, the Secretary is authorized to establish within the boundaries of the Four Corners Monument Tribal Park a center for the interpretation and commemoration of the Four Corners Monument, to be known as the "Four Corners Interpretive Center".

(b) LAND.—Land for the Center shall be designated and made available by the Navajo Nation or the Ute Mountain Ute Tribe within the boundary of the Four Corners Monument Tribal Park in consultation with the Four Corners Heritage Council and in accordance with—

(1) the memorandum of understanding between the Navajo Nation and the Ute Mountain Ute Tribe that was entered into on October 22, 1996; and

(2) applicable supplemental agreements with the Bureau of Land Management, the National Park Service, the United States Forest Service.

(c) CONCURRENCE.—Notwithstanding any other provision of this Act, no such center shall be established without the consent of the Navajo Nation and the Ute Mountain Ute Tribe.

(d) COMPONENTS OF CENTER.—The Center shall include—

(1) a location for permanent and temporary exhibits depicting the archaeological, cultural, and natural heritage of the Four Corners region;

(2) a venue for public education programs;

(3) a location to highlight the importance of efforts to preserve southwestern archaeological sites and museum collections;

(4) a location to provide information to the general public about cultural and natural resources, parks, museums, and travel in the Four Corners region; and

(5) visitor amenities including restrooms, public telephones, and other basic facilities.

SEC. 5. CONSTRUCTION GRANT.

(a) GRANT.—The Secretary is authorized to award a Federal grant to the recipient described in section 3(4) for up to 50 percent of the cost to construct the Center. To be eligible for the grant, the recipient shall provide assurances that—

(1) the non-Federal share of the costs of construction is paid from non-Federal sources. The non-Federal sources may include contributions made by States, private sources, the Navajo Nation and the Ute Mountain Ute Tribe for planning, design, construction, furnishing, startup, and operational expenses;

(2) the aggregate amount of non-Federal funds contributed by the States used to carry out the activities specified in subparagraph (A) will not be less than $2,000,000, of which each of the States that is party to the grant will contribute equally in cash or in kind;

(3) States may use private funds to meet the requirements of paragraph (2); and

(4) the State of Arizona may apply $45,000 authorized by the State of Arizona during fiscal year 1998 for planning and $250,000 that is held in reserve by that State for construction toward the Arizona share.

(b) GRANT REQUIREMENTS.—In order to receive a grant under this Act, the recipient shall—

(1) submit to the Secretary a proposal that meets all applicable—

(A) laws, including building codes and regulations;

(B) requirements under the Memorandum of Understanding described in paragraph (2) of this subsection; and

(C) provides such information and assurances as the Secretary may require; and

(2) the recipient shall enter into a Memorandum of Understanding (MOU) with the Secretary providing—

(A) a timetable for completion of construction and opening of the Center;

(B) assurances that design, architectural and construction contracts will be competitively awarded;

(C) specifications meeting all applicable Federal, State, and local building codes and laws;

(D) arrangements for operations and maintenance upon completion of construction;

(E) a description of center collections and educational programing;

(F) a plan for design of exhibits including, but not limited to, collections to be exhibited, security, preservation, protection, environmental controls, and presentations in accordance with professional museum standards;

(G) an agreement with the Navajo Nation and the Ute Mountain Ute Tribe relative to site selection and public access to the facilities; and

(H) a financing plan developed jointly by the Navajo Nation and the Ute Mountain Ute Tribe outlining the long-term management of the Center, including but not limited to—

(i) the acceptance and use of funds derived from public and private sources to minimize the use of appropriated or borrowed funds;

(ii) the payment of the operating costs of the Center through the assessment of fees or other income generated by the Center;

(iii) a strategy for achieving financial self-sufficiency with respect to the Center by not later than 5 years after the date of enactment of this Act; and

(iv) defining appropriate vendor standards and business activities at the Four Corners Monument Tribal Park.

SEC. 6. SELECTION OF GRANT RECIPIENT.

The Secretary is authorized to award a grant in accordance with the provisions of this Act. The Four Corners Heritage Council may make recommendations to the Secretary on grant proposals regarding the design of facilities at the Four Corners Monument Tribal Park.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

IN GENERAL.—

(1) AUTHORIZATIONS.—There are authorized to be appropriated to carry out this Act—

(A) $2,000,000 for fiscal year 1999; and

(B) $50,000 for each of fiscal years 2000 through 2004 for maintenance and operation of the center, program development, or staffing in a manner consistent with the requirements of section 5(b).

(2) CARRYOVER.—Any funds made available under this section that are unexpended at the end of the fiscal year for which those funds are appropriated may be used by the Secretary through fiscal year 2001 for the purposes for which those funds were made available.

(3) RESERVATION OF FUNDS.—The Secretary may reserve funds appropriated pursuant to this Act until a proposal meeting the requirements of this Act is submitted, but no later than September 30, 2000.

SEC. 8. DONATIONS.

Notwithstanding any other provision of law, for purposes of the planning, construction, and operation of the Center, the Secretary may accept, retain, and expand donations of funds, and use property or services donated from private persons and entities or from public entities.

SEC. 9. STATUTORY CONSTRUCTION.

Nothing in this Act is intended to abrogate, modify, or impair any right or claim of the Navajo Nation or the Ute Mountain Ute Tribe, that is based on any law (including any treaty, Executive order, agreement, or Act of Congress).

TRADEMARK LAW TREATY IMPLEMENTATION ACT

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 474, S. 2193.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

A bill (S. 2193) to implement the provisions of the Trademark Law Treaty.

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

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 3601

(Purpose: To make certain technical corrections to the Trademark Act of 1946, and for other purposes)

Mr. SANTORUM. Mr. President, Senator HATCH has a substitute amendment at the desk, and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Pennsylvania [Mr. SANTORUM], for Mr. HATCH, proposes an amendment numbered 3601.

The amendment is as follows:

[The bill was not available for printing. It will appear in a future edition of the RECORD.]

Mr. LEAHY. Mr. President, I am pleased that the Senate is considering S. 2193, the Trademark Law Treaty Implementation Act (TLT Act), along with some important technical amendments. I wish that Congress was doing more work on intellectual property issues to maintain America's preeminence in the realm of technology. Specifically I wish we were at conference on the Digital Millennium Copyright Act, which would implement the World Intellectual Property Organization treaties. We should also be passing the Patent Bill, which would help America's inventors of today and tomorrow. I am glad however, at the very least, that we are at last considering the TLT Act.

THE TRADEMARK LAW TREATY IMPLEMENTATION ACT

The TLT Act, which Senator HATCH and I introduced to implement the Trademark Law Treaty of 1994, is an important step in our continuing endeavor to harmonize trademark law around the world so that American businesses—particularly small American businesses like so many of the businesses in Vermont—seeking to expand internationally will face simplified and straightforward trademark registration procedures in foreign countries.

Today more than ever before, trademarks are among the most valuable assets of business. One of the major obstacles in securing international trademark protection is the difficulty and cost involved in obtaining and maintaining a registration in each and every country. Countries around the world have a number of varying requirements for filing trademark applications, many of which are nonsubstantive and very confusing. Because of these difficulties, many U.S. businesses, especially smaller businesses, are forced to concentrate their efforts on registering their trademarks only in certain major countries while pirates freely register their marks in other countries.

The Trademark Law Treaty will eliminate many of the arduous registration requirements of foreign countries by enacting a list of maximum requirements for trademark procedures. Eliminating needless formalities will be an enormous step in the direction of a rational trademark system which will benefit American business, especially smaller businesses, to expand into the international market more freely. Fortunately, the Trademark Law Treaty has already been signed by thirty-five countries and was ratified by the Senate on June 26, 1998.

The U.S. Patent and Trademark Office, the International Trademark Association, and the American Intellectual Property Law Association all support the Trademark Law Treaty and the TLT Act. In a letter to me dated July 1, 1998, the International Trademark Association stated that the Trademark law Treaty is "critical to the success of U.S. companies as they operate in the rapidly expanding and ever increasingly competitive global marketplace." The American Intellectual Property Law Association, in a letter to me dated July 13, 1998, explained: "The Trademark Law Treaty harmonizes a number of the requirements and procedures associated with the filing, registration and renewal of trademarks. It has the potential to bring significant improvements in the trademark practices of a number of important countries around the world in which U.S. trademark owners seek protection. By conforming its trademark law with the obligations of the TLT and ratifying the treaty, the United States can exercise leadership to encourage additional nations, particularly those with burdensome procedural requirements, to also adhere."

THE TECHNICAL CORRECTIONS BILL

I also support the amendment to this legislation of S. 2192, the trademark technical corrections bill. This measure contains several mostly technical amendments to the Lanham Act. The

most important of these amendments addresses the status of "functional" shapes as trademarks. Functional shapes are those whose features are dictated by utilitarian considerations. Under current law, the registration as a trademark of a functional shape becomes "incontestable" after 5 years even though it should never have been registered in the first place. S. 2192 would correct this anomaly by adding functionality as a ground of cancellation of a mark at any time. The U.S. Patent and Trademark Office, the International Trademark Association, and the American Intellectual Property Law Association all support the trademark technical corrections bill. To date, I have not heard any opposition to this amendment.

I hope that after passage of the TLT Act, Congress can get back to work on our other pressing intellectual property issues, namely the Digital Millennium Copyright Act and the Patent Bill, to fortify American intellectual property rights around the world and to help unleash the full potential of America's most creative industries.

Mr. SANTORUM. Mr. President, I ask unanimous consent that the amendment be agreed to.

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

The amendment (No. 3601) was agreed to.

Mr. SANTORUM. Mr. President, I ask unanimous consent that the bill be considered read a third time and passed, as amended; that the motion to reconsider be laid upon the table; and that any statements relating to the bill appear at the appropriate place in the RECORD.

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

The bill (S. 2193), as amended, was considered read the third time and passed.

AUTHORIZING PRINTING OF SENATE DOCUMENT

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 280, submitted earlier today by Senators LUGAR and HARKIN.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The bill clerk read as follows:

A resolution (S. Res. 280) directing the printing as a Senate document of a compilation of materials entitled "History of the United States Senate Committee on Agriculture, Nutrition and Forestry".

The Senate proceeded to consider the resolution.

Mr. SANTORUM. Mr. President, I ask unanimous consent that the resolution be agreed to and that the motion to reconsider be laid upon the table.

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

The resolution (S. Res. 280) was agreed to, as follows:

S. RES. 280

Resolved,

SECTION 1. PRINTING OF HISTORY OF THE UNITED STATES SENATE COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY.

The Public Printer shall print—

(1) as a Senate document a compilation of materials, with illustrations, entitled "History of the United States Senate Committee on Agriculture, Nutrition, and Forestry"; and

(2) 100 copies of the document in addition to the usual number.

INTERNATIONAL COMMISSION OF JURISTS ON TIBET AND ON THE UNITED STATES POLICY WITH REGARD TO TIBET

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 500, S. Con. Res. 103.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

A concurrent resolution (S. Con. Res. 103) expressing the sense of Congress in support of the recommendations of the International Commission of Jurists on Tibet and on United States policy with regard to Tibet.

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

There being no objection, the Senate proceeded to consider the concurrent resolution, which had been reported from the Committee on Foreign Relations with an amendment, as follows:

Resolved

That Congress—

(1) expresses grave concern regarding the findings of the December 1997 International Commission of Jurists report on Tibet that—

(A) repression in Tibet has increased steadily since 1994, resulting in heightened control on religious activity; a denunciation campaign against the Dalai Lama unprecedented since the Cultural Revolution; an increase in political arrests; suppression of peaceful protests; and an accelerated movement of Chinese to Tibet; and

(B) in 1997, the People's Republic of China labeled the Tibetan Buddhist culture, which has flourished in Tibet since the seventh century, as a "foreign culture" in order to facilitate indoctrination of Tibetans in Chinese socialist ideology and the process of national and cultural extermination;

(2) supports the recommendations contained in the report referred to in paragraph (1) that—

(A) call on the People's Republic of China—

(i) to enter into discussions with the Dalai Lama or his representatives on a solution to the question of Tibet;

(ii) to ensure respect for the fundamental human rights of the Tibetan people; and

(iii) to end those practices which threaten to erode the distinct cultural, religious and national identity of the Tibetan people and, in particular, to cease policies which result in the movement of Chinese people to Tibetan territory;

(B) call on the United Nations General Assembly to resume its debate on the question of Tibet based on its resolutions of 1959, 1961, and 1965; and

(C) call on the Dalai Lama or his representatives to enter into discussions with the Government of the People's Republic of China on a solution to the question of Tibet;

(3) commends the appointment by the Secretary of State of a United States Special Coordinator for Tibetan Issues—

(A) to promote substantive dialogue between the Government of the People's Republic of China and the Dalai Lama or his representatives;

(B) to coordinate United States Government policies, programs, and projects concerning Tibet;

(C) to consult with the Congress on policies relevant to Tibet and the future and welfare of all Tibetan people, and to report to Congress in partial fulfillment of the requirements of section 536(a) of the Public Law 103–236; and

(D) to advance United States policy which seeks to protect the unique religious, cultural, and linguistic heritage of Tibet, and to encourage improved respect for Tibetan human rights;

(4) calls on the People's Republic of China to release from detention the 9-year old Panchen Lama, Gedhun Cheokyi Nyima, to his home in Tibet from which he was taken on May 17, 1995, and to allow him to pursue his religious studies without interference and according to tradition;

(5) commends the President for publicly urging President Jiang Zemin, during their recent summit meeting in Beijing, to engage in dialogue with the Dalai Lama; and

(6) calls on the President to continue to work to secure an agreement to begin substantive negotiations between the Government of the People's Republic of China and the Dalai Lama or his representatives.

Mr. SANTORUM. Mr. President, I ask unanimous consent that the committee amendment be agreed to.

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

The committee amendment was agreed to.

Mr. SANTORUM. Mr. President, I ask unanimous consent that the resolution, as amended, be agreed to; that the preamble be agreed to; that the motion to reconsider be laid upon the table; and that any statements relating to the concurrent resolution be placed at the appropriate place in the RECORD.

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

The concurrent resolution (S. Con. Res. 103), as amended, was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, is as follows:

S. CON. RES. 103

Whereas the International Commission of Jurists is a non-governmental organization founded in 1952 to defend the Rule of Law throughout the world and to work towards the full observance of the provisions in the Universal Declaration of Human Rights;

Whereas in 1959, 1960, and 1964, the International Commission of Jurists examined Chinese policy in Tibet, violations of human rights in Tibet, and the position of Tibet in international law;

Whereas in 1960, the International Commission of Jurists found "that acts of genocide has been committed in Tibet in an attempt to destroy the Tibetans as a religious group, * * *" and concluded that Tibet was at least "a de facto independent State" prior to 1951 and that Tibet was a "legitimate concern of the United Nations even on the restrictive interpretation of matters 'essentially within the domestic jurisdiction' of a State.";

Whereas these findings were presented to the United Nations General Assembly, which

adopted three resolutions (1959, 1961, and 1965) calling on the People's Republic of China to ensure respect for the fundamental human rights of the Tibetan people and for their distinctive cultural and religious life, and to cease practices which deprive the Tibetan people of their fundamental human rights and freedoms including their right to self-determination;

Whereas in December 1997, the International Commission of Jurists issued a fourth report on Tibet, examining human rights and the rule of law, including self-determination;

Whereas the President has repeatedly indicated his support for substantive dialogue between the Government of the People's Republic of China and the Dalai Lama or his representatives; and

Whereas on October 31, 1997, the Secretary of State appointed a Special Coordinator for Tibetan Issues to oversee United States policy regarding Tibet: Now, therefore, be it

Resolved by the Senate (the House of Representative concurring), That Congress—

(1) expresses grave concern regarding the findings of the December 1997 International Commission of Jurists report on Tibet that—

(A) repression in Tibet has increased steadily since 1994, resulting in heightened control on religious activity; a denunciation campaign against the Dalai Lama unprecedented since the Cultural Revolution; an increase in political arrests; suppression of peaceful protests; and an accelerated movement of Chinese to Tibet; and

(B) in 1997, the People's Republic of China labeled the Tibetan Buddhist culture, which has flourished in Tibet since the seventh century, as a "foreign culture" in order to facilitate indoctrination of Tibetans in Chinese socialist ideology and the process of national and cultural extermination;

(2) supports the recommendations contained in the report referred to in paragraph (1) that—

(A) call on the People's Republic of China—

(i) to enter into discussions with the Dalai Lama or his representatives on a solution to the question of Tibet;

(ii) to ensure respect for the fundamental human rights of the Tibetan people; and

(iii) to end those practices which threaten to erode the distinct cultural, religious and national identity of the Tibetan people and, in particular, to cease policies which result in the movement of Chinese people to Tibetan territory;

(B) call on the United Nations General Assembly to resume its debate on the question of Tibet based on its resolutions of 1959, 1961, and 1965; and

(C) call on the Dalai Lama or his representatives to enter into discussions with the Government of the People's Republic of China on a solution to the question of Tibet;

(3) commends the appointment by the Secretary of State of a United States Special Coordinator for Tibetan Issues—

(A) to promote substantive dialogue between the Government of the People's Republic of China and the Dalai Lama or his representatives;

(B) to coordinate United States Government policies, programs, and projects concerning Tibet;

(C) to consult with the Congress on policies relevant to Tibet and the future and welfare of all Tibetan people, and to report to Congress in partial fulfillment of the requirements of section 536(a) of the Public Law 103-236; and

(D) to advance United States policy which seeks to protect the unique religious, cultural, and linguistic heritage of Tibet, and to encourage improved respect for Tibetan human rights;

(4) calls on the People's Republic of China to release from detention the 9-year old Panchen Lama, Gedhun Cheokyi Nyima, to his home in Tibet from which he was taken on May 17, 1995, and to allow him to pursue his religious studies without interference and according to tradition;

(5) commends the President for publicly urging President Jiang Zemin, during their recent summit meeting in Beijing, to engage in dialogue with the Dalai Lama; and

(6) calls on the President to continue to work to secure an agreement to begin substantive negotiations between the Government of the People's Republic of China and the Dalai Lama or his representatives.

DIGITAL MILLENNIUM COPYRIGHT ACT

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 535, H.R. 2281.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

A bill (H.R. 2281) to amend title 17, United States Code, to implement the World Intellectual Property Organization Copyright Treaty and Performances and Phonograms Treaty, and for other purposes.

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

There being no objection, the Senate proceeded to consider the bill.

Mr. SANTORUM. Mr. President, I ask unanimous consent that all after the enacting clause be stricken, and the text of S. 2037, as passed, be inserted in lieu thereof; that H.R. 2281, as amended, be read a third time and passed; that the motion to reconsider be laid upon the table; that the Senate insist on its amendment, request a conference with the House and the Chair be authorized to appoint conferees on the part of the Senate.

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

The bill (H.R. 2231), as amended, was considered read the third time and passed.

The Presiding Officer (Mr. HUTCHINSON) appointed Mr. HATCH, Mr. THURMOND and Mr. LEAHY conferees on the part of the Senate.

Mr. SANTORUM. Mr. President, I ask unanimous consent that the passage of the Senate bill be vitiated, and the bill be indefinitely postponed.

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

CHILD NUTRITION AND WIC REAUTHORIZATION AMENDMENTS OF 1998

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 462, S. 2286.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

A bill (S. 2286) to amend the National School Lunch Act and the Child Nutrition Act of 1966 to provide children with increased access to food and nutrition assistance, to simplify program operations and improve program management, to extend certain authorities contained in those Acts through fiscal year 2003, and for other purposes.

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

There being no objection, the Senate proceeded to consider the bill.

Mr. SANTORUM. Mr. President, I find it quite ironic that I am, at the closing here, passing this bill about which I have strong reservations because I was not able to place an amendment in and have an amendment debated on this bill. But this is the child nutrition bill, and I understand a lot of very important things need to be done.

I very much would have liked to have had the opportunity to debate something that all the nutrition groups, all of the public interest groups, as well as a lot of manufacturers who use peanuts, would love to have seen, and that is an opportunity for us not to have the Child Nutrition Program paying an exorbitant amount of money, more than they need to, robbing children of the ability to get food in other places because we pay such high prices for peanuts in this country for food programs.

It would be nice if we would have been able to debate that amendment, but we can't.

Mr. DASCHLE. Mr. President, is it my pleasure today to join my colleagues on the Senate Agriculture, Nutrition, and Forestry Committee in supporting S. 2286, the Child Nutrition and WIC Reauthorization Amendments of 1998. This important bill expands subsidies for snacks in after-school programs, establishes a research program for universal school breakfasts, and makes several administrative changes in the school food service programs, in the Women, Infants and Children (WIC) Program and in the Child and Adult Care Food Program (CACFP). I believe that we have developed a good bill that represents real progress for child nutrition and school food services and I am pleased it has received strong bipartisan support.

I'd like to take a few moments to elaborate on a few aspects of the bill that are particularly important to South Dakotans and to all Americans. I am a cosponsor of the Schools for Achievement Act, which would give all children, regardless of income, access to a healthy, free breakfast. While we were unable to find consensus on a way to fund a universal breakfast program, S. 2286 establishes a multi-year free breakfast study. The study will be conducted at several sites, both rural and urban, and will rigorously evaluate impact of free breakfasts. The purpose of authorizing this study is to test whether providing breakfast at school helps

children perform better scholastically and improves overall levels of child nutrition. I am confident the school breakfast project will justify consideration of the Schools for Achievement Act.

For Congress to have access to the benefits of this study, however, we need to ensure that it will be funded. Funding for the school breakfast research project is uncertain in the House companion bill, because H.R. 3874 includes only authorizing language and relies on the Appropriations Committee to fund the project. As we all are aware, funds available to the Appropriations Committee have been greatly constrained by last year's Balanced Budget Agreement. If funding were unavailable, this research would be delayed, and the intentions of the authorizers would be undermined. We in the Senate have determined that this study should be conducted and have fully paid for it in the context of the Senate bill. I hope the conferees will agree to this position and agree to provide mandatory funding for this project.

I would also like to acknowledge that this is a study only. Nothing in this provision would automatically lead to full implementation of a free breakfast program. Congress will need to revisit this issue to determine whether it would be in the best interest of the Nation to take such a step. I believe this is a prudent way to proceed.

The liberalized administrative guidelines and expanded funding for after-school snacks are also welcome ideas in South Dakota, where our state government recently made a $700,000 commitment to promoting and increasing after-school care. I strongly support that effort, as well as efforts to improve access to after-school programs nationwide. The legislation before the Senate today is another small step toward better care for our nation's school-age children.

Finally, I would like to reassert my support for the programs being reauthorized by this legislation. Federal nutrition programs have a long, successful, track record of providing food, establishing nutrition standards, and collecting health information that have had a dramatic impact on reducing hunger in our country. School lunches are served to 35 million children around the nation. Seven million children receive school breakfasts. Teachers, parents, child care providers and school cooks are educated on the importance of good nutrition and about the necessary components of a healthy diet. Homeless children are served, commodities are distributed, and thousands of school children receive milk. Given the demonstrated effect of improved nutrition on cognition and behavior, the impact of our investment in the nutritional needs of our nation has been profound. I commend the Committee's efforts and look forward to working with my colleagues to enact final legislation to renew these very important child nutrition programs before the year is over.

Mr. SANTORUM. Mr. President, I rise today in support of the Child Nutrition Reauthorization, but also to express disappointment with the manner in which it is being considered by the Senate. While I support the reauthorization of the federal nutrition and feeding programs, I had hoped for the opportunity to offer an amendment to the bill.

The amendment I had hoped to offer would enable the United States Department of Agriculture to purchase lower-priced, non-quota peanuts for use in school feeding programs. Adoption of this amendment would make school feeding programs more cost effective and free up funds to buy additional peanuts and other foods for both the school lunch program and other federal food assistance programs. The amendment would save $14 million for the federal nutrition programs, money that could be put to use feeding more children and families.

I want to offer an explanation for why the amendment will not be considered and also to express my appreciation to those who were prepared to support it. Several Senators were ready to debate the merits of the amendment, and I appreciate their support. Other supporters include nutrition advocacy groups who have worked very hard on behalf of the amendment.

After our return from the August break, the Senate tried to clear this bill for action. Several Senators executed holds on the bill as a result of the amendment I intended to offer. Given the inability to remove those holds and given the few days that remain in the legislative calendar, I asked my Agriculture Committee Chairman, Senator LUGAR, to proceed with the bill so that he may get it to conference and hopefully enacted before adjournment in October.

For the benefit of my colleagues who know my longstanding opposition to the peanut program, let me make clear that my amendment would have done nothing to improve the price of peanuts for manufacturers of peanut products. Instead, it simply aimed to improve the operation of the school nutrition programs.

Generally speaking, peanuts cannot be grown and sold for human consumption in the United States unless the grower has a quota. This quota is really a license, and it enables growers to obtain a premium price for their production. Non-quota peanuts grown in America are no different than their quota cousins, except for the price. Non-quota peanuts that are grown in the U.S. for the export market have an approximate price of $350 per ton, whereas quota peanuts run as much as $650 per ton.

My amendment would simply allow the United States government to buy non-quota peanuts at the same price that we sell American peanuts to foreign countries.

This step is not without precedent. In fact, the Northeast Interstate Dairy Compact, which Congress authorized in 1996, has a similar provision to allow schools to be exempt from paying the artificially higher milk prices that are the result of the dairy compact.

Additionally, Congress has weighed this step in the past. The House Committee on Appropriations twice called attention to this problem in FY 1994 and FY 1995 Agriculture Appropriation Subcommittee Reports. The Subcommittee found that USDA would save approximately $14.4 million in peanut and peanut product purchases for the food assistance program if USDA purchased non-quota peanuts.

In these two committee reports for the FY 1994 and FY 1995 Agriculture Appropriations' bills, the Committee directed the USDA to prepare and submit legislation to the appropriations committees of Congress to amend the peanut program. That legislation would require USDA to purchase non-quota peanuts at world prices for use in domestic feeding programs. To this point, I am not aware that the USDA has ever responded to the Committee's direction.

Mr. President, passage of this amendment makes sense. Peanut products are an extremely popular and nutritious food for millions of people, especially children. High concentrations of important minerals and valuable nutrients make this food an especially important one. If we provide a means for the federal government to buy peanuts for American school children for the same price that we sell American peanuts to consumers in other countries, we can save millions of dollars and enable the government to purchase nutritious food to help additional people.

Moreover, we can improve the school nutrition programs with a minimal cost to growers. Despite the suggestion of doom and gloom from the defenders of the peanut program, the amount of quota peanuts purchased for government food assistance programs is less than 2 percent of the national peanut quota production. Thus, this amendment would have a negligible effect on peanut quota holders—many of whom, I hasten to add, do not grow peanuts themselves.

Mr. President, federal feeding programs are very price sensitive. In times of high prices for specific commodities, it is not uncommon for USDA to seek substitutes for even the most popular food items. in the early 1990s, for example, USDA temporarily suspended feeding program purchases of peanut butter because peanut prices had risen sharply. If the primary goal of the National

School Lunch Program and food assistance programs is to alleviate this nation's malnutrition and hunger, it is wrong for the federal government to waste limited financial resources on buying quota peanuts to further support a small special interest group of peanut quota holders who are already subsidized by the American consumer.

Again, Mr. President, I support passage of the child nutrition reauthorization, but am disappointed in not being able to offer my amendment. I thank those that have worked so hard on its behalf. While the opportunity is not available today to offer the amendment, I have every intention of offering this proposal to relevant legislation in the future.

Mr. LUGAR. Mr. President, I rise today in support of S. 2286, the Child Nutrition and WIC Reauthorization Amendments of 1998. The child nutrition programs have been critically important in helping meet the nutritional needs of our children. The bill before us, which was unanimously reported out of the Senate Committee on Agriculture, Nutrition, and Forestry, is a bipartisan effort to reauthorize and improve these successful programs. Nutrition programs in the Congress have a long history of bipartisan support and cooperation and I am pleased to report that this bill is no exception.

As an Indianapolis school board member and the city's mayor in the 1960's and 1970's, I saw firsthand the need to provide nutritional assistance to children. Since that time, the child nutrition programs have changed in many ways. Although the programs may need some fine tuning, today's programs have been successful in ensuring that our nation's children have access to nutritious foods, providing a critical nutrition safety net.

In 1997, approximately 89,000 schools enrolling 46 million children participated in the National School Lunch program. Although participation in the school breakfast program is not as large as that in the school lunch program, it has continued to grow. Since 1994, school breakfast participation has increased about 13 percent so that now over 70 percent of schools operating a school lunch program also operate a school breakfast program.

The WIC program, which provides nutritious foods and other support to lower-income infants and children (up to age 5), and pregnant, postpartum, and breast-feeding women, has been successful at reducing the number of low-birth-weight babies. Its success has led to strong support over the years. In 1997, average monthly WIC participation was 7.4 million persons. In many states, the program has reached the long sought after goal of full funding.

The bill before us makes improvements to the child nutrition programs. Recently we have seen reports on fraud and abuse in the WIC and Child and Adult Care Food Programs. S. 2286 strengthens the anti-fraud provisions in both programs. The bill requires WIC recipients to be physically present when being certified or recertified for the program. The bill also requires that recipients provide documentation of their income to prove that they are in fact eligible to participate in the program. The legislation cracks down on fraudulent vendors participating in the WIC program. Under most circumstances, WIC vendors who are convicted of trafficking will be permanently disqualified unless it can be proven that the disqualification will cause undue hardship for WIC recipients. In the Child and Adult Care Food Program, State agencies will be required to visit child care sites prior to approving participation by a provider.

The bill also makes amendments to streamline school food service operations. Specifically, S. 2286 allows schools to operate after-school snack programs through the National School Lunch Program rather than separately through the Child and Adult Care Food Program. Without this change, those schools choosing to operate an after-school program, along with the school lunch program, would have to submit paperwork for two separate programs. Streamlining these operations will free up precious time so that school food service personnel can better serve our nation's children. The bill also improves access, for low-income children up to age 18, to the after-school snack and the summer food service programs.

The bill creates a new universal school breakfast pilot program that will evaluate the effect of providing free breakfasts to elementary school children, regardless of income, on school performance and dietary intake. The new spending in this bill is fully offset by rounding down reimbursement rates to the nearest whole cent for meals served by schools and child care centers.

Finally, the bill reauthorizes the child nutrition programs through fiscal year 2003.

Mr. President, S. 2286 was unanimously reported out of the Senate Committee on Agriculture, Nutrition, and Forestry on June 25, 1998. I urge my colleagues to support this bill, thus ensuring that our nation's children continue to have access to these important programs.

Mr. SANTORUM. Mr. President, I ask unanimous consent that the bill, S. 2286, be considered read a third time, and the Senate then proceed to the consideration of calendar No. 480, H.R. 3874, the House-passed companion measure. I further ask consent that all after the enacting clause be stricken and the text of S. 2286 be inserted in lieu thereof, the bill be read a third time and passed, and the motion to reconsider be laid upon the table. I further ask consent that the Senate insist on its amendment, request a conference with the House, and the Chair be authorized to appoint conferees on the part of the Senate. I finally ask that S. 2286 be placed back on the calendar.

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

The bill (H.R. 3874), as amended, was read the third time and passed, as follows:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Child Nutrition and WIC Reauthorization Amendments of 1998".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—SCHOOL LUNCH AND RELATED PROGRAMS

Sec. 101. Technical amendments to commodity provisions.
Sec. 102. Waiver of requirement for weighted averages for nutrient analysis.
Sec. 103. Requirement for food safety inspections.
Sec. 104. Elimination of administration of programs by regional offices.
Sec. 105. Special assistance.
Sec. 106. Adjustments to payment rates.
Sec. 107. Adjustments to reimbursement rates.
Sec. 108. Criminal penalties.
Sec. 109. Food and nutrition projects.
Sec. 110. Establishment of an adequate meal service period.
Sec. 111. Buy American.
Sec. 112. Procurement contracts.
Sec. 113. Summer food service program for children.
Sec. 114. Commodity distribution program.
Sec. 115. Child and adult care food program.
Sec. 116. Transfer of homeless assistance programs to child and adult care food program.
Sec. 117. Meal supplements for children in afterschool care.
Sec. 118. Pilot projects.
Sec. 119. Breakfast pilot projects.
Sec. 120. Training and technical assistance.
Sec. 121. Food service management institute.
Sec. 122. Compliance and accountability.
Sec. 123. Information clearinghouse.
Sec. 124. Refocusing of effort to help accommodate the special dietary needs of individuals with disabilities.

TITLE II—SCHOOL BREAKFAST AND RELATED PROGRAMS

Sec. 201. Elimination of administration of programs by regional offices.
Sec. 202. State administrative expenses.
Sec. 203. Special supplemental nutrition program for women, infants, and children.
Sec. 204. Nutrition education and training.

TITLE III—COMMODITY DISTRIBUTION PROGRAMS

Sec. 301. Commodity distribution program reforms.
Sec. 302. Food distribution.

TITLE IV—EFFECTIVE DATE

Sec. 401. Effective date.

TITLE I—SCHOOL LUNCH AND RELATED PROGRAMS

SEC. 101. TECHNICAL AMENDMENTS TO COMMODITY PROVISIONS.

(a) IN GENERAL.—Section 6 of the National School Lunch Act (42 U.S.C. 1755) is amended—

(1) by striking subsections (c) and (d); and

(2) by redesignating subsections (e), (f), and (g) as subsections (c), (d), and (e), respectively.

(b) CONFORMING AMENDMENTS.—The National School Lunch Act is amended by striking "section 6(e)" each place it appears in sections 14(f), 16(a), and 17(h)(1)(B) (42 U.S.C. 1762a(f), 1765(a), 1766(h)(1)(B)) and inserting "section 6(c)".

SEC. 102. WAIVER OF REQUIREMENT FOR WEIGHTED AVERAGES FOR NUTRIENT ANALYSIS.

Section 9(f) of the National School Lunch Act (42 U.S.C. 1758(f)) is amended by adding at the end the following:

"(5) WAIVER OF REQUIREMENT FOR WEIGHTED AVERAGES FOR NUTRIENT ANALYSIS.—During the period ending on September 30, 2003, the Secretary shall not require the use of weighted averages for nutrient analysis of menu items and foods offered or served as part of a reimbursable meal under the school lunch or school breakfast program.".

SEC. 103. REQUIREMENT FOR FOOD SAFETY INSPECTIONS.

Section 9 of the National School Lunch Act (42 U.S.C. 1758) is amended by adding at the end the following:

"(h) FOOD SAFETY INSPECTIONS.—

"(1) IN GENERAL.—Except as provided in paragraph (2), a school participating in the school lunch program authorized under this Act or the school breakfast program authorized under section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773) shall, at least once during each school year, obtain a food safety inspection conducted by a State or local governmental agency responsible for food safety inspections.

"(2) EXCEPTION.—Paragraph (1) shall not apply to a school if a food safety inspection of the school is required by a State or local authority.".

SEC. 104. ELIMINATION OF ADMINISTRATION OF PROGRAMS BY REGIONAL OFFICES.

(a) IN GENERAL.—Section 10 of the National School Lunch Act (42 U.S.C. 1759) is amended to read as follows:

"SEC. 10. DISBURSEMENT TO SCHOOLS BY THE SECRETARY.

"(a) AUTHORITY TO ADMINISTER PROGRAMS.—

"(1) IN GENERAL.—Except as provided in paragraph (3), during the period determined under subsection (c), the Secretary shall withhold funds payable to a State under this Act and disburse the funds directly to school food authorities, institutions, and service institutions within the State for the purposes authorized by this Act to the extent that the Secretary has so withheld and disbursed the funds continuously since October 1, 1980.

"(2) USE OF FUNDS.—Any funds withheld and disbursed by the Secretary under paragraph (1) shall be used for the same purposes and be subject to the same conditions as apply to disbursing funds made available to States under this Act.

"(3) STATE ADMINISTRATION.—If the Secretary is administering (in whole or in part) any program authorized under this Act in a State, the State may, on request to the Secretary, assume administrative responsibility for the program at any time during the period determined under subsection (c).

"(b) PROVISION OF TRAINING AND TECHNICAL ASSISTANCE.—During the period determined under subsection (c), the Secretary shall provide a State that assumes administrative responsibility for a program from the Secretary with training and technical assistance to allow for an efficient and effective transfer of the responsibility.

"(c) PERIOD.—

"(1) IN GENERAL.—Except as provided in paragraph (2), this section shall apply during the period beginning on October 1, 1998, and ending on September 30, 2001.

"(2) EXTENSION.—The Secretary may extend the period described in paragraph (1) that applies to a program administered by the Secretary for a State, for a period not to exceed 2 years, if the State—

"(A) demonstrates to the Secretary that the State will not be able to assume administrative responsibility for the program during the period described in paragraph (1); and

"(B) submits a plan to the Secretary that describes when and how the State will assume administrative responsibility for the program.".

(b) CONFORMING AMENDMENTS.—

(1) Section 7(b) of the National School Lunch Act (42 U.S.C. 1756(b)) is amended in the second sentence by striking "No" and inserting "During the period determined under section 10(c), no".

(2) Section 11(a)(1)(A) of the National School Lunch Act (42 U.S.C. 1759a(a)(1)(A)) is amended by inserting after "section 10 of this Act" the following: "(during the period determined under section 10(c))".

SEC. 105. SPECIAL ASSISTANCE.

Section 11(a)(1) of the National School Lunch Act (42 U.S.C. 1759a(a)(1)) is amended—

(1) in subparagraph (C)—

(A) in clause (i)(I), by striking "3 successive school years" each place it appears and inserting "4 successive school years"; and

(B) in clauses (ii) and (iii), by striking "3-school-year period" each place it appears and inserting "4-school-year period"; and

(2) in subparagraph (D)—

(A) in clause (i)—

(i) by striking "3-school-year period" each place it appears and inserting "4-school-year period"; and

(ii) by striking "2 school years" and inserting "4 school years";

(B) in clause (ii)—

(i) by striking the first sentence; and

(ii) by striking "5-school-year period" each place it appears and inserting "4-school-year period"; and

(C) in clause (iii), by striking "5-school-year period" and inserting "4-school-year period".

SEC. 106. ADJUSTMENTS TO PAYMENT RATES.

(a) IN GENERAL.—Section 11(a)(3)(B) of the National School Lunch Act (42 U.S.C. 1759a(a)(3)(B)) is amended—

(1) by striking "(B) The annual" and inserting the following:

"(B) COMPUTATION OF ADJUSTMENT.—

"(i) IN GENERAL.—The annual";

(2) by striking "Each annual" and inserting the following:

"(ii) BASIS.—Each annual";

(3) by striking "The adjustments" and inserting the following:

"(iii) ROUNDING.—

"(I) THROUGH APRIL 30, 1999.—For the period ending April 30, 1999, the adjustments"; and

(4) by adding at the end the following:

"(II) MAY 1, 1999, THROUGH JUNE 30, 1999.—For the period beginning on May 1, 1999, and ending on June 30, 1999, the national average payment rates for meals and supplements shall be adjusted to the nearest lower cent increment and shall be based on the unrounded amounts used to calculate the rates in effect on July 1, 1998.

"(III) JULY 1, 1999, AND THEREAFTER.—On July 1, 1999, and on each subsequent July 1, the national average payment rates for meals and supplements shall be adjusted to the nearest lower cent increment and shall be based on the unrounded amounts for the preceding 12-month period.".

(b) CONFORMING AMENDMENTS.—Section 4(b) of the Child Nutrition Act of 1966 (42 U.S.C. 1773(b)) is amended—

(1) in the second sentence of paragraph (1)(B), by striking "adjusted to the nearest one-fourth cent,"; and

(2) in paragraph (2)(B)(ii), by striking "to the nearest one-fourth cent".

SEC. 107. ADJUSTMENTS TO REIMBURSEMENT RATES.

Section 12 of the National School Lunch Act (42 U.S.C. 1760) is amended by striking subsection (f) and inserting the following:

"(f) ADJUSTMENTS TO REIMBURSEMENT RATES.—In providing assistance for breakfasts, lunches, suppers, and supplements served in Alaska, Hawaii, Guam, American Samoa, Puerto Rico, the Virgin Islands, and the Commonwealth of the Northern Mariana Islands, the Secretary may establish appropriate adjustments for each such State to the national average payment rates prescribed under sections 4, 11, 13 and 17 of this Act and section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773) to reflect the differences between the costs of providing meals in those States and the costs of providing meals in all other States.".

SEC. 108. CRIMINAL PENALTIES.

Section 12(g) of the National School Lunch Act (42 U.S.C. 1760(g)) is amended by striking "$10,000" and inserting "$25,000".

SEC. 109. FOOD AND NUTRITION PROJECTS.

Section 12(m) of the National School Lunch Act (42 U.S.C. 1760(m)) is amended by striking "1998" each place it appears and inserting "2003".

SEC. 110. ESTABLISHMENT OF AN ADEQUATE MEAL SERVICE PERIOD.

Section 12 of the National School Lunch Act (42 U.S.C. 1760) is amended by adding at the end the following:

"(n) LENGTH OF MEAL SERVICE PERIOD AND FOOD SERVICE ENVIRONMENT.—A school participating in the school lunch program authorized under this Act or the school breakfast program authorized under section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773) is encouraged to establish meal service periods that provide children with adequate time to fully consume their meals in an environment that is conducive to eating the meals.".

SEC. 111. BUY AMERICAN.

Section 12 of the National School Lunch Act (42 U.S.C. 1760) (as amended by section 110) is amended by adding at the end the following:

"(o) BUY AMERICAN.—

"(1) DEFINITION OF DOMESTIC COMMODITY OR PRODUCT.—In this subsection, the term 'domestic commodity or product' means—

"(A) an agricultural commodity that is produced in the United States; and

"(B) a food product that is processed in the United States substantially using agricultural commodities that are produced in the United States.

"(2) REQUIREMENT.—Subject to paragraph (3), the Secretary shall require that a school purchase, to the maximum extent practicable, domestic commodities or products.

"(3) LIMITATIONS.—Paragraph (2) shall apply only to—

"(A) a school located in the contiguous United States; and

"(B) a purchase of an agricultural commodity or product for the school lunch program authorized under this Act or the school breakfast program authorized under section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773).".

SEC. 112. PROCUREMENT CONTRACTS.

Section 12 of the National School Lunch Act (42 U.S.C. 1760) (as amended by section 111) is amended by adding at the end the following:

"(p) PROCUREMENT CONTRACTS.—In acquiring a good or service using funds provided under this Act or the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.), a State, State agency, or school may enter into a contract with a person that has provided assistance to the State, State agency, or school in drafting contract specifications.".

SEC. 113. SUMMER FOOD SERVICE PROGRAM FOR CHILDREN.

(a) ESTABLISHMENT OF SITE LIMITATION.—Section 13(a)(7)(B) of the National School Lunch Act (42 U.S.C. 1761(a)(7)(B)) is amended by striking clause (i) and inserting the following:

"(i) operate—

"(I) not more than 25 sites, with not more than 300 children being served at any 1 site; or

"(II) with a waiver granted by the State agency under standards developed by the Secretary, with not more than 500 children being served at any 1 site;".

(b) ELIMINATION OF INDICATION OF INTEREST REQUIREMENT, REMOVAL OF MEAL CONTRACTING RESTRICTIONS, AND VENDOR REGISTRATION REQUIREMENTS.—Section 13 of the National School Lunch Act (42 U.S.C. 1761) is amended—

(1) in subsection (a)(7)(B)—

(A) by striking clauses (ii) and (iii); and

(B) by redesignating clauses (iv) through (vii) as clauses (ii) through (v) respectively; and

(2) in subsection (l)—

(A) in paragraph (1)—

(i) in the first sentence—

(I) by striking "(other than private nonprofit organizations eligible under subsection (a)(7))"; and

(II) by striking "only with food service management companies registered with the State in which they operate" and inserting "with food service management companies"; and

(ii) by striking the last sentence;

(B) in paragraph (2)—

(i) in the first sentence, by striking "shall" and inserting "may"; and

(ii) by striking the second and third sentences;

(C) by striking paragraph (3); and

(D) by redesignating paragraphs (4) and (5) as paragraphs (3) and (4), respectively.

(c) REAUTHORIZATION OF SUMMER FOOD SERVICE PROGRAM.—Section 13(q) of the National School Lunch Act (42 U.S.C. 1761(q)) is amended by striking "1998" and inserting "2003".

SEC. 114. COMMODITY DISTRIBUTION PROGRAM.

Section 14(a) of the National School Lunch Act (42 U.S.C. 1762a(a)) is amended by striking "1998" and inserting "2003".

SEC. 115. CHILD AND ADULT CARE FOOD PROGRAM.

(a) AFTERSCHOOL CARE.—Section 17(a) of the National School Lunch Act (42 U.S.C. 1766(a)) is amended in the fourth sentence by striking "Reimbursement" and inserting "Except as provided in subsection (r), reimbursement".

(b) REVISION TO LICENSING AND ALTERNATE APPROVAL FOR SCHOOLS AND OUTSIDE SCHOOL HOURS CHILD CARE CENTERS.—Section 17(a) of the National School Lunch Act (42 U.S.C. 1766(a)) is amended in the sixth sentence by striking paragraph (1) and inserting the following:

"(1) each institution (other than a school or family or group day care home sponsoring organization) and family or group day care home shall—

"(A)(i) have Federal, State, or local licensing or approval; or

"(ii) be complying with appropriate renewal procedures as prescribed by the Secretary and not be the subject of information possessed by the State indicating that the license of the institution or home will not be renewed;

"(B) in any case in which Federal, State, or local licensing or approval is not available—

"(i) receive funds under title XX of the Social Security Act (42 U.S.C. 1397 et seq.);

"(ii) meet any alternate approval standards established by a State or local government; or

"(iii) meet any alternate approval standards established by the Secretary, after consultation with the Secretary of Health and Human Services; or

"(C) in any case in which the institution provides care to school children outside school hours and Federal, State, or local licensing or approval is not required, meet State or local health and safety standards; and".

(c) AUTOMATIC ELIGIBILITY.—Section 17(c) of the National School Lunch Act (42 U.S.C. 1766(c)) is amended by striking paragraph (6).

(d) PERIODIC SITE VISITS.—Section 17(d) of the National School Lunch Act (42 U.S.C. 1766(d)) is amended—

(1) in the second sentence of paragraph (1), by inserting after "if it" the following: "has been visited by a State agency prior to approval and it"; and

(2) in paragraph (2)(A)—

(A) by striking "that allows" and inserting "that—

"(i) allows";

(B) by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(ii) requires periodic site visits to private institutions that the State agency determines have a high probability of program abuse.".

(e) TAX EXEMPT STATUS AND REMOVAL OF NOTIFICATION REQUIREMENT FOR INCOMPLETE APPLICATIONS.—Section 17(d)(1) of the National School Lunch Act (42 U.S.C. 1766(d)(1)) is amended—

(1) by inserting after the third sentence the following: "An institution moving toward compliance with the requirement for tax exempt status shall be allowed to participate in the child and adult care food program for a period of not more than 180 days, except that a State agency may grant a single extension of not to exceed an additional 90 days if the institution demonstrates, to the satisfaction of the State agency, that the inability of the institution to obtain tax exempt status within the 180-day period is due to circumstances beyond the control of the institution."; and

(2) by striking the last sentence.

(f) DEMONSTRATION PROJECTS.—Section 17(p) of the National School Lunch Act (42 U.S.C. 1766(p)) is amended—

(1) in paragraph (1), by striking "appropriated or otherwise made available for purposes of carrying out this section" and inserting "made available under paragraph (4)";

(2) by striking paragraphs (4) and (5); and

(3) by adding at the end the following:

"(4) FUNDING.—Out of any moneys in the Treasury not otherwise appropriated, the Secretary of the Treasury shall provide to the Secretary such sums as are necessary to carry out this subsection for each of fiscal years 1999 through 2003. The Secretary shall be entitled to receive the funds and shall accept the funds.".

(g) MANAGEMENT SUPPORT, PARTICIPATION BY AT-RISK CHILD CARE PROGRAMS, AND WIC OUTREACH.—Section 17 of the National School Lunch Act (42 U.S.C. 1766) is amended by adding at the end the following:

"(q) MANAGEMENT SUPPORT.—

"(1) TECHNICAL AND TRAINING ASSISTANCE.—In addition to the training and technical assistance that is provided to State agencies under other provisions of this Act and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.), the Secretary shall provide training and technical assistance in order to assist the State agencies in improving their program management and oversight under this section.

"(2) FUNDING.—For each of fiscal years 1999 through 2003, the Secretary shall reserve to carry out paragraph (1) $1,000,000 of the amounts made available to carry out this section.

"(r) PROGRAM FOR AT-RISK SCHOOL CHILDREN.—

"(1) DEFINITION OF AT-RISK SCHOOL CHILD.—In this subsection, the term 'at-risk school child' means a school child who—

"(A) is not more than 18 years of age; and

"(B) lives in a geographical area served by a school enrolling elementary students in which at least 50 percent of the total number of children enrolled are certified as eligible to receive free or reduced price school meals under this Act or the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.).

"(2) PARTICIPATION IN CHILD AND ADULT CARE FOOD PROGRAM.—Subject to the other provisions of this subsection, an institution that provides supplements under a program organized primarily to provide care to at-risk school children during after-school hours, weekends, or holidays during the regular school year may participate in the program authorized under this section.

"(3) ADMINISTRATION.—Except as otherwise provided in this subsection, the other provisions of this section apply to an institution described in paragraph (2).

"(4) SUPPLEMENT REIMBURSEMENT.—

"(A) LIMITATIONS.—An institution may claim reimbursement under this subsection only for—

"(i) a supplement served under a program organized primarily to provide care to at-risk school children during after-school hours, weekends, or holidays during the regular school year; and

"(ii) 1 supplement per child per day.

"(B) RATE.—Supplements shall be reimbursed under this subsection at the rate established for free supplements under subsection (c)(3).

"(C) NO CHARGE.—A supplement claimed for reimbursement under this subsection shall be served without charge.

"(s) INFORMATION CONCERNING THE SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS, AND CHILDREN.—

"(1) IN GENERAL.—The Secretary shall provide each State agency administering a child and adult care food program under this section with information concerning the special supplemental nutrition program for women, infants, and children authorized under section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786).

"(2) REQUIREMENTS FOR STATE AGENCIES.—A State agency shall ensure that each participating family and group day care home and child care center (other than an institution providing care to school children outside school hours)—

"(A) receives materials that include—

"(i) a basic explanation of the importance and benefits of the special supplemental nutrition program for women, infants, and children;

"(ii) the maximum State income eligibility standards, according to family size, for the program; and

"(iii) information concerning how benefits under the program may be obtained;

"(B) is provided periodic updates of the information described in subparagraph (A); and

"(C) provides the information described in subparagraph (A) to parents of enrolled children at enrollment.".

SEC. 116. TRANSFER OF HOMELESS ASSISTANCE PROGRAMS TO CHILD AND ADULT CARE FOOD PROGRAM.

(a) SUMMER FOOD SERVICE PROGRAM FOR CHILDREN.—Section 13(a)(3)(C) of the National School Lunch Act (42 U.S.C. 1761(a)(3)(C)) is amended—

(1) in clause (i), by inserting "or" after the semicolon;

(2) by striking clause (ii); and

(3) by redesignating clause (iii) as clause (ii).

(b) CHILD AND ADULT CARE FOOD PROGRAM.—Section 17 of the National School Lunch Act (as amended by section 115(g)) is amended—

(1) in the third sentence of subsection (a)—

(A) by striking "and public" and inserting "public"; and

(B) by inserting before the period at the following: ", and emergency shelters described in subsection (t)"; and

(2) by adding at the end the following:

"(t) PARTICIPATION BY EMERGENCY SHELTERS.—

"(1) DEFINITION OF EMERGENCY SHELTER.—In this subsection, the term 'emergency shelter' means a public or private nonprofit emergency shelter (as defined in section 321 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11351)), or a site operated by the shelter, that provides food service to homeless children and their parents or guardians.

"(2) ADMINISTRATION.—Except as otherwise provided in this subsection, the other provisions of this section shall apply to an emergency shelter that is participating in the program authorized under this section.

"(3) INSTITUTION AND SITE LICENSING.—Subsection (a)(1) shall not apply to an emergency shelter.

"(4) HEALTH AND SAFETY STANDARDS.—To be eligible to participate in the program authorized under this section, an emergency shelter shall comply with applicable State and local health and safety standards.

"(5) MEAL OR SUPPLEMENT REIMBURSEMENT.—

"(A) LIMITATIONS.—An emergency shelter may claim reimbursement under this subsection only for—

"(i) a meal or supplement served to children who are not more than 12 years of age residing at the emergency shelter; and

"(ii) not more than 3 meals, or 2 meals and 1 supplement, per child per day.

"(B) RATE.—A meal or supplement shall be reimbursed under this subsection at the rate established for a free meal or supplement under subsection (c).

"(C) NO CHARGE.—A meal or supplement claimed for reimbursement under this subsection shall be served without charge.".

(c) HOMELESS CHILDREN NUTRITION PROGRAM.—Section 17B of the National School Lunch Act (42 U.S.C. 1766b) is repealed.

SEC. 117. MEAL SUPPLEMENTS FOR CHILDREN IN AFTERSCHOOL CARE.

(a) GENERAL AUTHORITY.—Section 17A(a) of the National School Lunch Act (42 U.S.C. 1766a(a)) is amended—

(1) in paragraph (1), by striking "supplements to" and inserting "supplements under a program organized primarily to provide care for"; and

(2) in paragraph (2), by striking subparagraph (C) and inserting the following:

"(C) operate afterschool programs with an educational or enrichment purpose.".

(b) ELIGIBLE CHILDREN.—Section 17A(b) of the National School Lunch Act (42 U.S.C. 1766a(b)) is amended—

(1) in paragraph (1), by striking "or" at the end;

(2) in paragraph (2), by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following:

"(3) in the case of children who live in a geographical area served by a school enrolling elementary students in which at least 50 percent of the total number of children enrolled are certified as eligible to receive free or reduced price school meals under this Act or the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.), who are not more than 18 years of age.".

(c) REIMBURSEMENT.—Section 17A(c) of the National School Lunch Act (42 U.S.C. 1766a(c)) is amended—

(1) by striking "(c) REIMBURSEMENT.—For" and inserting the following:

"(c) REIMBURSEMENT.—

"(1) IN GENERAL.—Except as provided in paragraph (2), for"; and

(2) by adding at the end the following:

"(2) LOW-INCOME AREAS.—A supplement provided under this section to a child described in subsection (b)(3) shall be—

"(A) reimbursed at the rate at which free supplements are reimbursed under section 17(c); and

"(B) served without charge.".

SEC. 118. PILOT PROJECTS.

Section 18 of the National School Lunch Act (42 U.S.C. 1769) is amended—

(1) in subsection (c)—

(A) in paragraphs (1) and (7)(A), by striking "1998" each place it appears and inserting "2003"; and

(B) in paragraph (7)—

(i) by striking "(A)"; and

(ii) by striking subparagraph (B); and

(2) by striking subsections (e), (g), (h), and (i).

SEC. 119. BREAKFAST PILOT PROJECTS.

Section 18 of the National School Lunch Act (42 U.S.C. 1769) (as amended by section 118(2)) is amended by inserting after subsection (d) the following:

"(e) BREAKFAST PILOT PROJECTS.—

"(1) IN GENERAL.—During each of the school years beginning July 1, 1999, July 1, 2000, and July 1, 2001, the Secretary shall make grants to State agencies to conduct pilot projects in elementary schools under the jurisdiction of not more than 6 school food authorities approved by the Secretary—

"(A) to reduce paperwork and simplify meal counting requirements; and

"(B) to evaluate the effect of providing free breakfasts to elementary school children, without regard to family income, on participation, academic achievement, attendance and tardiness, and dietary intake over the course of a day.

"(2) NOMINATIONS.—A State agency that desires to receive a grant under this subsection shall submit to the Secretary nominations of school food authorities to participate in a pilot project under this subsection.

"(3) APPROVAL.—The Secretary shall approve for participation in pilot projects under this subsection elementary schools under the jurisdiction of not more than 6 school food authorities selected so as to—

"(A) provide for an equitable distribution of pilot projects among urban and rural elementary schools;

"(B) provide for an equitable distribution of pilot projects among elementary schools of varying family income levels; and

"(C) permit the evaluation of pilot projects to distinguish the effects of the pilot projects from other factors, such as changes or differences in educational policies or program.

"(4) GRANTS TO SCHOOL FOOD AUTHORITIES.—A State receiving a grant under paragraph (1) shall make grants to school food authorities to conduct the pilot projects described in paragraph (1).

"(5) DURATION OF PILOT PROJECTS.—A school food authority receiving amounts under a grant to conduct a pilot project described in paragraph (1) shall conduct the project for the 3-year period beginning July 1, 1999.

"(6) WAIVER AUTHORITY.—The Secretary may waive the requirements of this Act and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.) relating to counting of meals, applications for eligibility, and other requirements that would preclude the Secretary from making a grant to conduct a pilot project under paragraph (1).

"(7) REQUIREMENTS FOR PARTICIPATION IN PILOT PROJECT.—To be eligible to participate in a pilot project under this subsection—

"(A) a State—

"(i) shall submit an application to the Secretary at such time and in such manner as the Secretary shall establish to meet criteria the Secretary has established to enable a valid evaluation to be conducted; and

"(ii) shall provide such information relating to the operation and results of the pilot project as the Secretary may reasonably require; and

"(B) a school food authority—

"(i) shall agree to serve all breakfasts at no charge to all children in participating elementary schools;

"(ii) shall not have a history of violations of this Act or the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.);

"(iii) shall have, under the jurisdiction of the school food authority, a sufficient number of elementary schools that are not participating in the pilot projects to permit an evaluation of the effects of the pilot projects; and

"(iv) shall meet all other requirements that the Secretary may reasonably require.

"(8) REIMBURSEMENT RATES.—A school food authority conducting a pilot project under this subsection shall receive reimbursement for each breakfast served under the pilot project in an amount that is equal to—

"(A) in the case of a school food authority that is determined by the Secretary not to be in severe need, the rate for free breakfasts established under section 4(b)(1)(B) of the Child Nutrition Act of 1966 (42 U.S.C. 1773(b)(1)(B)); and

"(B) in the case of a school food authority that is determined by the Secretary to be in severe need, the rate for free breakfasts established under section 4(b)(2)(B) of the Child Nutrition Act of 1966 (42 U.S.C. 1773(b)(2)(B)).

"(9) EVALUATION OF PILOT PROJECTS.—

"(A) IN GENERAL.—The Secretary, acting through the Administrator of the Food and Nutrition Service, shall conduct an evaluation of the pilot projects conducted by the school food authorities selected for participation.

"(B) CONTENT.—The evaluation shall include—

"(i) a determination of the effect of participation in the pilot project on the academic achievement, attendance and tardiness, and dietary intake over the course of a day of participating children that is not attributable to changes in educational policies and practices; and

"(ii) a determination of the effect that participation by elementary schools in the pilot project has on the proportion of students who eat breakfast and on the paperwork required to be completed by the schools.

"(C) REPORT.—On completion of the pilot projects and the evaluation, the Secretary shall submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report containing the results of the evaluation of the pilot projects required under subparagraph (A).

"(10) FEDERAL REIMBURSEMENT.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), a school conducting a pilot project under this subsection shall receive a total Federal reimbursement under the school breakfast program in an amount that is equal to the total Federal reimbursement for the school for the prior year under the program (adjusted for inflation and fluctuations in enrollment).

"(B) EXCESS NEEDS.—Funds required for the pilot project in excess of the level of reimbursement received by the school for the prior year (adjusted for inflation and fluctuations in enrollment) may be taken from any non-Federal source or from amounts provided under this subsection.

"(11) FUNDING.—

"(A) IN GENERAL.—Out of any moneys in the Treasury not otherwise appropriated, the Secretary of the Treasury shall provide to the Secretary such sums as are necessary to carry out this subsection, but not more than $20,000,000. The Secretary shall be entitled to receive the funds and shall accept the funds.

"(B) EVALUATION.—Of the amounts made available under subparagraph (A), not more than $12,000,000 shall be made available to carry out paragraph (9).".

SEC. 120. TRAINING AND TECHNICAL ASSISTANCE.

Section 21(e)(1) of the National School Lunch Act (42 U.S.C. 1769b–1(e)(1)) is amended by striking "1998" and inserting "2003".

SEC. 121. FOOD SERVICE MANAGEMENT INSTITUTE.

Section 21(e)(2)(A) of the National School Lunch Act (42 U.S.C. 1769b–1(e)(2)(A)) is amended by striking "and $2,000,000 for fiscal year 1996 and each subsequent fiscal year," and inserting "$2,000,000 for each of fiscal years 1996 through 1998, and $3,000,000 for fiscal year 1999 and each subsequent fiscal year".

SEC. 122. COMPLIANCE AND ACCOUNTABILITY.

Section 22(d) of the National School Lunch Act (42 U.S.C. 1769c(d)) is amended by striking "1996" and inserting "2003".

SEC. 123. INFORMATION CLEARINGHOUSE.

Section 26(d) of the National School Lunch Act (42 U.S.C. 1769g(d)) is amended in the first sentence by striking "and $100,000 for fiscal year 1998" and inserting "$100,000 for fiscal year 1998, and $166,000 for each of fiscal years 1999 through 2003".

SEC. 124. REFOCUSING OF EFFORT TO HELP ACCOMMODATE THE SPECIAL DIETARY NEEDS OF INDIVIDUALS WITH DISABILITIES.

Section 27 of the National School Lunch Act (42 U.S.C. 1769h) is amended to read as follows:

"SEC. 27. ACCOMMODATION OF SPECIAL DIETARY NEEDS OF INDIVIDUALS WITH DISABILITIES.

"(a) DEFINITIONS.—In this section:

"(1) COVERED PROGRAM.—The term 'covered program' means—

"(A) the school lunch program authorized under this Act;

"(B) the school breakfast program authorized under section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773); and

"(C) any other program authorized under this Act or the Child Nutrition Act of 1966 that the Secretary determines is appropriate.

"(2) ELIGIBLE ENTITY.—The term 'eligible entity' means a school food authority, institution, or service institution that participates in a covered program.

"(3) INDIVIDUALS WITH DISABILITIES.—The term 'individual with disabilities' has the meaning given the term in section 7 of the Rehabilitation Act of 1973 (29 U.S.C. 706) for purposes of title VII of that Act (29 U.S.C. 796 et seq.).

"(b) ACTIVITIES.—The Secretary may carry out activities to help accommodate the special dietary needs of individuals with disabilities who are participating in a covered program, including—

"(1) developing and disseminating to State agencies guidance and technical assistance materials;

"(2) conducting training of State agencies and eligible entities; and

"(3) issuing grants to State agencies and eligible entities.".

TITLE II—SCHOOL BREAKFAST AND RELATED PROGRAMS

SEC. 201. ELIMINATION OF ADMINISTRATION OF PROGRAMS BY REGIONAL OFFICES.

Section 5 of the Child Nutrition Act of 1966 (42 U.S.C. 1774) is amended to read as follows:

"SEC. 5. DISBURSEMENT TO SCHOOLS BY THE SECRETARY.

"(a) AUTHORITY TO ADMINISTER PROGRAMS.—

"(1) IN GENERAL.—Except as provided in paragraph (3), during the period determined under subsection (c), the Secretary shall withhold funds payable to a State under this Act and disburse the funds directly to school food authorities, institutions, and service institutions within the State for the purposes authorized by this Act to the extent that the Secretary has so withheld and disbursed the funds continuously since October 1, 1980.

"(2) USE OF FUNDS.—Any funds withheld and disbursed by the Secretary under paragraph (1) shall be used for the same purposes and be subject to the same conditions as apply to disbursing funds made available to States under this Act.

"(3) STATE ADMINISTRATION.—If the Secretary is administering (in whole or in part) any program authorized under this Act in a State, the State may, on request to the Secretary, assume administrative responsibility for the program at any time during the period determined under subsection (c).

"(b) PROVISION OF TRAINING AND TECHNICAL ASSISTANCE.—During the period determined under subsection (c), the Secretary shall provide a State that assumes administrative responsibility for a program from the Secretary with training and technical assistance to allow for an efficient and effective transfer of administrative responsibility.

"(c) PERIOD.—

"(1) IN GENERAL.—Except as provided in paragraph (2), this section shall apply during the period beginning on October 1, 1998, and ending on September 30, 2001.

"(2) EXTENSION.—The Secretary may extend the period described in paragraph (1) that applies to a program administered by the Secretary for a State, for a period not to exceed 2 years, if the State—

"(A) demonstrates to the Secretary that the State will not be able to assume administrative responsibility for the program during the period described in paragraph (1); and

"(B) submits a plan to the Secretary that describes when and how the State will assume administrative responsibility for the program.".

SEC. 202. STATE ADMINISTRATIVE EXPENSES.

(a) HOMELESS SHELTERS.—Section 7(a)(5) of the Child Nutrition Act of 1966 (42 U.S.C. 1776(a)(5)) is amended by striking subparagraph (B) and inserting the following:

"(B) REALLOCATION OF FUNDS.—

"(i) RETURN TO SECRETARY.—For each fiscal year, any amounts appropriated that are not obligated or expended during the fiscal year and are not carried over for the succeeding fiscal year under subparagraph (A) shall be returned to the Secretary.

"(ii) REALLOCATION BY SECRETARY.—The Secretary shall allocate, for purposes of administrative costs, any remaining amounts among States that demonstrate a need for the amounts.".

(b) ELIMINATION OF TRANSFER LIMITATION.—Section 7(a) of the Child Nutrition Act of 1966 (42 U.S.C. 1776(a)) is amended by striking paragraph (6) and inserting the following:

"(6) USE OF ADMINISTRATIVE FUNDS.—Funds available to a State under this subsection and under section 13(k)(1) of the National School Lunch Act (42 U.S.C. 1761(k)(1)) may be used by the State for the costs of administration of the programs authorized under the National School Lunch Act (42 U.S.C. 1751 et seq.) or this Act (except for the programs authorized under sections 17 and 21 of this Act) without regard to the basis on which the funds were earned and allocated.".

(c) REAUTHORIZATION OF PROGRAM.—Section 7(g) of the Child Nutrition Act of 1966 (42 U.S.C. 1776(g)) is amended by striking "1998" and inserting "2003".

SEC. 203. SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS, AND CHILDREN.

(a) CERTIFICATION PERIOD FOR INFANTS.—Section 17(d)(3) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(d)(3)) is amended by adding at the end the following:

"(C) CERTIFICATION PERIOD FOR INFANTS.—

"(i) IN GENERAL.—Except as provided in clause (ii), the procedures prescribed under subparagraph (A) shall include a requirement that a family that includes an infant shall not be certified to meet income eligibility criteria for the program for more than 180 days after the date of any certification.

"(ii) PRESUMPTIVELY ELIGIBLE FAMILIES.—Clause (i) shall not apply to a family with a member who is an individual described in clause (ii) or (iii) of paragraph (2)(A).".

(b) ADDITIONAL REQUIREMENTS FOR APPLICANTS.—Section 17(d)(3) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(d)(3)) (as amended by subsection (a)) is amended by adding at the end the following:

"(D) PHYSICAL PRESENCE.—

"(i) IN GENERAL.—Except as provided in clause (ii), each applicant to the program shall be physically present at each certification determination to determine eligibility under the program.

"(ii) WAIVERS.—A local agency may waive the requirement of clause (i) with respect to an applicant if the agency determines that the requirement, as applied to the applicant, would—

"(I) conflict with the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.);

"(II) present a barrier to participation of a child (including an infant) who—

"(aa) was present at the initial certification visit; and

"(bb) is receiving ongoing health care from a provider other than the local agency; or

"(III) present a barrier to participation of a child (including an infant) who—

"(aa) was present at the initial certification visit;

"(bb) was present at a certification determination within the 1-year period ending on the date of the certification determination described in clause (i); and

"(cc) has 1 or more parents who work.

"(E) INCOME DOCUMENTATION.—

"(i) IN GENERAL.—Except as provided in clause (ii), to be eligible for the program, each applicant to the program shall provide—

"(I) documentation of household income; or

"(II) documentation of participation in a program described in clause (ii) or (iii) of paragraph (2)(A).

"(ii) WAIVERS.—A State agency may waive the requirement of clause (i) with respect to—

"(I) an applicant for whom the necessary documentation is not available; or

"(II) an applicant, such as a homeless woman or child, for whom the agency determines the requirement of clause (i) would present a barrier to participation.

"(iii) REGULATIONS.—The Secretary shall prescribe regulations to carry out clause (ii)(I).

"(F) VERIFICATION.—The Secretary shall issue regulations under this paragraph prescribing when and how verification of income shall be required.".

(c) DISTRIBUTION OF NUTRITION EDUCATION MATERIALS.—Section 17(e)(3) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(e)(3)) is amended—

(1) by striking "(3) The" and inserting the following:

"(3) NUTRITION EDUCATION MATERIALS.—

"(A) IN GENERAL.—The"; and

(2) by adding at the end the following:

"(B) SHARING OF MATERIALS WITH CSFP.—The Secretary may provide, in bulk quantity, nutrition education materials (including materials promoting breastfeeding) developed with funds made available for the program authorized under this section to State agencies administering the commodity supplemental food program authorized under sections 4(a) and 5 of the Agriculture and Consumer Protection Act of 1973 (Public Law 93–86; 7 U.S.C. 612c note) at no cost to that program.".

(d) VARIETY OF FOODS.—Section 17(f)(1)(C) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(f)(1)(C)) is amended—

(1) by redesignating clauses (ii) through (x) as clauses (iii) through (xi), respectively; and

(2) by inserting after clause (i) the following:

"(ii) in the case of any State that provides for the purchase of foods under the program at retail grocery stores, a plan to limit participation by the stores to stores that offer a variety of foods, as determined by the Secretary;".

(e) USE OF CLAIMS FOR VENDORS AND PARTICIPANTS.—Section 17(f) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(f)) is amended by striking paragraph (21) and inserting the following:

"(21) USE OF CLAIMS FROM VENDORS AND PARTICIPANTS.—A State agency may use funds recovered from vendors and participants, as a result of a claim arising under the program, to carry out the program during—

"(A) the fiscal year in which the claim arises;

"(B) the fiscal year in which the funds are collected; or

"(C) the fiscal year following the fiscal year in which the funds are collected.".

(f) RECIPIENTS PARTICIPATING AT MORE THAN 1 SITE.—Section 17(f) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(f)) is amended by adding at the end the following:

"(23) RECIPIENTS PARTICIPATING AT MORE THAN 1 SITE.—Each State agency shall implement a system designed by the State agency to identify recipients who are participating at more than 1 site under the program.".

(g) HIGH RISK VENDORS.—Section 17(f) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(f)) (as amended by subsection (f)) is amended by adding at the end the following:

"(24) HIGH RISK VENDORS.—Each State agency shall—

"(A) identify vendors that have a high probability of program abuse; and

"(B) conduct compliance investigations of the vendors.".

(h) REAUTHORIZATION OF PROGRAM.—Section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786) is amended in subsections (g)(1) and (h)(2)(A) by striking "1998" each place it appears and inserting "2003".

(i) PURCHASE OF BREAST PUMPS.—Section 17(h)(1)(C) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(h)(1)(C)) is amended—

(1) by striking "(C) In" and inserting the following:

"(C) REMAINING AMOUNTS.—

"(i) IN GENERAL.—Except as provided in clause (ii), in"; and

(2) by adding at the end the following:

"(ii) BREAST PUMPS.—

"(I) IN GENERAL.—Beginning with fiscal year 2000, a State agency may use amounts made available under clause (i) for the purchase of breast pumps.

"(II) MAINTENANCE OF EFFORT.—From amounts allocated for nutrition services and administration to amounts allocated for supplemental foods, a State agency that exercises the authority of subclause (I) shall transfer an amount equal to the amount expended for the purchase of breast pumps, or transferred under this subclause, from amounts allocated for nutrition services and administration for the preceding fiscal year.".

(j) TECHNICAL AMENDMENT.—Section 17(h)(2)(A)(iv) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(h)(2)(A)(iv)) is amended by striking ", to the extent funds are not already provided under subparagraph (I)(v) for the same purpose,".

(k) LEVEL OF PER-PARTICIPANT EXPENDITURE FOR NUTRITION SERVICES AND ADMINISTRATION.—Section 17(h)(2)(B)(ii) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(h)(2)(B)(ii)) is amended by striking "15 percent" and inserting "10 percent (except that the Secretary may establish a higher percentage for State agencies that are small)".

(l) TECHNICAL AMENDMENTS.—Section 17(h)(3) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(h)(3)) is amended—

(1) in subparagraph (E), by striking "(except as provided in subparagraph (G))"; and

(2) by striking subparagraphs (F) and (G).

(m) CONVERSION OF AMOUNTS FOR SUPPLEMENTAL FOODS TO AMOUNTS FOR NUTRITION SERVICES AND ADMINISTRATION.—Section 17(h)(5)(A) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(h)(5)(A)) is amended in the matter preceding clause (i) by striking "achieves" and all that follows through "such State agency may" and inserting "submits a plan to reduce average food costs per participant and to increase participation above the level estimated for the State agency, the State agency may, with the approval of the Secretary,".

(n) INFANT FORMULA PROCUREMENT.—

(1) COMPETITIVE BIDDING SYSTEM.—Section 17(h)(8)(A) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(h)(8)(A)) is amended by adding at the end the following:

"(iii) COMPETITIVE BIDDING SYSTEM.—A State agency using a competitive bidding system for infant formula shall award a contract to the bidder offering the lowest net price unless the State agency demonstrates to the satisfaction of the Secretary that the weighted average retail price for different brands of infant formula in the State does not vary by more than 5 percent.".

(2) REVIEW AND APPROVAL OF SOLICITATIONS.—Section 17(h)(8) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(h)(8)) is amended by adding at the end the following:

"(K) REVIEW AND APPROVAL OF SOLICITATIONS.—The Secretary shall—

"(i) prior to the issuance of an infant formula cost containment contract solicitation under this paragraph, review the solicitation to ensure that the solicitation does not contain any anticompetitive provisions; and

"(ii) approve the solicitation only if the solicitation does not contain any anticompetitive provisions.".

(o) INFRASTRUCTURE AND BREASTFEEDING SUPPORT AND PROMOTION.—Section 17(h)(10)(A) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(h)(10)(A)) is amended by striking "1998" and inserting "2003".

(p) MANAGEMENT INFORMATION SYSTEM PLAN.—Section 17(h) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(h)) is amended by adding at the end the following:

"(11) MANAGEMENT INFORMATION SYSTEM PLAN.—

"(A) IN GENERAL.—In consultation with State agencies, retailers, and other interested persons, the Secretary shall establish a long-range plan for the development and implementation of management information systems (including electronic benefit transfers) to be used in carrying out the program.

"(B) REPORT.—Not later than 2 years after the date of enactment of this paragraph, the Secretary shall submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report on actions taken to carry out subparagraph (A).

"(C) INTERIM PERIOD.—Prior to the date of submission of the report of the Secretary required under subparagraph (B), the cost of systems or equipment that may be required to test management information systems (including electronic benefit transfers) for the program may not be imposed on a retail food store.".

(q) USE OF FUNDS IN PRECEDING AND SUBSEQUENT FISCAL YEARS.—

(1) IN GENERAL.—Section 17(i)(3)(A) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(i)(3)(A)) is amended—

(A) by striking "subparagraphs (B) and (C)" and inserting "subparagraph (B)"; and

(B) by striking clauses (i) and (ii) and inserting the following:

"(i)(I) not more than 1 percent (except as provided in subparagraph (C)) of the amount of funds allocated to a State agency under this section for supplemental foods for a fiscal year may be expended by the State agency for allowable expenses incurred under this section for supplemental foods during the preceding fiscal year; and

"(II) not more than 1 percent of the amount of funds allocated to a State agency under this section for nutrition services and administration for a fiscal year may be expended by the State agency for allowable expenses incurred under this section for supplemental foods and nutrition services and administration during the preceding fiscal year; and

"(ii)(I) for each fiscal year, of the amounts allocated to a State agency for nutrition services and administration, an amount equal to not more than 1 percent of the amount allocated to the State agency under this section for the fiscal year may be expended by the State agency for allowable expenses incurred under this section for nutrition services and administration during the subsequent fiscal year; and

"(II) for each fiscal year, of the amounts allocated to a State agency for nutrition services and administration, an amount equal to not more than ½ of 1 percent of the amount allocated to the State agency under this section for the fiscal year may be expended by the State agency, with the prior approval of the Secretary, for the development of a management information system, including an electronic benefit transfer system, during the subsequent fiscal year.".

(2) CONFORMING AMENDMENTS.—Section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786) is amended—

(A) in subsection (h)(10)(A), by inserting after "nutrition services and administration funds" the following: "and supplemental foods funds"; and

(B) in subsection (i)(3)—

(i) by striking subparagraphs (C) through (G); and

(ii) by redesignating subparagraph (H) as subparagraph (C).

(r) FARMERS MARKET NUTRITION PROGRAM.—Section 17(m) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(m)) is amended—

(1) in the first sentence of paragraph (3), by inserting "or from program income" before the period at the end;

(2) in paragraph (6)—

(A) in subparagraph (C)—

(i) by striking "serve additional recipients in";

(ii) by striking clause (ii) and inserting the following:

"(ii) documentation that demonstrates that—

"(I) there is a need for an increase in funds; and

"(II) the use of the increased funding will be consistent with serving nutritionally at-risk persons and expanding the awareness and use of farmers' markets;";

(iii) in clause (iii), by striking the period at the end and inserting "; and"; and

(iv) by adding at the end the following:

"(iv) whether, in the case of a State that intends to use any funding provided under subparagraph (G)(i) to increase the value of the Federal share of the benefits received by a recipient, the funding provided under subparagraph (G)(i) will increase the rate of coupon redemption.";

(B) by striking subparagraph (F);

(C) in subparagraph (G)—

(i) in clause (i)—

(I) in the first sentence, by striking "that wish" and all follows through "to do so" and inserting "whose State plan"; and

(II) in the second sentence, by striking "for additional recipients"; and

(ii) in the second sentence of clause (ii), by striking "that desire to serve additional recipients, and"; and

(D) by redesignating subparagraph (G) as subparagraph (F); and

(3) in paragraph (9)(A), by striking "1998" and inserting "2003".

(s) DISQUALIFICATION OF CERTAIN VENDORS.—

(1) IN GENERAL.—Section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786) is amended by adding at the end the following:

"(o) DISQUALIFICATION OF VENDORS CONVICTED OF TRAFFICKING OR ILLEGAL SALES.—

"(1) IN GENERAL.—Except as provided in paragraph (4), a State agency shall permanently disqualify from participation in the program authorized under this section a vendor convicted of—

"(A) trafficking in food instruments (including any voucher, draft, check, or access device (including an electronic benefit transfer card or personal identification number) issued in lieu of a food instrument under this section); or

"(B) selling firearms, ammunition, explosives, or controlled substances (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)) in exchange for food instruments.

"(2) NOTICE OF DISQUALIFICATION.—The State agency shall—

"(A) provide the vendor with notification of the disqualification; and

"(B) make the disqualification effective on the date of receipt of the notice of disqualification.

"(3) PROHIBITION OF RECEIPT OF LOST REVENUES.—A vendor shall not be entitled to receive any compensation for revenues lost as a result of disqualification under this subsection.

"(4) EXCEPTIONS IN LIEU OF DISQUALIFICATION.—

"(A) IN GENERAL.—A State agency may permit a vendor that, but for this paragraph, would be disqualified under paragraph (1), to continue to redeem food instruments or otherwise provide supplemental foods to participants if the State agency determines, in its sole discretion according to criteria established by the Secretary, that—

"(i) disqualification of the vendor would cause hardship to participants in the program authorized under this section; or

"(ii)(I) the vendor had, at the time of the conviction under paragraph (1), an effective policy and program in effect to prevent violations of this section; and

"(II) the ownership of the vendor was not aware of, did not approve of, did not benefit from, and was not involved in the conduct of the violation.

"(B) CIVIL PENALTY.—If a State agency authorizes a vendor that, but for this paragraph, would be disqualified under paragraph (1) to redeem food instruments or provide supplemental foods under subparagraph (A), in lieu of disqualification, the State agency shall assess the vendor a civil penalty in an amount determined by the State agency, except that—

"(i) the amount of the civil penalty shall not exceed $20,000; and

"(ii) the amount of civil penalties imposed for violations investigated as part of a single investigation may not exceed $40,000.".

(2) REGULATIONS.—The amendment made by paragraph (1) shall take effect on the date on which the Secretary of Agriculture issues a final regulation that includes the criteria for—

(A) making hardship determinations; and

(B) determining the amount of a civil money penalty in lieu of disqualification.

(t) CRIMINAL FORFEITURE.—Section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786) (as amended by subsection (s)(1)) is amended by adding at the end the following:

"(p) CRIMINAL FORFEITURE.—

"(1) IN GENERAL.—In addition to any other penalty or sentence, a court may order that a person forfeit to the United States all property described in paragraph (2), in imposing a sentence on a person convicted of a violation of this section (including a regulation) under—

"(A) section 12(g) of the National School Lunch Act (42 U.S.C. 1760(g)); or

"(B) any other Federal law imposing a penalty for embezzlement, willful misapplication, stealing, obtaining by fraud, or trafficking in food instruments, funds, assets, or property, that have a value of $100 or more.

"(2) PROPERTY SUBJECT TO FORFEITURE.—All property, real and personal, used in a transaction or attempted transaction, to commit, or to facilitate the commission of, a violation (other than a misdemeanor) of any provision of this section (including a regulation), or proceeds traceable to a violation of any provision of this section (including a regulation), shall be subject to forfeiture to the United States under paragraph (1).

"(3) INTEREST OF OWNER.—No interest in property shall be forfeited under this subsection as the result of any act or omission established by the owner of the interest to have been committed or omitted without the knowledge or consent of the owner.

"(4) PROCEEDS.—The proceeds from any sale of forfeited property and any amounts forfeited under this subsection shall be used—

"(A) first, to reimburse the Department of Justice, the Department of the Treasury, and the United States Postal Service for the costs incurred by the Departments or Service to initiate and complete the forfeiture proceeding;

"(B) second, to reimburse the Office of Inspector General of the Department of Agriculture for any costs incurred by the Office in the law enforcement effort resulting in the forfeiture;

"(C) third, to reimburse any Federal, State, or local law enforcement agency for any costs incurred in the law enforcement effort resulting in the forfeiture; and

"(D) fourth, by the State agency to carry out approval, reauthorization, and compliance investigations of vendors.".

(u) STUDY AND REPORT ON COST CONTAINMENT PRACTICES.—

(1) STUDY.—The Comptroller General of the United States shall conduct a study on the effect of cost containment practices of States under the special supplemental nutrition program for women, infants, and children authorized under section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786) for the selection of vendors and approved food items (other than infant formula) on—

(A) program participation;

(B) access and availability of prescribed foods;

(C) voucher redemption rates and actual food selections by participants;

(D) participants on special diets or with specific food allergies;

(E) participant consumption of, and satisfaction with, prescribed foods;

(F) achievement of positive health outcomes; and

(G) program costs.

(2) REPORT.—Not later than 2 years after the date of enactment of this Act, the Comptroller General shall submit to the Secretary of Agriculture, the Committee on Education and the Workforce of the House of Representatives, and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report containing the results of the study conducted under paragraph (1).

(v) STUDY AND REPORT ON WIC SERVICES.—

(1) STUDY.—The Comptroller General of the United States shall conduct a study that assesses—

(A) the cost of delivering services under the special supplemental nutrition program for women, infants, and children authorized under section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786), including the costs of implementing and administering cost containment efforts;

(B) the fixed and variable costs incurred by State and local governments for delivering the services;

(C) the quality of the services delivered, taking into account the effect of the services on the health of participants; and

(D) the costs incurred for personnel, automation, central support, and other activities to deliver the services and whether the costs meet Federal audit standards for allowable costs under the program.

(2) REPORT.—Not later than 3 years after the date of enactment of this Act, the Comptroller General shall submit to the Secretary of Agriculture, the Committee on Education and the Workforce of the House of Representatives, and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report containing the results of the study conducted under paragraph (1).

SEC. 204. NUTRITION EDUCATION AND TRAINING.

Section 19(i) of the Child Nutrition Act of 1966 (42 U.S.C. 1788(i)) is amended—

(1) by striking the subsection heading and all that follows through paragraph (3)(A) and inserting the following:

"(i) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—

"(A) FUNDING.—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 1997 through 2003."; and

(2) by redesignating paragraphs (4) and (5) as paragraphs (2) and (3), respectively.

TITLE III—COMMODITY DISTRIBUTION PROGRAMS

SEC. 301. COMMODITY DISTRIBUTION PROGRAM REFORMS.

(a) COMMODITY SPECIFICATIONS.—Section 3(a) of the Commodity Distribution Reform Act and WIC Amendments of 1987 (Public Law 100–237; 7 U.S.C. 612c note) is amended by striking paragraph (2) and inserting the following:

"(2) APPLICABILITY.—Paragraph (1) shall apply to—

"(A) the commodity supplemental food program authorized under sections 4(a) and 5 of the Agriculture and Consumer Protection Act of 1973 (Public Law 93–86; 7 U.S.C. 612c note);

"(B) the food distribution program on Indian reservations authorized under section 4(b) of the Food Stamp Act of 1977 (7 U.S.C. 2013(b)); and

"(C) the school lunch program authorized under the National School Lunch Act (42 U.S.C. 1751 et seq.).".

(b) CUSTOMER ACCEPTABILITY INFORMATION.—Section 3(f) of the Commodity Distribution Reform Act and WIC Amendments of 1987 (Public Law 100–237; 7 U.S.C. 612c note) is amended by striking paragraph (2) and inserting the following:

"(2) CUSTOMER ACCEPTABILITY INFORMATION.—

"(A) IN GENERAL.—The Secretary shall ensure that information with respect to the types and forms of commodities that are most useful is collected from recipient agencies participating in programs described in subsection (a)(2).

"(B) FREQUENCY.—The information shall be collected at least once every 2 years.

"(C) ADDITIONAL SUBMISSIONS.—The Secretary—

"(i) may require submission of information described in subparagraph (A) from recipient agencies participating in other domestic food assistance programs administered by the Secretary; and

"(ii) shall provide the recipient agencies a means for voluntarily submitting customer acceptability information.".

SEC. 302. FOOD DISTRIBUTION.

(a) IN GENERAL.—Sections 8 through 12 of the Commodity Distribution Reform Act and WIC Amendments of 1987 (Public Law 100–237; 7 U.S.C. 612c note) are amended to read as follows:

"SEC. 8. AUTHORITY TO TRANSFER COMMODITIES BETWEEN PROGRAMS.

"(a) TRANSFER.—Subject to subsection (b), the Secretary may transfer any commodities purchased for a domestic food assistance program administered by the Secretary to any other domestic food assistance program administered by the Secretary if the transfer is necessary to ensure that the commodities will be used while the commodities are still suitable for human consumption.

"(b) REIMBURSEMENT.—The Secretary shall, to the maximum extent practicable, provide reimbursement for the value of the commodities transferred under subsection (a) from accounts available for the purchase of commodities under the program receiving the commodities.

"(c) CREDITING.—Any reimbursement made under subsection (b) shall—

"(1) be credited to the accounts that incurred the costs when the transferred commodities were originally purchased; and

"(2) be available for the purchase of commodities with the same limitations as are provided for appropriated funds for the reimbursed accounts for the fiscal year in which the transfer takes place.

"SEC. 9. AUTHORITY TO RESOLVE CLAIMS.

"(a) IN GENERAL.—The Secretary may determine the amount of, settle, and adjust all or part of a claim arising under a domestic food assistance program administered by the Secretary.

"(b) WAIVERS.—The Secretary may waive a claim described in subsection (a) if the Secretary determines that a waiver would serve the purposes of the program.

"(c) AUTHORITY OF THE ATTORNEY GENERAL.—Nothing in this section diminishes the authority of the Attorney General under section 516 of title 28, United States Code, or any other provision of law, to supervise and conduct litigation on behalf of the United States.

"SEC. 10. PAYMENT OF COSTS ASSOCIATED WITH REMOVAL OF COMMODITIES THAT POSE A HEALTH OR SAFETY HAZARD.

"(a) IN GENERAL.—The Secretary may use funds available to carry out section 32 of the Act of August 24, 1935 (49 Stat. 774, chapter 641; 7 U.S.C. 612c), that are not otherwise committed, for the purpose of reimbursing States for State and local costs associated with the removal of commodities distributed under any domestic food assistance program administered by the Secretary if the Secretary determines that the commodities pose a health or safety hazard.

"(b) ALLOWABLE COSTS.—The costs—

"(1) may include costs for storage, transportation, processing, and destruction of the hazardous commodities; and

"(2) shall be subject to the approval of the Secretary.

"(c) REPLACEMENT COMMODITIES.—

"(1) IN GENERAL.—The Secretary may use funds described in subsection (a) for the purpose of purchasing additional commodities if the purchase will expedite replacement of the hazardous commodities.

"(2) RECOVERY.—Use of funds under paragraph (1) shall not restrict the Secretary from recovering funds or services from a supplier or other entity regarding the hazardous commodities.

"(d) CREDITING OF RECOVERED FUNDS.—Funds recovered from a supplier or other entity regarding the hazardous commodities shall—

"(1) be credited to the account available to carry out section 32 of the Act of August 24, 1935 (49 Stat. 774, chapter 641; 7 U.S.C. 612c), to the extent the funds represent expenditures from that account under subsections (a) and (c); and

"(2) remain available to carry out the purposes of section 32 of that Act until expended.

"SEC. 11. AUTHORITY TO ACCEPT COMMODITIES DONATED BY FEDERAL SOURCES.

"(a) IN GENERAL.—The Secretary may accept donations of commodities from any Federal agency, including commodities of another Federal agency determined to be excess personal property pursuant to section 202(d) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 483(d)).

"(b) USE.—The Secretary may donate the commodities received under subsection (a) to States for distribution through any domestic food assistance program administered by the Secretary.

"(c) PAYMENT.—Notwithstanding section 202(d) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 483(d)), the Secretary shall not be required to make any payment in connection with the commodities received under subsection (a).".

(b) EFFECT ON PRIOR AMENDMENTS.—The amendment made by subsection (a) does not affect the amendments made by sections 8 through 12 of the Commodity Distribution Reform Act and WIC Amendments of 1987 (Public Law 100–237; 7 U.S.C. 612c note), as in effect on September 30, 1998.

TITLE IV—EFFECTIVE DATE

SEC. 401. EFFECTIVE DATE.

Except as otherwise provided in this Act, this Act and the amendments made by this Act take effect on October 1, 1998.

The Presiding Officer (Mr. HUTCHINSON) appointed Mr. LUGAR, Mr. COCHRAN, Mr. MCCONNELL, Mr. HARKIN and Mr. LEAHY conferees on the part of the Senate.

ORDERS FOR FRIDAY, SEPTEMBER 18, 1998

Mr. SANTORUM. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 8:30 a.m., Friday, September 18. I further ask that when the Senate reconvenes on Friday, immediately following the prayer, the journal of proceedings be approved, no resolutions come over under the rule, the call of the calendar be waived, and the morning hour be deemed to have expired, and the time for the two leaders be reserved.

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

PROGRAM

Mr. SANTORUM. For the information of all Members, the Senate will convene tomorrow morning at 8:30 a.m. and begin 1 hour of debate on the veto message to accompany the partial-birth abortion ban legislation. Upon the conclusion of debate time the Senate will vote on the question of passing the bill, "the objections of the President to the contrary notwithstanding." Following that vote, the Senate may turn to the consideration of any legislative or executive items cleared for action. As a reminder to all Members, a vote has been scheduled to occur at 2:20 p.m. Tuesday, September 22 in relation to the KENNEDY minimum wage amendment.

ORDER FOR ADJOURNMENT

Mr. SANTORUM. If there is no further business to come before the Senate, I now ask unanimous consent the Senate stand in adjournment under the previous order, following the remarks of the Senator from Pennsylvania or any person he should yield to.

The PRESIDING OFFICER (Mr. DEWINE). Without objection, it is so ordered.

Mr. SANTORUM. Thank you, Mr. President.

PARTIAL-BIRTH ABORTION

Mr. SANTORUM. If I can, let us return to the issue that we have spent a great deal of the day debating. I know the hour is late. Let me thank the staff who are here, the pages, and others. The pages are actually very happy I am up here talking, because if I talk for a little while longer they will not have school in the morning. So that will be a good thing for them—as I see the smiles down there and the encouragement to wind it up and get going.

I thank the Senator from Arkansas for his indulgence in presiding during these remarks. But as I mentioned today, I think this is one of the most important issues we can face here in the U.S. Senate. As the Senator from Ohio eloquently said, it begins the process of defining who we are as a country and what will become of us as a civilization if we do not begin to draw lines where lines need to be drawn.

I just find it remarkable that we seem to create these fictions when it comes to life. When it comes to the life of little children, we create this fiction in our mind. And it was a fiction that was created back when Roe v. Wade was decided that these were not really babies.

We did not have good ultrasounds then and the kind of technology where we could really see how developed these little babies were in the womb. They were just sort of passed off as these sort of blobs. Yet, we now know, through the miracle of ultrasound, and other techniques, that these are precious little developing babies.

It is very difficult as a father who has seen those ultrasounds of our children to dismiss the humanity, that my wife Karen was carrying a blob of tissue or something that was prehuman. But we tell these lies to ourselves in order that we can go on and in order that we can sort of live with our own internal inconsistencies.

One lie you cannot tell, one lie that is inescapable—inescapably alive—is the lie of partial-birth abortion being something that is medically necessary or that simply this baby is just sort of this blob of tissue. This baby is outside

of the mother. Its arms, its legs, its torso, outside of the mother—just inches away from being born.

One of the things I often marvel at—and I just do not understand—is why wouldn't you, if you have gone through the process, as I described earlier today, of dilating the cervex over 3 days, reaching in with forceps and pulling the baby out in a breached position, which is dangerous, again, for the baby and mother, and you deliver that entire baby, why wouldn't you just let the rest of the baby come out?

Why is it necessary to protect the health of the mother at that point in time—now that you have gone through all this other procedure—at that very crucial moment when the doctor takes those scissors and begins the process of killing that baby? Why at that moment is the mother's health in less danger if you kill that baby than if you just gave that little, helpless, defenseless and, yes, even at times imperfect life the opportunity for life?

Why does that so endanger the mother to do that? Why is it necessary to thrust these Metzenbaum scissors into the base of the baby's skull? Why is it necessary to suction the baby's brains out?

So many doctors have described to me in testimony—and today at a press conference—the complications resulting from this blind procedure where the physician has to feel for the base of the neck and could slip and miss. As the Senator from Tennessee testified today, there are large vessels, blood vessels within a centimeter from the point where this procedure is done that a minor miss could lacerate and cause hemorrhaging and severe complications, or by thrusting the scissors in the back of the neck, through a bony part of the brain, you could only imagine what would happen to the skull of that baby and what damage that skull could do to the mother.

How can we—how can we—continue to contend or pretend that this is healthy for the mother to end this baby's life when it is this close and a delivery could be performed? Let's get away from that charade because it is a charade. It is not about the health of the mother; it is about killing a baby. It is about making sure, beyond any certainty, beyond any doubt, that the result of this abortion you are going to have is a dead baby.

That is what this is about. This is about a lethal form of abortion, not a healthy form for the mother—far from it. Even folks who disagree with this legislation will tell you that this very well may not be the safest form. In fact, that organization has not done any studies to prove it is safe, that is, the American College of Obstetrics and Gynecologists. They have done no studies to prove that this procedure is safe, that this procedure is preferable.

They say—they say—and I will quote them—they say:

> [We] could identify no circumstances under which this procedure . . . would be the only option to save the life or preserve the health of the woman.

That is an admission by the organization that all those in opposition to this bill use as their medical shield. Listen to what they say. They never read this part of the letter. They only read the second part, which I will read to fully disclose. I will read it again, an ACOG policy statement emanating from the review declared that:

> A select panel [the panel they selected to review this] could identify no circumstances under which this procedure [partial-birth abortion], would be the only option to save the life or preserve the health of the woman.

They went on to say that a partial-birth abortion:

> . . . however, may be the best or most appropriate procedure in a particular circumstance to save the life or preserve the health of a woman.

They say that:

> . . . only the doctor, in consultation with the patient based upon the woman's particular circumstances can make this decision.

That is what you hear from the other side. What you do not hear from the other side is that this report lists no circumstances to support that claim. They can give, and in fact have given—this was written well over a year ago—they have given no medical situation, no scenario, no hypothetical where what they say may happen would, in fact, happen, which is that a partial-birth abortion would be preferable to some other procedure. They just think it might.

Now, I might be wrong, but there are probably very few things that are happening in obstetrics today that haven't happened for the past several years. There are not a lot of new things coming up. There are problems that come up routinely. There may be some strange problems; they are probably not new.

To make this kind of statement and support it with no evidence is irresponsible. To use this organization and this statement as a shield when they cannot provide one single example where this procedure would be preferable, again, just builds up the record that I have laid out. This entire debate is based upon a series of misleading statements to try to divert attention away from the horrible, barbaric reality and the fact that this is not a medically necessary procedure.

I want to get back for 1 minute to the issue of life of the mother which I addressed a few minutes ago. I said I would read the piece of legislation itself to put to bed, if you will, any concern by anyone who might be listening that there isn't a legitimate life-of-the-mother exception. I noted the American Medical Association's letter of endorsement of this bill. They believe there is a legitimate exception if the life of the mother is in danger.

Let me read the actual legislation, the paragraph on prohibition of partial-birth abortion:

> . . . shall not apply to a partial-birth abortion that is necessary to save the life of a mother whose life is endangered by a physical disorder, illness, or injury.

Now, I cannot imagine a life-of-the-mother situation this does not cover. In fact, I don't recall any example from the other side of a life-of-the-mother situation that this does not cover. They just say it is different from other life-of-the-mother exceptions that we put forward. But they don't say where the "hole" is in the exception.

I think it is very clear and very certain that there is an adequate protection in that case.

I will say that I cannot imagine—and I have talked to many physicians on this point—I cannot imagine a woman coming into an emergency room where her life is in danger, whether she is hemorrhaging or has preeclampsia—I can't imagine a doctor, being presented with this emergency case where they must act within a short period of time, saying, "We are going to dilate your cervix over a 3-day period of time and we will perform this procedure." That just wouldn't happen. It is almost absurd to suggest that this would actually be used in a situation where the life of the mother was threatened.

Yes, there is a life-of-the-mother exception, but there is absolutely no circumstance I could conceive of—and I don't recall any information from any of the medical experts by the other side coming out and saying medical experts believe that there is a case where the life of the mother is in danger in an emergency situation where they may use this. I don't think they even made claims of the woman presenting herself to a hospital or a clinic, where her life is in danger, that any practitioner would use a 3-day procedure.

While there is a life-of-the-mother exception in there, and I think it is a solid one, it is certainly not one that I believe will ever be used, because this procedure certainly doesn't comport with a life-threatening situation because of the time it takes.

Since I have the AMA letter here, I want to read it. I think it is important for the RECORD to reflect the support of the American Medical Association, "physicians dedicated to the health of America." That is their saying under their logo.

They say:

> Our support of this legislation is based on three specific principles. First, the bill would allow a legitimate exception where the life of the mother was endangered, thereby preserving the physician's judgment to take any medically necessary steps to save the life of the mother. Second, the bill would clearly define the prohibited procedure so that it is clear on the face of the legislation what act is to be banned. Finally, the bill would give any accused physician the right to have his

or her conduct reviewed by the State medical board before a criminal trial commenced. In this manner, the bill would provide a formal role for valuable medical peer determination in any enforcement proceeding.

The AMA believes that with these changes, physicians will be on notice as to the exact nature of the prohibited conduct.

Thank you for the opportunity to work with you towards restricting a procedure we all agree is not good medicine.

Not good medicine.

With respect to the points they make, many of the courts—while some have validated the statutes, some of the courts have been concerned about vagueness, of what procedure we are actually defining.

We worked with the American Medical Association to come up with a new definition, a tighter definition that put the physician, as they say, on notice as to the exact nature of the prohibited conduct, which I think is important to meet constitutional scrutiny.

Second, we provide an opportunity for the procedure and the conduct of the physician to be reviewed by the State medical board to see whether, in fact, it was necessary under some circumstance, which was an important peer review element that we think is a safeguard, if you will, for the physician.

A couple of other points that I want to make before I go back to talking about what I was talking about when we had to conclude debate earlier today.

This is a picture of a young man by the name of Tony Melendez. That is Tony. Tony Melendez will be here in Washington tomorrow up in the Senate gallery watching the vote on partial-birth abortion, because Tony's disability, Tony's handicap, is one of the disabilities that has been mentioned here on the floor as a good reason to perform a partial-birth abortion.

Senators come up and say there are children who will be so grossly deformed. They may be blind—I am not making this up; this is what was said—blind, or without arms or without legs, and they went on with other deformities. Well, Tony Melendez is a thalidomide baby. Tony Melendez doesn't have any arms. Tony Melendez was born in Rivas, Nicaragua. His father was a graduate of the International Academy of Agriculture in this town and had a good job in the sugar refinery.

Sara, his mother, was an elementary school teacher. They had their first child, named Jose. In the summer of 1961, she had a second pregnancy. She was given thalidomide to treat her morning sicknesses because it was hailed as a safer alternative to other sedatives to deal with morning sickness. On January 9, 1962, Sara gave birth to Tony. He had no arms, 11 toes, and a severe club foot that would require surgical repair if he were ever to have a chance to walk. He was typical of babies who were exposed to thalidomide at the early stages of pregnancy.

Well, his family was very concerned about showing the baby to the mother because of the fear of her reaction. When they did give little Tony to his mother, she embraced her child with the confidence that he would live a full and meaningful life, regardless of his flaws. Still there was question of how he could live a normal life with no arms. Young Tony answered the question one day when he was in his crib. His mother had put away the toys that he had been given as gifts because she assumed he would be unable to enjoy them. However, Tony showed he could play just like any other child when a red balloon landed in his crib. He began bouncing it up and down with his feet, laughing and giggling. She placed the toys in the crib and vowed that day that she would never assume Tony could not do anything because of his disability. She would let him try.

Tony needed corrective surgery for his club foot. Since Nicaragua did not have adequate facilities, or the level of care he needed, they went to Los Angeles. Due to the nature and length of time involved in Tony's corrective surgery, the family decided to stay in the United States and become citizens. Tony spent most of his childhood in Southeastern California.

Tony enjoyed sports, particularly volley ball—volley ball?—where he would hit the ball with his head back over the net. And, of course, he liked soccer. As a sixth grader, Tony wanted to play a game that the neighbor kids were playing, in which his brother Jose excelled—basketball. He tried, with great difficulty, with his feet to do what his peers did so easily with their hands. After being told by his brother that he could not do it, he was determined to do it, and despite blistering and even bleeding toes, one day he eventually succeeded. The one thing Tony hated more than anything else was growing up and not being treated as an equal. When once asked whether he preferred to be called handicapped or disabled, Tony responded that he would like to be called "human."

At the age of 14, in high school, he demanded to be transferred out of a handicapped class to the regular classroom with students. He was allowed to go to a normal gym class. In his first gym class, he was watched intensely by the others when class started. Jumping jacks? How would a kid with no arms do jumping jacks? The other kids tried to determine that, and they watched and tried to be subtle in looking. And Tony jumped and shouted and counted in unison with the others. The rest of the class accepted him readily.

In his teenage years, Tony showed a talent for music. He learned to play the guitar with his feet. At first, he played at various events, such as weddings, funerals, and special events at his church. Eventually, he turned his guitar talent into a full-time vocation. Here is a picture of Tony Melendez today. In connection with his church, he would also talk to groups of kids about his story and how one can overcome difficulty. Tony's life was such an inspirational story, and he was selected to be a "gift" to the Pope by a Catholic youth group during a papal visit to California in 1987. Tony gave a performance to a live audience of 6,000 at the Universal Amphitheater in Hollywood. He performed at World Youth Day in 1991 and World Youth Day in Denver 1993. He also has appeared on numerous television shows and performed at major sporting events, recently singing the National Anthem at Yankee Stadium, I believe. Tony now resides in Dallas, Texas.

Why do I talk about Tony Melendez? Today on the floor of the Senate, the Senator from California referred to some people up in the galleries as women who needed to have partial-birth abortions, and that they would be here tomorrow standing in the Halls staring at Senators as they walked in here to make sure they knew—that we knew they were there to keep this procedure legal. Tony Melendez, and so many like Tony who are not perfect in the eyes of our society—but, of course, are perfect in the eyes of God—will be there also to represent the millions of little babies who could not be there themselves, to remind every Member that walks on this floor that there is a severe cost, a human cost to what we will be voting on tomorrow. And the ones who have the arrow or the bull's-eye on their back, who are the target of partial-birth abortion—at least if you believe the arguments on the other side—are people like Tony Melendez who, because they are not perfect, don't deserve to live.

I have always found it ironic, and I will never forget the last time we brought this bill up on the floor of the Senate. I remember standing here waiting for the debate to begin and working on some remarks, and the debate that was going on around us. The vote that was finally taken was on a bill to provide individuals with disabilities the right to an education in a classroom. I will never forget the Members, many of which oppose banning partial-birth abortions; I will never forget those Members coming to the floor and standing up with passion, which I respect, admire, and support, about how children with disabilities should have the right to live a fulfilling, complete life, and should be given rights to education. Or as they did under the Americans With Disability Act, where they should have the right to public transportation, the right to have access to buildings, to cut the curbs at the corners so they can have access to sidewalks—rights, rights, rights—with the passion that was the hallmark of liberalism in this country—until this

issue, because with the very next vote they cast they made this statement: If you can survive the womb, we will defend your rights. But we will not defend your right to be born in the first place. In fact, you are the very reason this procedure needs to continue, because we don't want you. You are not what we are looking for in people.

What a loss this country would have without Tony Melendez. But had partial-birth abortions been around when Tony was in his mother's womb, many on this floor would stand up and argue that he is just the kind of baby that we need to get rid of with this procedure. The Bible says, and Abraham Lincoln quoted, "A house divided against itself cannot stand." You cannot stand up and passionately argue for the rights of the disabled, and with the same breath not give them the right to exist in the first place. It doesn't make sense. It isn't logical or rational. Oh, it may be political; it may make sense because little babies in the womb don't vote, but it makes no logical sense, and it makes no moral sense to draw that line where it doesn't exist.

The Senator from Illinois said today that we should not have this debate with anecdotes. Yet, this debate has been all anecdotes on the other side because the facts are not in their favor. So I thought it was important to present some anecdotes on the other side, to lay out what we are missing. Tony's is a happy story, but earlier today I talked about some stories that were not so happy. The endings were so fairy tale-like.

Let me talk about another one of those stories—a little girl named Mary Bernadette French. In 1993, Jeannie French was overjoyed to learn she was pregnant with twins. Four months into her pregnancy, tragedy struck and Jeannie learned her daughter Mary was not developing normally.

Specialists identified an opening at the base of the baby's neck. Mary was diagnosed with occipital encephalocele, a condition in which the majority of the brain develops outside the skull. Prospects for a normal life for the child were very dim. Jeannie's doctors advised her to abort Mary due to the severity of the disability and in order to reduce the complications of the twin birth.

What a horrible thing she must have had to deal with—two lives within her, one, according to the doctor, potentially threatening the other. Because Mary could not have survived normal labor, Jeannie and her husband opted for a cesarean section. In December of 1993, Mary was born 1 minute after her twin brother, Will. Hospital staff promptly moved Will to the nursery. Mary stayed with her parents, was welcomed into the world by her parents, grandparents, and close friends of the family. Mary was held, loved, and serenaded for 6 hours. She quietly passed away that afternoon.

That is little Mary in the arms, I believe, of her grandmother.

In memory of her daughter, Jeannie French testified in favor of the ban on partial-birth abortions before the Senate Judiciary Committee. She explained that Mary's life was short but meaningful. She entreated the committee: "Some children by nature cannot live. If we are to call ourselves a civilized culture, we must allow that their death be natural, peaceful, and painless. And if other pre-born children face a life of disability, let us welcome them into society with our arms open in love."

For the RECORD, Jeannie French requested meetings with the President, pleading with him on more than one occasion to listen to a fellow Democrat, she said, who is on the other side of the debate. She explained in the letter:

> We simply want the truth to be heard regarding the risks of carrying disabled children to term. You say that partial-birth abortion has to be legal, for cases like ours, because women's bodies would be "ripped to shreds" by carrying their very sick children to term. By your repeated statements, you imply that partial-birth abortion is the only or most desirable response to children suffering severe disabilities like our children.

What she showed is that instead of giving her child a death sentence, she found it within herself to love that child. She found it within herself to name that child, to welcome that child into the family, to commit to that child as a child who will always be part of the family, who will always be in her memory and in the memory of her twin brother—not a bag of tissue discarded and executed, ignored, and put behind them, but loved, accepted, welcomed, and committed to memory; with pain, yes, but with the knowledge that in the 6 hours that little Mary Bernadette French lived, she knew love. She was loved by her mother and father. What greater gift can a parent give? What a life, as short as it was, to know only love and her parents.

Jeannie continues her efforts today to educate the public about partial-birth abortion. She also works to ensure that people know that the lives of disabled children, while short, are sometimes painful and not in vain because they teach us so much about us.

Finally, a case—I hate to say "case"; a little girl—a little girl who I talked about a lot last year, a little girl by the name of Donna Joy Watts who, with Tony Melendez tomorrow, will be here as another example—in this case, a real life example—of how a mother, who was not only asked and encouraged but almost forced to abort her child, could not find a hospital to deliver her child.

The Watts family, Donny and Lori Watts, had to go to three hospitals in Maryland to find a hospital that would deliver their child. We hear so much talk on the floor about, "We need to make sure that women have access to abortion." What we are finding out and what I have found out through this debate is that we actually need to make sure that women who want to deliver their baby have access to a hospital to deliver their baby and have access to care once that baby is delivered.

The Wattses ended up at a hospital in Baltimore. Their daughter was diagnosed with multiple problems. Hydrocephalus was the principal one. Again, hydrocephalus is water on the brain. She had so much cerebral fluid that it impeded the normal development of the brain. In her case, they believed that she had little to no brain. But the Watts family said they were going to move forward, that they were going to accept and love their child, and they wanted to deliver their child and give it every opportunity for life.

At every step of the process, even the last step, the OB/GYNs recommended abortion, because not only did she have hydrocephalus but part of her brain was developing outside of her skull, and that this baby had no chance of survival.

She was born on November 26, 1991, through cesarean section. Again, an option available for hydrocephalus, because the baby's head is too big to go through the birth canal, is to do a cesarean section. There are other methods: Draining the fluid from the head and then delivering through the vagina. In this case, they chose cesarean section.

She was born with very serious health problems. The most remarkable thing after the birth was that the hospital staff made no attempt to feed her in the traditional sense. The doctors at the University of Maryland where she was delivered believed that Donna Joy's deformities would prevent her from suckling, eating, or swallowing. Because a neural tube defect made her feeding difficult, Donna received only IV fluids for the first days of her life. But Lori refused to give up. Initially, she fed breast milk to Donna Joy with a sterilized eye dropper to provide sustenance, because they wouldn't feed her. Then, at 2 weeks of age, the shunt that was placed in Donna Joy's head—by the way, the shunt. It took 3 days for Lori and Donny to convince the doctors to do an operation on her brain to relieve the pressure from the fluid. The doctors thought she was just going to die, so they didn't want to treat her. But finally after 3 days of pounding away at the doctors they did the procedure. Two weeks later, the shunt, which allows the fluid to drain from the brain, failed, and she was readmitted to the hospital for corrective surgery.

When the tray of food was delivered to their hospital room by mistake, Lori had a brainstorm. She mashed the contents together, created her own food for the newborn with rice, bananas and

baby formula, and she fed the mixture to the baby one drop at a time with a feeding syringe. Unfortunately, Donna Joy's fight for life became even more complicated.

After 2 months, she underwent an operation to correct occipital—I won't get into the terms but another problem. After 4 months, a CT scan revealed that she also suffered from another condition which results from an incomplete cleavage of the brain. She also suffered from epilepsy, sleep disorder, and continued digestive complications. In fact, the baby's neurologist said, "We may have to consider placement of a gastronomy tube in order to maintain her nutrition and physical growth."

She still had hydrocephaly, or water on the brain, and she couldn't hold her head up because it was so heavy. She suffered from apnea—in other words, a condition where breathing spontaneously stops. She had several brushes with death. She had undergone eight brain operations.

Finally, through all of that trauma and all of the problems, she survived and she will be here tomorrow. Donna Joy continues to be, at 6 years of age, an inspiration. She continues to battle holoprosencephaly, hydrocephalus, cerebral palsy, epilepsy, tunnel vision, and Arnold-Chiari Type II malformation that prevents formation of her medulla oblongata.

Despite these hardships, having only a small fraction of her brain, she runs, walks, plays, has a healthy appetite and even likes Big Mac's, and she is taking karate lessons now. She has earned her white belt and performed in karate demonstrations.

Before Donna Joy moved to Pennsylvania, Greencastle, PA, Franklin County, Maryland Governor Parris Glendening honored her with a certificate of courage commemorating her fifth birthday. Mayor Steve Sager, of Hagerstown, MD, proclaimed her birthday Donna Joy Watts Day. Members of the Scott Bakula Fan Club, who is someone who helped Donna Joy get through some very difficult times with his songs, have sent donations and Christmas presents to the Watts family. People from around the world have learned about Donna Joy on the Internet and write, e-mail her, and send her gifts. But perhaps the most important thing was because of Donna Joy's determination, it inspired a Denver couple to fight for their little boy under similar circumstances.

This is Donna Joy's story, this little girl who was considered by the medical world as somebody who was not worthy to live, someone on repeated occasions who would have been aborted using partial-birth abortion, who I have had the time to spend time with, and my children have, too. She is not a burden, although I understand from Lori she can be a handful like any other 6-year old. She is not a heartache or a sorrow, as some would describe children with disabilities who need to be aborted. She is a beautiful, marvelous, wonderfully made gift from God, who has inspired so many to understand just that fact. She will be here tomorrow, possibly standing next to the women who want to keep this procedure legal, so we can kill people like Donna Joy Watts in a brutal fashion, in an inhumane fashion, in a painful fashion, in a fashion, as I quoted today from the AMA Journal, that would violate Federal regulations on the treatment of animals used in research. We could not do to animals used in research legally in this country, we could not do what we do every day in this country to little babies because they are not wanted, in some cases not wanted because of their deformity but in the vast majority of cases they are just simply not wanted. What a high price to pay for one person not wanting you to be around, the ultimate price to pay.

Tomorrow, we are going to have the opportunity to show the world the direction the United States of America is taking. We are involved right now in a moral crisis in this country, on the front page of the paper every day. It is no wonder that we are in a moral crisis.

Back in 1972, 1973, when Roe v. Wade was decided, many people said that this was going to be a breakthrough for women and for children, that all these wonderful things would happen to our society as a result, to children and to women, as a result of the legalization of abortion. We would eliminate unwanted pregnancies, and the result of that would be less child abuse because we wouldn't have all these children nobody wanted, illegitimacy would go down, child poverty would go down because we wouldn't have all of these poor kids around that we don't want. Spousal abuse would go down, divorce would go down, less complications in marriages and relationships.

It is a cruel joke. It almost seems laughable to think back 25 years and look at what has happened on every single count. All of the culture indicators that I mentioned go down worse and worse and worse. Those who feared Roe v. Wade back in 1973 were very much on target. The fear was that we would lose respect for life and that we would become so insensitive to life that abortion would be just the beginning of the end of our selectivity of who we include in our society.

And so it has gone, to the point where now we can't even save a little baby almost born. I wish that were the worst. We now have State-assisted suicide laws. We now have debates, active debates on euthanasia. We even have an article from a professor at MIT who argues, or at least makes the case for infanticide—not infanticide on partial-birth abortion but actual infanticide. And then we have the cases of prom mom and the Delaware couple and so many others where we hear around the country of babies being born and then murdered shortly after birth. The initial reaction, while horror, at the same time is sympathy—sympathy for this difficult situation in which these children or kids were put.

We somehow see little children, little babies, different than older children. Older children—if you have killed your older children, that is really bad. We have no sympathy for you. But somehow, if you killed a baby just born we try to figure out a way to get around it. We try to figure out a way that that does not quite meet the threshold of murder. If you look at the punishments meted out—substantially lower. They are substantially lower than other murder cases. We just do not value those little babies as much.

Why? Why? Is it any mystery why? If we start, as we have, down the path of not valuing those little babies because we do not value them in the womb, or four-fifths outside the womb, or just newly outside the womb, who is next? Look around. Who is going to be next? Who is going to be the next group of people who we are not going to value, who does not have the might to force down what they believe is right? I made it. I am here in this body. I am whole. I am healthy. If you have not made it yet, watch it, because it then depends on whether you are on the committee that decides, or you are on the court that decides who lives and who dies. Because there is no line anymore. There is no truth on which we are basing this. There is no "life or nonlife." There is might. There is political power and that is what determines who lives and dies, who is valuable and who is not.

Tomorrow, 34 Senators can exercise their might on who lives and dies. They can decide for a country that a group of people, a group of little helpless babies, do not belong.

I am hopeful that when tomorrow comes, after much prayer tonight by so many people all over the country, and the world, that three more Members will open their eyes when they wake up in the morning and realize that but for the grace of God, there go I, and that we have to open our hearts more and include the least among us, the little children.

Mr. President, I yield the floor.

ADJOURNMENT UNTIL 8:30 A.M. TOMORROW

The PRESIDING OFFICER. The Senate, under the previous order, will stand adjourned until 8:30 a.m., Friday, September 18, 1998.

Thereupon, the Senate, at 10:21 p.m., adjourned until Friday, September 18, 1998, at 8:30 a.m.

HOUSE OF REPRESENTATIVES—*Thursday, September 17, 1998*

The House met at 10 a.m.

The Reverend Thomas Pappalas, Sts. Constantine & Helen Greek Orthodox Church, Reading, Pennsylvania, offered the following prayer:

Let us pray. Almighty God and Creator, guide, I pray, all the nations and their leaders in the ways of justice and peace. Protect us all from the evils of injustice, prejudice, hatred, terrorism, conflict and war. Father, bless this Nation and this Nation's people and unite us in the making and sharing of weapons of peace, helping us to combat ignorance, poverty, disease and oppression. Bless our President, William Jefferson Clinton, our national leaders, and most especially the men and women gathered this day. Heavenly Father, guide them and fill them with Your Holy Spirit. Help them to be wise, just and compassionate in the fulfilling of their responsibilities. And, Lord, bless us all, forgive us our sins, and have mercy on our souls. Dear Lord, we give thanks and glory to You, forever and ever, to the ages of ages. Amen.

THE JOURNAL

The SPEAKER. 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. Will the gentleman from Minnesota (Mr. GUTKNECHT) come forward and lead the House in the Pledge of Allegiance.

Mr. GUTKNECHT 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.

WELCOMING FATHER TOM PAPPALAS

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

Mr. HOLDEN. Mr. Speaker, I would like to thank you and Reverend Ford for allowing my constituent, Father Tom Pappalas, the pastor of Sts. Constantine & Helen Greek Orthodox Church in Reading, Pennsylvania, to offer the opening prayer this morning.

My predecessor, who served in this body with honor and distinction for 24 years, Gus Yatron, is one of Father Tom's parishioners.

Father Tom is truly a spiritual leader in Berks County. He has twice served as president of the Berks County Clergy Association. Father Tom was born in Chicago, Illinois and served in the United States Navy from 1969 to 1971. He graduated from Hellenic College in 1978 and Holy Cross School of Theology in 1981. He and his wife Ann are the proud parents of three children, and I thank Father Tom for his spiritual guidance this morning.

REMEMBERING THE 211TH ANNIVERSARY OF THE SIGNING OF THE CONSTITUTION OF THE UNITED STATES

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

Mr. GINGRICH. I wanted to share with my colleagues that this is the 211th anniversary of the signing of the Constitution of the United States. I think all of us should pause and reflect on that.

Over 200 years ago, a relatively small group of the Founding Fathers, led by George Washington, whose portrait hangs here, by Jefferson, Adams, Madison, Hamilton, Franklin, 55 people met in Philadelphia. They drafted a document which has lasted longer than any other Constitution in the modern world.

They created a framework of self-government with balanced rules, and they determined once and for all that the age of kings was over; that all men and women are under the law. None is above it and none is below it, and all deserve the protection of a free judiciary within the rule of law which is established through a pattern of free speech and free elections.

I just thought today was a good day for all of us to remember that we are the heirs to a great tradition, and it is our job to safeguard that tradition to give our children the constitutional liberties we have known.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LAHOOD). The Chair announces there will be 15 1-minutes per side.

DEMOCRATIC CAMPAIGN COMMITTEE WILL FUND NO CANDIDATE WHO INITIATES PERSONAL ATTACKS ON OPPONENTS

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

Mr. FROST. Mr. Speaker, this morning I am joining with my colleague, the gentleman from Georgia (Mr. JOHN LINDER), the chairman of the Republican Campaign Committee. I serve as chairman of the Democratic Campaign Committee. We are announcing a policy of the two committees.

The level of public discourse in this country right now cannot continue at the depth that it has fallen to. While we cannot control what goes on outside this Chamber, the Democratic Congressional Campaign Committee and our Republican counterpart will not fund any Democratic candidate who initiates an attack on the personal private life of an opponent in the coming election. The Democratic Congressional Campaign Committee will fire any employee who initiates an attack on the personal private life of an opponent in this election.

REPUBLICAN CAMPAIGN COMMITTEE WILL FUND NO CANDIDATE WHO INITIATES PERSONAL ATTACKS ON OPPONENTS

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

Mr. LINDER. Mr. Speaker, I want to join with my colleague from Texas (Mr. FROST) in saying that the despicable act yesterday against the gentleman from Illinois (Mr. HENRY HYDE), one of the most decent men who has ever served in this body, has brought this entire discussion of public discourse to a new low.

Private lives, unrelated to policy or unrelated to public involvement in politics, is simply off limits, and the Republican Campaign Committee will not fund any candidate in America who engages in bringing personal aspects, unrelated to policy, of any opponent's life out in the open.

We both have agreed that responding is acceptable, but initiating a personal attack on anybody running for office is simply off limits. We are going to soon have no one of any stature willing to put themselves through this wringer, and it is sad for America.

SAVE SOCIAL SECURITY; SAVE THE SURPLUS

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

Ms. KILPATRICK. Mr. Speaker, today I rise in support of the most successful program this country has ever seen: our Social Security fund. Started in 1934 by President Franklin Delano Roosevelt, this has become the most successful program. It now stands to be threatened.

Over all these many years, the Social Security Trust Fund has had a surplus that has been used by our general fund to fund very vital services in our country. For the first time, September 30th, in a long time, in a decade, we will see a surplus in our budget. The Social Security Trust Fund is at risk.

The surplus is really the surplus that is needed for the Social Security Trust Fund, to make sure that it is available into the 21st century. Let us save the surplus, which is the surplus that must be used to secure the Social Security fund. Save the Social Security Trust Fund, save the surplus. Hold it and make our future promising.

TRIBUTE TO TIM FERNERIS

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

Mr. SHIMKUS. Mr. Speaker, in these troubled times, many good things by good people are still being done. As a Cardinals' fan and an Illinoisan, I salute the exploits of Mark McGwire and Sammy Sosa. They have raced up the hill of baseball history with honor and dignity. They are to be commended.

My hometown hero, Tim Farneris, retrieved Big Mac's 62nd home run. Giving up a $1 million bonanza, he returned the ball to McGwire. For Tim and his older brother Tino, the game is a moment in their lives that they will never forget. Tim's mother Rita says she believes her son could one day be a millionaire, but not without earning it. I agree with her 100 percent, and want her to know that he is well on his way by earning our respect and admiration by simply doing the right thing. Thank you, Tim.

CONGRESS SHOULD HONOR SOCIAL SECURITY COMMITMENTS ALREADY MADE BEFORE MAKING NEW PROMISES

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

Mr. MENENDEZ. Mr. Speaker, all year Democrats have been trying to save Social Security, and all year Republicans have been trying to raid it.

The proof is in our budgets. The Republican-passed budget did not include any provision to protect the surplus for Social Security. The Democratic budget provided a rock-solid guarantee. True to form, today Republicans are offering $200 billion in tax cuts paid for out of the budget surplus.

Now, I support most of these tax cuts, but the money Republicans are using to pay for them belongs to our Nation's seniors and working families. They put it there. The surplus would not even exist if it were not for the Social Security Trust Fund.

The conservative action would be not to spend what we do not have in the bank. We should take care of the commitment and the contract we already made with our seniors in Social Security before we pay for new promises using their money.

It is easy to go out and tell seniors you are on their side. That vote will prove who really is and who really is not. And, believe me, the voters are watching.

GOVERNMENT SHOULD HELP FARMERS, NOT HELP DESTROY THEM

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

Mr. LATHAM. Mr. Speaker, I would like to speak this morning on a problem that is devastating to rural America, to Iowa: Our livestock producers are suffering from extremely low prices.

And I would like to inform the Congress as to what the response from this administration has been. It is a typical liberal Democrat response. Secretary Glickman gets together with the President and decides the answer is to raise taxes on farmers.

All we have to do is look at the budget and there are $573 million of new taxes on livestock farmers in the President's budget. This is the kind of response this administration has to a farm crisis, is to raise taxes on farmers? When will this Congress wake up and find out that we have got to help these people, not bring the normal answer from the liberal Democrats and tax and tax more.

The well is dry. Our farmers are broke. Let us try to help them, not destroy them.

MEMBERS OF CONGRESS ARE NOT ON TRIAL

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

Mr. TRAFICANT. Mr. Speaker, first there was the gentleman from Indiana (Mr. DAN BURTON), then the gentleman from Pennsylvania (Mr. PAUL MCHALE), now our great chairman, the gentleman from Illinois (Mr. HENRY HYDE).

Let us tell it like it is. The same White House that destroyed Billy Dale, the same White House that called Monica Lewinsky a liar, the same White House that abandoned Lonnie Guinier is on the attack.

It is time to ask, Congress: How many files of American citizens were illegally transferred from the FBI to the White House and who ordered it? Are you on the list? Are you on the list? Am I on that list?

Enough is enough. The gentleman from Indiana, the gentleman from Pennsylvania, and the gentleman from Illinois are not on trial. It is time for the House of Representatives to tell the White House that their "spin to win" could provoke "the move to remove."

In America, the people govern. And America is a Nation of laws. I yield back the balance of my time in the soap opera in Washington, D.C.

CONGRESS WILL NOT BE INTIMIDATED

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

Mr. DOOLITTLE. Mr. Speaker, a former Clinton adviser, George Stephanopolous, was right. Mr. Stephanopolous predicted a whisper campaign waged by the White House against Members of Congress who would eventually be forced to consider the independent counsel's allegations of possible impeachment offenses by the President.

Furthermore, President Clinton's own brother, Roger, issued warnings to Members of Congress when he told CNN's Larry King, "Some of the political people had best watch themselves because of the old glass house story. Be very careful."

As predicted by these individuals, in recent weeks, including this morning, several of our colleagues have been subjected to vicious partisan attacks, via the news media, by individuals who are clearly attempting to intimidate Members of Congress in the wake of the Starr report.

I take serious offense to what is obviously a scorched earth campaign. Mr. Speaker, we will never be intimidated by these scorched earth tactics. We will not back down from our constitutional responsibilities and we will not cower from the White House attacks. We will do what is right.

CONGRESS SHOULD ACT RESPECTFUL AND DIGNIFIED DURING WHITE HOUSE CRISIS AND CONTINUE TO CONDUCT THE PEOPLE'S BUSINESS

(Mr. ROEMER asked and was given permission to address the House for 1

minute and to revise and extend his remarks.)

Mr. ROEMER. Mr. Speaker, when I was elected by the people of Indiana and sent to this distinguished body, my very first vote was on whether to send young people into harm's way, into the Persian Gulf, on war. And this body conducted itself with the utmost dignity, civility and respect towards one another and respected their differing viewpoints, clapping for Members even though they may have disagreed.

Now, when it comes to respect and hard work, I immediately think of our chairman of the Committee on the Judiciary, the gentleman from Illinois (Mr. HENRY HYDE). He has worked hard, worked with me through my 8 years that I have been here serving with him.

I hope that this body can continue to be together in a civil, distinguished, thoughtful, deliberative manner to get to the bottom of what happened in the White House, but also do the people's business and balance the budget, reform education and save Social Security.

□ 1015

THE EMPEROR WITH NO CLOTHES

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

Mr. PITTS. Mr. Speaker, this morning I want to share a children's story that has been on my mind for the last seven months which we have all read to our children but I think it is instructive today.

Once upon a time, there was an Emperor who loved his kingly clothes, in which he paraded through the palace and through the land so that all could admire him. He was very vain. His closest aides and followers were always nearby to congratulate him on how dashing he looked, how popular he was with his loyal subjects and how good his leadership was for the land.

One day, however, the Emperor began parading through the land with his clothes off. He even assured himself and his followers that he was in fact wearing clothes. They just could not see them, because only stupid people could not see the clothes.

Because they did not want to be thought of as stupid, his lawyers and followers and supporters agreed, "Oh, yes, he must be wearing clothes."

And so they trumpeted throughout the land, "The Emperor really is technically dressed but the unenlightened among you just cannot see the fine threads from which his garments are made." They even attacked those who sought to expose the truth.

And so it continues today, Mr. Speaker.

MANAGED CARE REFORM

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

Mr. GREEN. Mr. Speaker, while we know there are lots of other issues swirling around the Capitol these days, I think it is important that we focus on other issues that really affect the American people. Last week, the Tuesday before we came back into session, four Members of Congress from the Houston area met with over 100 people to discuss an important issue that is facing the American public. That public meeting was about managed care reform and the Republican majority's misnamed bill that we passed earlier this year, the Patient Protection Act. This was the first public hearing held on the bill since our committee that I serve on did not have any hearings on the bill that passed this House. That hearing confirmed what we have been saying for months, that families in managed care want and need some reform this year. They do not want a sham bill like the Patient Protection Act that does more for insurance companies than patients and they do not want a bill that actually preempts Texas law that was passed by our legislature last year. They want a patients' bill of rights that is not right because it is a Democratic bill but because it contains meaningful reforms to complement the State laws that are passed.

Eliminate the gag rules, provide choice and also allow people to go to adequate emergency rooms without having to call their insurance company first.

TWO DIFFERENT VIEWS REGARDING CONSTITUTION

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

Mr. GIBBONS. Mr. Speaker, today, yes, the anniversary of the signing of the Constitution of the United States in Philadelphia in 1787 should not be an occasion for partisanship. However, we are forced to confront the reality of how liberals and conservatives have two very different views of the Constitution and about the history of the United States.

Conservatives have a novel belief that the Constitution actually means what it says. Liberals, on the other hand, are fond of calling the Constitution a "living document" that, quote-unquote, evolves over time. The liberal view of the Constitution allows them to interpret the Constitution any way they choose.

Conservatives look at the Constitution and believe that its explicit prohibitions on what the Federal Government is allowed to do are a fundamental safeguard of our liberty and protection against too much government.

Liberals look at the Constitution and believe that the Federal Government can get involved in every aspect of your life, always, of course with the misguided belief and justification that it is "for your own good."

Two different views, views with profound and differing consequences for our liberty.

SOCIAL SECURITY

(Mr. ADAM SMITH of Washington asked and was given permission to address the House for 1 minute.)

Mr. ADAM SMITH of Washington. Mr. Speaker, this September as always we face some very difficult budget decisions, but we will not even be able to get to those budget decisions if we do not first address the numbers honestly.

Right now we have all heard about the supposed surplus that we have over the next 10 years, $1.6 trillion, and we have heard dozens of different ideas for how to spend that money. The trouble is that money does not exist, because all but $31 billion of that $1.6 trillion is really in the Social Security trust fund. It is money that we borrow and for some crazy reason consider as income. It is not income, it is money we have to pay back, plus interest.

We need to honestly assess those numbers. As we stand here today, there are a lot of different programs, a lot of different tax cuts being proposed, but if you ever hear someone say in answer to the question of how they are going to pay for it, "We're going to pay for it out of the surplus," do not let them do it.

There is no surplus. If we can address the numbers honestly, we can make wise budget decisions and we can do two very important things in this final month of the session: One, we can get to a true and honest balanced budget; and, two, we can protect Social Security for future generations.

THE AMERICAN FARMER

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

Mr. CHAMBLISS. Mr. Speaker, my friend the gentleman from Indiana (Mr. ROEMER) has been a class act ever since I have known him. He has once again shown that this morning.

Mr. Speaker, it should be no secret to the Members of this body that the American farmer produces the best food and fiber products in the world, but what is a secret to many inside Washington's Beltway is the crisis gripping America's rural economies. The deteriorating state of America's farm economy is a national priority and must be addressed. Yet the Clinton administration and particularly USDA

only offer up inflammatory rhetoric instead of a substantive emergency aid plan.

In Georgia alone, this year's crop losses from forces of nature approach $767 million. The story is the same all across rural America. Our farmers need strong leadership, not partisan politics as usual.

I implore the Clinton administration once again to quit playing partisan politics with America's family farmers and to start making meaningful and appropriate decisions at the Department of Agriculture. Let us move on policies to help the American family farmer survive.

SAVING SOCIAL SECURITY AND LOWERING THE NATIONAL DEBT

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

Mr. KIND. Mr. Speaker, today the Committee on Ways and Means is going to consider an $80 billion tax cut, and supporters are admitting that we will use part of the so-called budget surplus to pay for it.

There are three things that the people in America get that some people here in this Chamber just do not get:

First, there is no real budget surplus, not unless you want to raid the Social Security trust fund, not unless you want to collect payroll taxes from working families and transfer that money into the pockets of other people in this country.

Secondly, this tax package not only spends the Social Security trust fund, but it also prevents us from starting to pay back the $5.5 trillion national debt.

Finally, there is no guarantee that any of this so-called surplus is going to materialize given the international financial crisis that we are in today.

This tax cut is wrong for our seniors, it is wrong for our children, and supporters just do not get it. We must protect Social Security, we must start paying back the national debt and we must oppose fiscally irresponsible election-year tax cuts that are not paid for honestly.

AGRICULTURE CRISIS

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

Mr. LUCAS of Oklahoma. Mr. Speaker, as a cow/calf operator from western Oklahoma, I can tell you firsthand that the crisis in rural America is real. Our producers are plagued by weak grain prices, drought, bugs, wildfire, and dwindling forage and hay supplies. Good farmers are losing equity and millions of dollars are being lost to our economy.

As our markets become as dry as the land we farm, the Clinton administration has failed to come forward with an emergency aid plan that will help producers make it until next year. These desperate times require swift and concise measures to aid our producers in their time of need. Partisan politics and demagoguery cannot be tolerated during this crisis. The Administration must quit using farmers like a political football and start making substantive decisions at the USDA. Oklahoma crop and livestock losses already amount to well over $1 billion. Action is needed now.

Come on, Secretary Glickman. Our farmers are waiting.

SOCIAL SECURITY

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

Mr. EDWARDS. Mr. Speaker, next week Republicans will push for a vote in this House to steal $80 billion from the Social Security trust fund. On behalf of the seniors of central Texas, I will strongly oppose that effort.

It is interesting, the same Republicans who just a few months ago right here in this House were saying it was dishonest to raid money from the highway trust fund are now saying it is okay, though, to raid money, to steal money, from the seniors' trust fund, their Social Security trust fund.

Mr. Speaker, if Republicans felt it was dishonest to steal from the highway trust fund, then I assume they are admitting it is dishonest to steal from the Social Security trust fund.

Mr. Speaker, I support tax cuts. But I will not vote for a tax cut next week pushed by Republicans that steals money from our seniors' future, from our seniors' security and our cherished Social Security trust fund. I think Republicans should think twice before they say highways and concrete and election promises are more important than saving our Social Security trust fund.

RECOGNITION OF FREEHOLD BOROUGH HIGH SCHOOL IN NEW JERSEY'S 12TH DISTRICT

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

Mr. PAPPAS. Mr. Speaker, I rise today to recognize a school in my district that is truly fulfilling its mission of providing the best possible education it can to its students.

This past Monday I had the opportunity to visit Freehold Borough High School for a tour of the school and to teach a class on the U.S. Constitution. Throughout my visit I was consistently impressed with the sophistication and knowledge of the students and the innovation and dedication exhibited by the teachers and administrators.

I began my visit by taking part in a lunch that was prepared by the students of the culinary arts and restaurant management class which is just one of the many ways they expand their curriculum to serve the dynamic and evolving opportunities faced by the students of today.

After speaking with Dr. Carolyn Mulhare-McKee, the school's principal, it is abundantly clear that the Freehold Borough High School is committed to providing a first-class education that will prepare its students for the 21st century. The residents and parents of this area should be proud to have such a fine school educating their children.

POLITICAL WITCH-HUNT CONTINUES

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

Mr. ENGEL. Mr. Speaker, I am outraged that the Committee on the Judiciary is about to release the tape of the President's grand jury testimony to the public. I thought that grand jury testimony is supposed to be confidential. So much for due process. The whole purpose in releasing the tape is to once again embarrass and humiliate the President as Mr. Starr did in his report when he put in graphic sexual details so our children could read them on the Internet. We did not even give the President the simple courtesy of seeing the report a day or two before its release even though we had given the Speaker of the House the courtesy when the House Ethics Committee had charges against him. So much for the bipartisanship that was promised to us by the House Republican leadership. The political witch-hunt against the President continues.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LAHOOD). The Chair would advise all Members that they must refrain from personal references to the President or to certain charges against the President.

EDUCATION—DOLLARS TO THE CLASSROOM

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

Mr. GUTKNECHT. Mr. Speaker, we must do everything we can to give America's children the education they will need to succeed. I am proud of what we have done so far, passing tax cuts for families with kids and making it easier for them to afford higher education. But there is much more to do, especially for younger children.

State and local taxes pay most of the cost of education. They always have. But while the Federal Government provides only about 7 percent of all the funding for local schools, it creates over half of their paperwork.

Mr. Speaker, that is why I have cosponsored legislation to guarantee that at least 95 percent of Federal education funds get to the classroom instead of being consumed by the bureaucracy. We cannot allow Federal paperwork to continue to siphon off valuable time, energy and resources away from the classroom. Our children are too important.

EDUCATION

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

Ms. SANCHEZ. Mr. Speaker, I recently had the pleasure of hosting the Secretary of Education, Mr. Richard Riley, in my hometown of Anaheim over the district recess. During that town hall meeting, the Secretary fielded questions from about 200 parents and educators about what we could do to prepare our children for the future. They wanted to know what Congress was doing about education, about relieving the overcrowding that is happening back at home and about preventing the growing incidence of violence among our youth.

While the leadership of this House seems more concerned with the President's private life, I can tell my colleagues that people back home want to know what is going on with education. When I go back home to Orange County on my weekends, they ask me, not about the Starr report, they instead want to know what Congress is doing to protect the future of Social Security and what they are doing to protect the future of our children. Democrats and the President have an agenda that addresses these issues, and I have introduced my own proposal to encourage more school construction so we can have a smaller ratio of children in the classroom. We have to do that.

Get away from this report. Work on education.

□ 1030

SUPPORT H.R. 4033

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

Mr. SMITH of Michigan. Mr. Speaker, I would urge all my colleagues on both sides of the aisle to refrain from demagoguery of Social Security during this election year. For the last 40 years, this House has been spending every cent that comes into the Social Security Trust Fund for other social program spending. This year for a unique experience we will start paying down the public debt. That means lower interest rates to help keep the economy strong. A strong economy means it will be easier to keep Social Security solvent. In this election year and into next year, the challenge for all of us is to consider all solutions and not scare seniors or politically demagogue Social Security. Our goal in 1999 must be to fix Social Security.

Mr. Speaker, I would ask my colleagues to consider joining with me on my bill, H.R. 4033, that requires that Social Security Trust Fund money can no longer be used to balance the budget.

The bill also provides that any Trust Fund money invested with the U.S. Treasury will be in the form of marketable negotiable Treasury bills, not the unredeemable I.O.U.s now used.

I invite my colleague to cosponsor this bill with me.

PROTECT SOCIAL SECURITY

(Ms. FURSE asked and was given permission to address the House for 1 minute.)

Ms. FURSE. Mr. Speaker, here we are again. In 1993 we passed a budget here, only Democrats voted for it, that brought us to this situation where we now may have a surplus. Only Democrats voted for that budget, yet suddenly the Republicans are saying, well, let us give a tax cut now that we have a surplus.

Mr. Speaker, I do not think there is a Member in this House who does not find in their public meetings somebody who says:

Congresswoman, Congressman, I am really worried there will not be Social Security there for me when I get to that age.

Well, why are we talking about tax cuts? There is not a real surplus until we stop borrowing from Social Security.

Mr. Speaker, what Democrats want to do is make sure we protect Social Security, we make sure the surplus stays in Social Security so you, our children, our seniors, will have that guarantee there.

It is an outrage to start talking about a tax cut. Yes, Democrats would like to give out a tax cut, but not until we say: Do not borrow from Social Security, make sure that Social Security is protected.

WHITE HOUSE SEEKING TO INTIMIDATE MEMBERS OF THIS BODY

(Mrs. WILSON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. WILSON. Mr. Speaker, last night the television news confirmed that two reporters told ABC News that a senior White House official has been peddling the story to sully the reputation of one of the great leaders in the history of this institution, the gentleman from Illinois (Mr. HYDE). The senior White House official just does not get it. Or, perhaps worse, maybe he gets it and he just does not care.

We are not considering here some personal indiscretion. This body has a solemn constitutional responsibility to consider the charges before us. This system of justice will not be manipulated by polls or pundits or senior officials who seek to smear and intimidate. This is a Nation governed by law, and it is up to us to keep it that way.

SAVE SOCIAL SECURITY FIRST

(Ms. STABENOW asked and was given permission to address the House for 1 minute.)

Ms. STABENOW. Mr. Speaker, I rise today with my colleagues to ask the House leadership to save Social Security first.

I was proud to support the balanced budget agreement last year, proud to support a $95 billion tax cut that was paid for within the balanced budget agreement. We now have what are being called surpluses, and I join with my colleagues that say we do not have a true surplus until we have protected Social Security and stopped using the Social Security Trust Fund to balance the budget.

This is about our current seniors, it is about my mother, it is about our children, it is about our grandchildren.

I like the tax proposals that are being talked about in committee. I would like to be able to support another round of tax cuts. But we cannot jeopardize our future and Social Security by doing this.

Pay for Social Security first, protect Social Security first, and then begin the next round of tax cuts. That is what is the most responsible approach, and I urge my colleagues on both sides of the aisle to be responsible and to make sure that before the next steps are taken to spend surpluses that we save Social Security first.

WHITE HOUSE CONDUCTING SMEAR JOB ON HENRY HYDE

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

Mr. ROHRABACHER. Mr. Speaker, I am disappointed that more Members on the other side of the aisle this morning have not been condemning the smear job that was done on the chairman of the Committee on the Judiciary, the gentleman from Illinois (Mr. HENRY HYDE).

Chuck Colson, legal counsel to the President under Richard Nixon, was sent to Federal prison for disclosing

one-half of one FBI file. This administration: Hundreds of FBI files ended up in the hands of an opposition researcher for the Democratic Party at the White House. Nixon had an enemies list of people they would not invite to luncheons. This administration has a list of people it has set out to destroy.

Mr. Speaker, we have here a pattern of abuse, personal attacks on the gentlewoman from Idaho (Mrs. HELEN CHENOWETH), the gentleman from Indiana (Mr. DAN BURTON) and now the chairman of the Committee on the Judiciary. This is unconscionable. None of us is perfect, but we will not be intimidated, we will not be blackmailed. This administration is mirroring the worst types of lies, of Watergate lies and abuses, only it is worse.

To those who set forth this strategy of trying to disclose decades-old indiscretions in order to intimidate the Members of Congress, it will not work. We will not be intimidated.

THE SURPLUS BELONGS TO SOCIAL SECURITY

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

Ms. DELAURO. Mr. Speaker, Social Security is the single most successful domestic program in our Nation's history, we all know that. It is a long-term financial bedrock for this country's elderly, for disabled, hardworking American families. Two-thirds of our elderly depend on Social Security for over half of their income. Social Security keeps 800,000 children out of poverty every year.

Mr. Speaker, right now Social Security is under attack. What we have here is a situation where the Republican leadership of this House wants to raid the Social Security Trust Fund in order to provide an $80 billion tax break.

I am for tax cuts, Democrats are for tax cuts, but let me just say this to my colleagues:

If it was not for the Social Security Trust Fund, what people have to understand, we would not be showing a budget surplus. The surplus belongs to Social Security. It is not a spare cookie in the bottom of the jar just for the taking, and that is why Democrats are insisting that we should put any budget surplus toward the trust fund; let us not raid it.

WHITE HOUSE INVESTIGATING MEMBERS ON BOTH SIDES OF THE AISLE

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

Mr. DELAY. Mr. Speaker, we are witnessing more signs of the White House's scorched earth strategy. Allies of the President are now dishing dirt on the most respected Member of this House. This is a direct assault on the United States House of Representatives.

And do not be under any illusions that this is a partisan affair because, according to reports, allies of the President's are investigating Members of both sides of the aisle.

Now, Mr. Speaker, making a mistake is far different than, for example, obstructing justice. Abuse of power is far more serious than having an affair 30 years ago.

I just urge the President of the United States to stop his allies from engaging in this kind of disgusting conduct, and all of those who are blindly supporting this President ought to be ashamed of themselves.

This is a very sad day for democracy.

CONTINUING APPROPRIATIONS, FY 1999

Mr. DREIER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 541 and ask for immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 541

Resolved, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the joint resolution (H.J. Res. 128) making continuing appropriations for the fiscal year 1999, and for other purposes. The joint resolution shall be considered as read for amendment. The previous question shall be considered as ordered on the joint resolution to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations; and (2) one motion to recommit.

Mr. DREIER. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from South Boston, Massachusetts (Mr. MOAKLEY) pending which I yield myself such time as I may consume. All time yielded will be for the purposes of debate only.

Mr. Speaker, this rule provides for consideration of H.J. Res. 128, making continuing appropriations for fiscal year 1999. It is a closed rule providing for 1 hour of debate in the House, equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. The rule provides that the joint resolution be considered as read for amendment and one motion to recommit.

Mr. Speaker, the reality of divided government is that it takes a lot of hard work, tough decisions and sometimes uncomfortable confrontations to enact major legislation. Certainly, funding the trillion dollar Federal Government falls into that category. Honest disagreements exist between the congressional majority and the President, the House and the Senate, the Democrats and the Republicans, and even within the two party caucuses in both the House and the Senate.

Every family that is forced to live on a budget, and that is most of the working people I know, understand that it is a lot harder to make spending decisions when they cannot just buy everything they want. That is the reality for working moms and dads who sit around the kitchen table and try to find the money for new school clothes, a short family vacation or finally replacing that beat-up old television set.

Last year's historic balanced budget agreement was a great victory for American families because it finally forced the President and Congress to make their own hard spending decisions. Imposing a real budget on the voracious Federal bureaucracy makes the appropriations job a lot tougher. While I am sure most compassionate Americans would feel badly for the gentleman from Louisiana (Mr. LIVINGSTON) and his counterpart, the gentleman from Wisconsin (Mr. OBEY) who is not here on the floor, and the subcommittee chairman and ranking Democrats who have been asked to craft the 13 spending bills, I am also confident that they prefer those headaches to the rampant spending and deficits of not too many years ago.

I am equally confident, Mr. Speaker, that we will overcome the hurdles in the way of the appropriation process and will keep the Federal Government open and functioning into and through the new fiscal year. I certainly know of the commitment of the gentleman from Louisiana (Mr. LIVINGSTON) and our entire Republican leadership team to do just that.

This continuing resolution funds ongoing projects and activities of the Federal Government at current rates except in instances that the Congress and administration agree on lower levels. This spending authority expires on October 9 of this year or when the regular appropriations bills are enacted.

Mr. Speaker, this is a clean continuing resolution without extraneous provisions, new projects or new spending initiatives. Recognizing the very real importance of focusing greater attention on making sure our government's mission-critical computer systems are able to handle the transition to the year 2000, this CR permits a funding increase for necessary computer conversions.

Mr. Speaker, there is no question that nearly unprecedented political and budgetary challenges face this Congress at this time. However, I know we will rise above them and get the people's work done. This fair, clean, continuing resolution will give us the time we need to finish the fiscal year 1999 appropriations bills within the spending levels set out by the balanced budget agreement.

It is incumbent upon every Member, Democrat and Republican, to join together to support this rule and the joint resolution so that we can get that hard work done without any interference in government operations.

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

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

Mr. Speaker, I thank my dear friend for many years, the gentleman from California (Mr. DREIER) my fellow traveler to El Salvador, the next in line to be chairman of the Committee on Rules, God willing according to him, for yielding me the customary 30 minutes.

House Resolution 541 is a closed rule providing for the consideration of a continuing resolution that will take us through October 9. I am very pleased to report that this continuing resolution is clean and it does not include any extra material, and I am sure that, if it remains in this form, the President will sign the legislation ending any speculation about a government shutdown come October 1.

□ 1045

That having been said, Mr. Speaker, it is unfortunate that we find ourselves in this position. With only 13 days left in the fiscal year, only 1 of the general appropriation bills has been presented to the President, while only a handful of bills are in conference. There are still 2 bills left that have to be considered by the House, while the Senate has passed 9 of the 13 appropriation bills. To say that we are behind schedule, Mr. Speaker, is an understatement.

But it is very encouraging that the chairman and ranking member of the Committee on Appropriations have presented us with a continuing resolution that they believe will afford enough time to make significant progress on the bills that are remaining. I certainly hope that they are able to resolve the many difficult issues that exist on these bills and are successful in getting all of the 13 bills to the President in a form he can sign.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. DREIER. Mr. Speaker, I appreciate the magnanimity of my friend from South Boston, and I would like to follow suit and urge support of this rule.

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

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. LIVINGSTON. Mr. Speaker, pursuant to the rule just adopted, I call up the joint resolution (H.J. Res. 128) making continuing appropriations for the fiscal year 1999, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the joint resolution.

The text of House Joint Resolution 128 is as follows:

H. J. RES. 128

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are hereby appropriated, out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, for the several departments, agencies, corporations, and other organizational units of Government for the fiscal year 1999, and for other purposes, namely:

SEC. 101. (a) Such amounts as may be necessary under the authority and conditions provided in the applicable appropriations Act for the fiscal year 1998 for continuing projects or activities including the costs of direct loans and loan guarantees (not otherwise specifically provided for in this joint resolution) which were conducted in the fiscal year 1998 and for which appropriations, funds, or other authority would be available in the following appropriations Acts:

(1) the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1999;

(2) the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1999, notwithstanding section 15 of the State Department Basic Authorities Act of 1956, section 701 of the United States Information and Educational Exchange Act of 1948, section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236), and section 53 of the Arms Control and Disarmament Act;

(3) the Department of Defense Appropriations Act, 1999, notwithstanding section 504(a)(1) of the National Security Act of 1947;

(4) the District of Columbia Appropriations Act, 1999;

(5) the Energy and Water Development Appropriations Act, 1999;

(6) the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1999, notwithstanding section 10 of Public Law 91–672 and section 15 of the State Department Basic Authorities Act of 1956;

(7) the Department of the Interior and Related Agencies Appropriations Act, 1999;

(8) the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1999, the House and Senate reported versions of which shall be deemed to have passed the House and Senate respectively as of October 1, 1998, for the purposes of this joint resolution, unless a reported version is passed as of October 1, 1998, in which case the passed version shall be used in place of the reported version for purposes of this joint resolution;

(9) the Legislative Branch Appropriations Act, 1999;

(10) the Department of Transportation and Related Agencies Appropriations Act, 1999;

(11) the Treasury and General Government Appropriations Act, 1999; and

(12) the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1999:

Provided, That whenever the amount which would be made available or the authority which would be granted in these Acts as passed by the House and Senate as of October 1, 1998, is different than that which would be available or granted under current operations, the pertinent project or activity shall be continued at a rate for operations not exceeding the current rate: *Provided further,* That whenever the amount of the budget request is less than the amount for current operations and the amount which would be made available or the authority which would be granted in these appropriations Acts as passed by the House and Senate as of October 1, 1998, is less than the amount for current operations, then the pertinent project or activity shall be continued at a rate for operations not exceeding the greater of the rates that would be provided by the amount of the budget request or the amount which would be made available or the authority which would be granted in these appropriations Acts: *Provided further,* That whenever there is no amount made available under any of these appropriations Acts as passed by the House and Senate as of October 1, 1998, for a continuing project or activity which was conducted in fiscal year 1998 and for which there is fiscal year 1999 funding included in the budget request, the pertinent project or activity shall be continued at a rate for operations not exceeding the lesser of the rates that would be provided by the amount of the budget request or the rate for current operations under the authority and conditions provided in the applicable appropriations Act for the fiscal year 1998.

(b) Whenever the amount which would be made available or the authority which would be granted under an Act listed in this section as passed by the House as of October 1, 1998, is different from that which would be available or granted under such Act as passed by the Senate as of October 1, 1998, the pertinent project or activity shall be continued at a rate for operations not exceeding the current rate under the appropriation, fund, or authority granted by the applicable appropriations Act for the fiscal year 1999 and under the authority and conditions provided in the applicable appropriations Act for the fiscal year 1998: *Provided,* That whenever the amount of the budget request is less than the amount for current operations and the amounts which would be made available or the authority which would be granted in these appropriations Acts as passed by the House and the Senate as of October 1, 1998, are both less than the amount for current operations, then the pertinent project or activity shall be continued at a rate for operations not exceeding the greater of the rates that would be provided by the amount of the budget request or the amount which would be made available or the authority which would be granted in the applicable appropriations Act as passed by the House or as passed by the Senate under the appropriation, fund, or authority provided in the applicable appropriations Act for the fiscal year 1999 and under the authority and conditions provided in the applicable appropriations Act for the fiscal year 1998.

(c) Whenever an Act listed in this section has

been passed by only the House or only the Senate as of October 1, 1998, the pertinent project or activity shall be continued under the appropriation, fund, or authority granted by the one House at a rate for operations not exceeding the current rate and under the authority and conditions provided in the applicable appropriations Act for the fiscal year 1998: *Provided,* That whenever the amount of the budget request is less than the amount for current operations and the amounts which would be made available or the authority which would be granted in the appropriations Act as passed by the one House as

of October 1, 1998, is less than the amount for current operations, then the pertinent project or activity shall be continued at a rate for operations not exceeding the greater of the rates that would be provided by the amount of the budget request or the amount which would be made available or the authority which would be granted in the applicable appropriations Act as passed by the one House under the appropriation, fund, or authority provided in the applicable appropriations Act for the fiscal year 1999 and under the authority and conditions provided in the applicable appropriations Act for the fiscal year 1998: *Provided further*, That whenever there is no amount made available under any of these appropriations Acts as passed by the House or the Senate as of October 1, 1998, for a continuing project or activity which was conducted in fiscal year 1998 and for which there is fiscal year 1999 funding included in the budget request, the pertinent project or activity shall be continued at a rate for operations not exceeding the lesser of the rates that would be provided by the amount of the budget request or the rate for current operations under the authority and conditions provided in the applicable appropriations Act for the fiscal year 1998.

SEC. 102. No appropriation or funds made available or authority granted pursuant to section 101 for the Department of Defense shall be used for new production of items not funded for production in fiscal year 1998 or prior years, for the increase in production rates above those sustained with fiscal year 1998 funds, or to initiate, resume, or continue any project, activity, operation, or organization which are defined as any project, subproject, activity, budget activity, program element, and subprogram within a program element and for investment items are further defined as a P–1 line item in a budget activity within an appropriation account and an R–1 line item which includes a program element and subprogram element within an appropriation account, for which appropriations, funds, or other authority were not available during the fiscal year 1998: *Provided*, That no appropriation or funds made available or authority granted pursuant to section 101 for the Department of Defense shall be used to initiate multi-year procurements utilizing advance procurement funding for economic order quantity procurement unless specifically appropriated later.

SEC. 103. Appropriations made by section 101 shall be available to the extent and in the manner which would be provided by the pertinent appropriations Act.

SEC. 104. No appropriation or funds made available or authority granted pursuant to section 101 shall be used to initiate or resume any project or activity for which appropriations, funds, or other authority were not available during the fiscal year 1998.

SEC. 105. No provision which is included in an appropriations Act enumerated in section 101 but which was not included in the applicable appropriations Act for fiscal year 1998 and which by its terms is applicable to more than one appropriation, fund, or authority shall be applicable to any appropriation, fund, or authority provided in this joint resolution.

SEC. 106. Unless otherwise provided for in this joint resolution or in the applicable appropriations Act, appropriations and funds made available and authority granted pursuant to this joint resolution shall be available until (a) enactment into law of an appropriation for any project or activity provided for in this joint resolution, or (b) the enactment into law of the applicable appropriations Act by both Houses without any provision for such project or activity, or (c) October 9, 1998, whichever first occurs.

SEC. 107. Appropriations made and authority granted pursuant to this joint resolution shall cover all obligations or expenditures incurred for any program, project, or activity during the period for which funds or authority for such project or activity are available under this joint resolution.

SEC. 108. Expenditures made pursuant to this joint resolution shall be charged to the applicable appropriation, fund, or authorization whenever a bill in which such applicable appropriation, fund, or authorization is contained is enacted into law.

SEC. 109. No provision in the appropriations Act for the fiscal year 1999 referred to in section 101 of this Act that makes the availability of any appropriation provided therein dependent upon the enactment of additional authorizing or other legislation shall be effective before the date set forth in section 106(c) of this joint resolution.

SEC. 110. Appropriations and funds made available by or authority granted pursuant to this joint resolution may be used without regard to the time limitations for submission and approval of apportionments set forth in section 1513 of title 31, United States Code, but nothing herein shall be construed to waive any other provision of law governing the apportionment of funds.

SEC. 111. This joint resolution shall be implemented so that only the most limited funding action of that permitted in the joint resolution shall be taken in order to provide for continuation of projects and activities.

SEC. 112. Notwithstanding any other provision of this joint resolution, except section 106, for those programs that had high initial rates of operation or complete distribution of fiscal year 1998 appropriations at the beginning of that fiscal year because of distributions of funding to States, foreign countries, grantees or others, similar distributions of funds for fiscal year 1999 shall not be made and no grants shall be awarded for such programs funded by this resolution that would impinge on final funding prerogatives.

SEC. 113. Notwithstanding any other provision of this joint resolution, except section 106, the rate for operations for projects and activities that would be funded under the heading "International Organizations and Conferences, Contributions to International Organizations" in the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1999, shall be the amount provided by the provisions of section 101 multiplied by the ratio of the number of days covered by this resolution to 365.

SEC. 114. Notwithstanding any other provision of this joint resolution, except section 106, the rate for operations for the following activities funded with Federal Funds for the District of Columbia, shall be at a rate for operations not exceeding the current rate, multiplied by the ratio of the number of days covered by this joint resolution to 365: Corrections Trustee Operations, Offender Supervision, Public Defender Services, Parole Revocation, Adult Probation, and Court Operations.

SEC. 115. Activities authorized by sections 1309(a)(2), 1319, 1336(a), and 1376(c) of the National Flood Insurance Act of 1968, as amended (42 U.S.C. 4001 et seq.), may continue through the date specified in section 106 of this joint resolution.

SEC. 116. Section 28f(a) of title 30, U.S.C., is amended by striking the words "The holder" through "$100 per claim." And inserting "The holder of each unpatented mining claim, mill, or tunnel site located pursuant to the mining laws of the United States before October 1, 1998 shall pay the Secretary of the Interior, on or before September 1, 1999 a claim maintenance fee of $100 per claim site.". Notwithstanding any other provision of law, the time for locating any unpatented mining claim, mill, or tunnel site pursuant to 30 U.S.C. 28g may continue through the date specified in section 106 of this joint resolution.

SEC. 117. The amounts charged for patent fees through the date provided in section 106 shall be the amounts charged by the Patent and Trademark Office on September 30, 1998, including any applicable surcharges collected pursuant to section 8001 of P.L. 103–66: *Provided*, That such fees shall be credited as offsetting collections to the Patent and Trademark Office Salaries and Expenses account: *Provided further*, That during the period covered by this joint resolution, the commissioner may recognize fees that reflect partial payment of the fees authorized by this section and may require unpaid amounts to be paid within a time period set by the Commissioner.

SEC. 118. Notwithstanding sections 101, 104, and 106 of this joint resolution, until 30 days after the date specified in section 106, funds may be used to initiate or resume projects or activities at a rate in excess of the current rate to the extent necessary, consistent with existing agency plans, to achieve Year 2000 (Y2K) computer conversion.

SEC. 119. Notwithstanding any other provision of this joint resolution, except section 106, the amount made available for projects and activities for decennial census programs shall be the higher of the amount that would be provided under the heading "Bureau of the Census, Periodic Censuses and Programs" in the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1999, as passed by the House, or the amount that would be provided by such Act as passed by the Senate, or the amount of the budget request, multiplied by the ratio of the number of days covered by this resolution to 365.

The SPEAKER pro tempore. Pursuant to House Resolution 541, the gentleman from Louisiana (Mr. LIVINGSTON), and the gentleman from Wisconsin (Mr. OBEY) each will control 30 minutes.

The Chair recognizes the gentleman from Louisiana (Mr. LIVINGSTON).

GENERAL LEAVE

Mr. LIVINGSTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.J. Res. 128, and that I may include tabular and extraneous material.

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

There was no objection.

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

Mr. Speaker, we are bringing H. J. Res. 128, a continuing resolution for fiscal year 1999, to the House today because it is likely that all 13 of the regular appropriations bills will, unfortunately, not be enacted by the beginning

of the fiscal year on October 1st. This resolution is needed to keep the government operating while we complete our work on our appropriations bills. Its duration is until October 9th, or until the bills are enacted, whichever comes first.

The fact that we are bringing this resolution to the floor today should surprise no one. For some time now, it has been apparent that this type of short-term funding authorization would be needed. It has also been widely known that this resolution would be straightforward and not include any extraneous controversial matters that might result in a government shutdown. Mr. Speaker, while I wish that this resolution were not needed, I am pleased that it is a noncontroversial proposal and should move quickly through the process, be signed into law, and give the time that we need to complete our work.

Mr. Speaker, this resolution uses the same funding formula as was used last year. This formula generally allows programs to continue at current rates. If the budget request is lower than current rates for a particular program and both the House and the Senate agree that it should be lower, this CR, or continuing resolution, takes advantage of this and reduces the rate accordingly. This CR also includes the same restrictions on initiating new starts, maintaining last year's terms and conditions, and restricting the early release of monies to States, foreign countries, and grantees that have been previously included. Again, Mr. Speaker, it does not include any extraneous controversial matters.

There is another significant aspect to this CR, and CRs in general, that I would like to point out to my colleagues, especially those who think that an automatic, permanent CR should be enacted so that we could avoid having to take the action that we are now taking. This continuing resolution includes several special funding provisions for programs for which the funding formula does not work. We call these funding anomalies. They happen every year. One cannot predict what they are or the solution to take care of them. But, they must be addressed or else significant undesirable impacts result if they are not addressed. So my point in bringing this to the attention of Members is that even if there were an automatic continuing resolution that we had adopted weeks or months ago, we would still be out here with an absolutely necessary technical adjustment to the permanent funding authority. This would give rise to an opportunity for extraneous mischief, the very thing that is supposed to be avoided in the automatic CR scenario. So, in my view, there is no way around the need for ad hoc legislation even with the automatic continuing resolution. The solution to this exposure is to have the member discipline not to add extraneous matters, as we have exercised today.

Mr. Speaker, this is not the main reason to not enact an automatic CR. The main reason is it removes the pressure to get our regular work completed, in addition to biasing the negotiating process on annual funding bills. Now I want to talk about getting our work done.

The Military Construction bill is on the President's desk. There are 7 more bills in conference, and one more has been acted on by both the House and the Senate and is ready to go to conference, for a total of 9 bills. Today the House should complete action on the Foreign Operations bill, giving us another bill, a tenth bill, ready for conference. Now, that leaves only 3 left. The House has passed 2 of the 3; the Senate has to pass all 3.

There is still a lot of work in front of us, but we are getting there. Just because this continuing resolution gives us until October 9th to finish our work, no one should think that we can relax now. It will take a sustained drive and the cooperation of all Members, both in this body and the other, to get our work done by this deadline.

We face a situation on 7 or 8 of our bills where a veto has been threatened because of a lack of spending. Our bills are at the cap levels. This means that to increase spending on these bills, some form of offset would be required, or else we would exceed the caps that were agreed to between the Congress and the President last year when we reached an agreement on the balanced budget, which has reaped great rewards, Mr. Speaker. We are actually, even though that balanced budget agreement called for balancing of the budget by the year 2002, balancing the budget this year and have an expected surplus of at least $63 billion.

But, returning to my previous point, this means that to increase spending on these bills, some form of offset would be required. Offsets can be in the form of reduced spending on other programs, including mandatory programs or entitlements or raising revenues in the form of user fees for taxes. This causes several problems. Mandatory offsets are easier said than done. Raising taxes or enacting user fees are definitely not in this committee's jurisdiction. And even if they were, I am not aware of any popular tax increases or user fee increases that we could easily put in our bills in order to satisfy the President's additional spending requests, or desires.

This has been an historic problem for the committee. For years budgets have included these types of offsets to enable more spending. It is just that the amount of the needed offset is so much bigger this year than it has ever been. The spending in this year's budget request was $9 billion over the caps which would require that same amount in offsets. This is a very difficult problem to overcome, and still stay within the caps. Administration officials claim to have some ideas on offsets that could help us get the job done, and we asked to see those offsets that they had said they had as far back as July, some 2 months ago, but we still have not seen them. They promised, maybe the check is in the mail, but we have not seen it.

Another complicating factor this year is that we are facing some large emergency funding needs that have to be addressed before we can complete our work this year. We will need to address funding for agriculture disasters and other agriculture problems. We will soon be in receipt of a request to increase security at our diplomatic posts around the world in the face of what happened in Tanzania and Kenya. We have urgent additional defense needs to maintain readiness while we are experiencing the additional costs of maintaining peacekeeping efforts all over the world. Then there is the unforeseen costs of making government-wide computer conversions to account for the year 2000 problem. These problems are very expensive and there may be more of them, and we need to address these in a bipartisan fashion at the same time we are developing the regular funding packages.

Our plate is full. It might be fun to debate these issues this morning; it might be fun to blame everyone for the slow pace of our activities, but such debate really in the long run has little or no merit. We ought to pass this continuing resolution quickly so that we can concentrate on our work needed to finish up this fiscal year and this legislative season.

This continuing resolution will keep the government open for a little bit longer than the next 3 weeks. We do not have much time. We need to get on with it.

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

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

There is no objection to this continuing resolution on this side of the aisle. The resolution is perfectly reasonable. It is a straight, neutral continuation of funding, and it is essential in order to keep the government open. The President will sign it. He has made that quite clear in the statement he sent this morning, and I think every Member of the House, if there is a vote on this, ought to vote for it.

Having said that, I think it is regrettable that we have been brought here by an unhappy set of circumstances. Last year we had a considerable degree of bipartisan cooperation between both parties, and as a result, we achieved I think some real substantive victories for the American people, something which this House on both sides of the

aisle can take pride in, and we had an extremely civil year of doing the people's business.

Everyone understands that the gentleman from Louisiana and I have a very good personal relationship. I consider him to be one of the best friends I have in the House and one of the best legislators in the House. I am proud of that relationship.

However, there have been many external factors which have operated to make our job much more difficult this year. We have, in my view, instead of seeing a mindset of cooperation from the majority caucus, this year we have had much more of a mindset of confrontation on at least half of the appropriation bills that have moved through this House.

Under the law, we are supposed to have the budget resolution passed by the time we have our summer break, and we are supposed to have all 13 appropriation bills passed by October 1.

□ 1100

We are in the situation, and this has not happened, I do not believe, since I have been here, where we still do not have a budget resolution passed. So we are operating on an ad hoc basis because of that. That makes it more difficult for this committee to do its work.

It is not unprecedented for the House not to finish all of its appropriation bills before October 1. We were fortunate enough that we were able to do that the year that I was chairman. That was not because of any special action taken by me or by my committee. We did have a very good bipartisan working relationship that year. But we also had the leadership of both parties working together along with the White House to make it happen.

We have not seen that this year, unfortunately. So as a consequence, not a single appropriation bill has yet been signed into law. I think I need to cite some of the reasons for that.

First of all, the majority has chosen to produce a Labor, Health, Education, and Social Services bill which was so extreme in its nature that they have not been able to pass it in this House.

The Senate, their Senate Republican counterparts have produced a significantly more moderate bill; still not what we need to have a signed product. But the very act of restoring some of the funding that the Senate has restored for programs like low income heating assistance and summer jobs, that very act demonstrates that the majority in the other body recognizes that the Labor, Health, Education appropriation bill produced by the majority in this House is so extreme that they do not want anything to do with it.

On the Veterans Administration, HUD, EPA bill, that bill should have been on the President's desk. It has a number of problems associated with it which are solvable; but, yet, that bill has been thrown into turmoil because of the insistence of the majority that they attach a totally irrelevant housing authorization bill, a huge bill which the authorizing committee has not been able to get through the Congress.

So they lay it onto the appropriation bill, asking the Committee on Appropriations to carry that extra freight, and that is more freight than the system will bear. So that has broken down.

On interior, the bill that funds most of our natural treasurers and the preservation and stewardship of those treasures on an annual basis, that bill has been loaded down with extreme environmental riders in the other body, unnecessary roads through wilderness areas, additional logging of the Tongass.

I was in Alaska last year. I was horrified when I overflew the Tongass and some of the other areas and saw some of the extreme clear-cutting that have been going on by the native corporations up there. That had not fit my impression of what had been happening up there.

We had a bill on the interior appropriation bill that would make that matter worse on the transportation appropriation bill. Again, we have seen an antienvironmental rider added, which takes a bill which ought to have been relatively noncontroversial. I was very surprised that that bill had not been sent to the President a long time ago. But riders like that have held that bill up as well.

Agriculture. This Congress or rather the previous Congress voted for the horrendous so-called Freedom to Farm Bill which has turned into a Freedom-to-Fail-at-Farming bill because of the lack of a safety net that is provided for American farmers in that legislation. It is obvious the majority party does not know how to deal with that, so that appropriation bill is hung up also.

That matter is then made worse by the refusal of the majority party to support funding for the IMF so that we can provide some additional stability in our export markets so that we have a greater ability to export our agricultural products to those areas. Yet, we are being denied an opportunity in this House even to vote on that crucial issue.

The District of Columbia appropriation bill has been held up by a gratuitous decision on the part of this body to insist that the District of Columbia engage in an experiment on educational vouchers which many of us would not support if that were mandated on our own local districts.

Then we come to the foreign operations bill. That bill in the past has been handled on a bipartisan basis, and the bill has largely been worked out before it has come to the floor. This time, for a variety of reasons, that has not happened, despite the agreement that was voiced in the Committee on Appropriations that the majority would have its language in the bill on the Mexico City family planning issue.

We were told that, as part of that agreement, if we did not try to take the language out of the bill, we would have, on this side of the aisle an opportunity for an alternative to be offered so that we could have an up or down vote on the two viewpoints on that issue.

The gentlewoman from California (Ms. PELOSI) has been blocked from having a clean shot at an alternative. In addition to that, the Committee on Rules is preventing us from even having a vote on the IMF. That vote is central to helping to stabilize international exchange rates, to stabilize the international trading arrangements so that we have an opportunity to try to do something about the deep recession which is plaguing at least one-third of the world and threatens to cripple our own economic recovery. So we have had all kinds of these gratuitous roadblocks put in the way of our getting our business done.

I would say it appears to me that this Congress has done an extensive job of investigating but a pitiful job of legislating when it comes to meeting the primary responsibility this Congress has each year, which is to keep the government open by funding the basic activities of government through the appropriations process.

This committee has once again been thrown into the briar patch on many issue that we do not have the expertise to deal with and do not have the jurisdiction to deal with it.

I would point out also that, well I will not comment on the Korean situation until we get the foreign ops bill up, but I just have to say this, I am disturbed by the fact that virtually none of these bills are really moving.

It seems to me that there is a conscious decision on the part of a number of the players to want to push their bills into a giant omnibus appropriation bill at the end so that they can send a huge vehicle to the President and on a take-it-or-leave-it basis.

I hope that is not true because that is the way that we get into an awful lot of trouble around here. We need to be trying to work out these individual bills. We do not need a situation to be developed where the Congress tries to take advantage of what the majority party may see as the perceived weakening of the President's position and use that to try to ram at him and stick in his ear a whole range of outrageous propositions that they know he is certainly not willing to accept, as we are not willing to accept.

So I would simply say that I think the committee is doing the responsible

thing in bringing this continuing resolution to the floor in the shape it is in. I do not think that the process by which we have gotten here has been particularly responsible. That is not the chairman's fault, but I do want to say that I expect we are going to have to have a number of additional short-term continuing resolutions because it certainly seems to me that it is not likely that we will have our work done for the next fiscal year by the time this pending continuing resolution expires in early October.

I hope that there is a willingness to stay in session this year until our job is done on these bills.

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

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

Mr. Speaker, I would only point out in response to the gentleman's comments that I sympathize with his frustration. We are at the end of the year. We have gone through a great deal of tug and pull on lots of legislation but we are down to the last two bills. In the next few weeks, we are going to get through those bills. Whether there is an omnibus bill or not is still too early to tell. I would love to make sure that we get each individual bill signed, but that takes cooperation from not only this body and the other body but the White House as well.

They have indicated that they have no objection, the White House has no objection, to this particular resolution, and I would urge the House to adopt it in its current form, and I think that is just what we should do and let the rest of it take place in its natural order.

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

Mr. OBEY. Mr. Speaker, may I inquire how much time I have remaining?

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from Wisconsin has 16 minutes remaining.

Mr. OBEY. Mr. Speaker, I yield 3 minutes to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Speaker, I thank the very distinguished ranking Member of the Committee on Appropriations for yielding.

Mr. Speaker, I also thank the chairman of the Committee on Appropriations for those last words that the chairman uttered. They are music to our ears. The chairman committed himself to assure that these appropriations bills, all of them except military construction, which is now on the President's desk and we assume would be signed, those other bills will, in fact, get passed; no government shutdown, no delaying the government, getting the Congress' business done when it needs to be done.

I understand that the principal reason why our appropriation bills have been delayed, at least from a procedural standpoint, is that this is the first time, since the budget act was passed, that we have no budget resolution. It was due April 15. So it has been very difficult for the Committee on Appropriations to fulfill its responsibility when we have no budget resolution.

This CR is the right thing. I hope this is a precedent to have an appropriations bill, a continuing resolution which does not have any of the divisive issues, which is not designed to cause the President to veto it, which is simply designed to enable the government to function in the proper way. It shows it can be done.

My fear is that we will get to October 9 and despite the best efforts of the Committee on Appropriations, Members will add things in appropriations bills that were not designed to enable the government to carry out its proper role but instead were designed for purely partisan political purposes, knowing they would force the President to veto any of those individual appropriations bills. At least if we have a continuing resolution, it should be similar to this bill today, one that will enable the government to continue functioning.

The worst thing we could do is to shut down the government, to have a repeat of 1995. None of us want that to happen, particularly in the context that we are currently operating. So it is incumbent upon the leadership of the Committee on Appropriations, but most importantly the Members of Congress who may have ideas that they think are meritorious but in reality would only cause the government to stop functioning to keep our appropriations bills clean. Another government shutdown is the one thing that must be avoided.

So let me just thank the leadership on both sides of the aisle for this continuing resolution. I trust it will be passed unanimously, and I trust that it is a precedent for the kind of bipartisan cooperation that serves this Congress well but most importantly serves this nation well.

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

Mr. Speaker, I would only say that I appreciate the comments of the gentleman from Virginia (Mr. Moran) and share his sentiment about the shutdown. I do not think anybody wants that on this side.

□ 1115

We certainly look forward to working with the Members of the minority to make sure that there is no shutdown. We hope that the administration and the President are equally committed to maintaining the continuity of government so that Federal employees will not be impacted unnecessarily.

On his other point on the budget resolution, I would like to challenge the gentleman's recollection, because in the 21 years that I have been here, all of which have transpired since the passage of the budget resolution, I believe we have come through this process without a budget resolution on at least two occasions, and possibly more frequently than that back in the 1980s when the Democrats were in control.

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

Mr. OBEY. Mr. Speaker, I yield 4 minutes to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Speaker, it is encouraging to hear the gentleman from Louisiana (Mr. LIVINGSTON) indicate that the Republicans are not interested in shutting down the government again as they did in 1995. Certainly, if by voting for this resolution we can discourage them from doing that again, that would be important to the country.

It seems these days that the "all news" channels and the semi-pseudo-news channels are preoccupied with a new format of "All Monica, All the Time," and I do not suppose that there is any way to get them to refocus on anything else like this mess. But I think it is worth noting the mess that we are in and how we got here.

I serve on the Committee on the Budget and the way this process is supposed to work is that the Committee on the Budget is supposed to produce a timely budget resolution which this House is to adopt and the Senate is to adopt. That budget provides the format around which our Committee on Appropriations can approve the 13 appropriation bills and avoid a government shutdown.

Mr. Speaker, there is only one problem. For the first time I guess in the history of the Budget Act, certainly in recent memory, there is no budget. Now, that is the Republican leadership. It is not a matter, as the chairman of the Committee on Appropriations indicated, of trying to cast blame everywhere. Blame does not belong everywhere. It just belongs one place. Right up here with the Republican leadership. They are leading. They have the majority and they claim and profess to be very concerned with fiscal responsibility, and yet we have come through this year and they cannot even produce a budget.

It is, indeed, rather amusing to hear some of these commentators ask whether or not the government will slow down because of all the revelations and scandals that they are focusing on. If this House slows down any more, it will be going backwards. This is the House that could not produce a budget, that has produced exactly 1 of the 13 appropriation bills over there on the President's desk.

The people that are asking, well, can the President do his job? Well, the President cannot sign appropriation bills that are not on his desk. And

right now, 2 weeks before the government is to conclude this fiscal year, it has no budget and one of 13 appropriation bills.

Credit is due here. These folks had a preconceived notion that the best thing, given the fragile nature of their coalition, was to do as little as possible this year except perhaps occasionally painting Democrats as pagans. They have done a pretty good job of both. They have done a pretty good job of doing nothing. And whenever they tried to do something, such as the appropriations for all of the Health and Human Services in the United States, they could not agree between themselves.

So, here we are 2 weeks before the conclusion of this fiscal year and we have yet to have a chance to vote on the floor of this House concerning the appropriations for all of the Health and Human Services operations throughout this whole country.

Folks want to focus only on what has happened down at 1600 Pennsylvania Avenue. This is a true crisis for the country, that if our Republican friends continue to pursue a policy of doing just next to nothing, as little as they possibly can, and if they continue to tuck into these appropriation bills anti-environmental provisions, as they did with some of the appropriation bills earlier that they could not pass on their own merit, but more dirty water and less clean air is something they can tuck into the fine print of the appropriation bills on the few that they do pass, if they continue to pursue that approach, then simply passing the resolution for which we are going to join in bipartisan support this morning will not get the job done and will not avoid a government shutdown.

So, let us get to work, have clean appropriation bills that finance the government, that make up for about 9 months of doing next to nothing, get a budget out here and let us move the country along on the problems that really matter in the lives of families that are struggling to make a go out there across America.

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

Mr. Speaker, I do not believe I have any more requests for time, but let me simply say that as much as I appreciate the comments of the preceding speaker, I find it intriguing to hear a Member of the Committee on the Budget complain about the fact that there is no budget.

As an appropriator, I regret that. But I would have to say that it really does not make any difference, because the leadership of this Congress in both the House and Senate agreed with this President last year, about a year ago, almost maybe 13 months ago, to balance the budget. When? By the year 2002. And they gave us a platform on how to do it.

Mr. Speaker, I believe the gentleman must have been a party to that because he is on the Committee on the Budget. They gave us a program to balance the budget by the year 2002. Lo and behold, because of their good works, we have a balanced budget not in the year 2002, but this year. We have a surplus for the first time in my adult life, $63-billion-plus surplus.

We should be proud of that. Last year, the President of the United States, and I believe he is a Democrat, agreed with the leadership of both Houses of the Congress to set caps on the amount of spending within the discretionary part of the budget. We are proposing funding up to those caps. We are spending exactly the amount of money that the President agreed to. In fact, I dare say it is possible, with some emergency funding, we may exceed the spending of the cap levels. But we are basically adhering to rules on those caps.

The gentleman that preceded me should be proud of that instead of haranguing us on the floor for no budget resolution, which means nothing anyway. We are spending what the President agreed to, and he should applaud that, and he should rejoice for all Americans are better off for our actions.

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

Mr. OBEY. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, the gentleman from Louisiana (Mr. LIVINGSTON), my good friend, has given an interesting speech. It really does not have a whole lot to do with what the previous speaker just said.

The gentleman from Louisiana (Mr. LIVINGSTON) has indicated that this is not an unprecedented situation. The fact is, I believe, if he will check the record he will find out, that we have never gotten to the end of the session without the passage of a budget resolution.

I would point out also that the responsibility for that is very clear. It lies with the people who run the Congress, because the President does not sign the budget resolution. He has no role in determining what the budget resolution is. The budget resolution is a Congressional Budget Resolution. There is none, and that is why this institution has been forced to operate on an ad hoc basis.

Mr. Speaker, I would point out also that just because there was a budget agreement to live within certain caps, does not mean that this Congress is free to load up all of these appropriation bills with anti-environmental riders, with anti-consumer riders, with all kinds of unrelated and nongermane amendments, which turn relatively benign appropriation bills into highly controversial matters that the majority party itself is split over.

So it just seems to me, and I do not want to continue this, I raise this simply because I believe that if we are going to get out of here before November 3, we must have a different mind-set than we have seen this year. This Congress must return and the majority party must return to the mind-set that they exhibited the year before when there was strong bipartisan cooperation, strong cooperation with the President, and as a result we had a year that I thought all of us could be proud of. This year has not been that kind of year because of the decision to revert to a confrontation mode on the part of the House Republican Caucus, at least some elements of it. I think it is that mind-set which must be changed if we are not going to be here two and three more times before the end of the calendar year, providing for yet another short-term continuing resolution.

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

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

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

The joint resolution is considered as having been read for amendment.

Pursuant to House Resolution 541, 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 ayes appeared to have it.

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

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

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 421, nays 0, not voting 13, as follows:

[Roll No. 445]

YEAS—421

Abercrombie	Bartlett	Boehlert
Ackerman	Barton	Boehner
Aderholt	Bass	Bonilla
Allen	Bateman	Bonior
Andrews	Becerra	Bono
Archer	Bentsen	Borski
Armey	Bereuter	Boswell
Bachus	Berman	Boucher
Baesler	Berry	Boyd
Baker	Bilbray	Brady (PA)
Baldacci	Bilirakis	Brady (TX)
Ballenger	Bishop	Brown (CA)
Barcia	Blagojevich	Brown (FL)
Barr	Bliley	Brown (OH)
Barrett (NE)	Blumenauer	Bryant
Barrett (WI)	Blunt	Bunning

Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Filner
Foley
Ford
Fossella
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paul
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Redmond
Regula
Reyes
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Rush
Ryun
Sabo
Salmon
Sánchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Towns
Traficant
Turner
Upton
Velázquez
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)

NOT VOTING—13

Fazio
Forbes
Gonzalez
Goss
Hefner
John
Metcalf
Poshard
Pryce (OH)
Riggs
Royce
Schumer
Stokes

□ 1146

Mr. DOOLEY of California and Mr. CALLAHAN changed their vote from "nay" to "yea."

So the joint resolution was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 4569, FOREIGN OPERATIONS, EXPORT FINANCING AND RELATED PROGRAMS APPROPRIATIONS ACT, 1999

Mr. SOLOMON. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 542 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 542

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 4569) making appropriations for foreign operations, export financing, and related programs 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 1(b) of rule X, clause 2(l)(6) of rule XI, or clause 7 of rule XXI are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule for a period not to exceed five hours. The bill shall be considered as read through page 141, line 18. Points of order against provisions in the bill for failure to comply with clause 2 or 6 of rule XXI are waived. No amendment to the bill shall be in order except: (1) pro forma amendments for the purpose of debate; (2) amendments printed in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII; and (3) amendments printed in the report of the Committee on Rules accompanying this resolution. Each of the amendments printed in the report of the Committee on Rules may be offered only by a Member designated in the report, may be offered only at the appropriate point in the reading of the bill, shall be considered as read, 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 except as specified in the report, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against the amendments printed in the report are waived. The chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from New York (Mr. SOLOMON) is recognized for 1 hour.

Mr. SOLOMON. Mr. Speaker, for purposes of debate only, I yield half of our time to the gentleman from Dayton, Ohio (Mr. HALL), my good friend, pending which I yield myself such time as I might consume. Mr. Speaker, during consideration of the resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, let me just say that House Resolution 542 is a modified open rule. It provides for the consideration of H.R. 4569, which is the Foreign Operations and Export Financing appropriation bill for fiscal year 1999.

At the outset, I would note that the rule waives clause 2 of rule XXI, and that concerns the unauthorized and legislative provisions in an appropriation bill, and it also waives clause 6 of rule XXI concerning reappropriations.

The rule provides for 1 hour of general debate, equally divided between the chairman and the ranking minority member of the Committee on Appropriations. The bill will then be open for amendment under the 5-minute rule for a period of 5 hours, and so this bill will be completed today.

Amendments to be offered must have been printed in the portion of the CONGRESSIONAL RECORD which is designated for that purpose in clause 6 of rule XXIII. Pro forma amendments for purposes of debate are also in order.

The rule also makes in order five specific amendments, each one to be offered at the appropriate point in the reading of the bill, and subject to debate equally divided and controlled for a specified period of time. And those times are listed here if Members need to look at it.

Each of these amendments shall be considered as read and must be offered by the Member designated in the report. There cannot be a designee or a substitute. All points of order against these five specific amendments are waived.

The rule provides for votes to be stacked or clustered so as to expedite procedures here on the floor and to permit Members to plan their schedules with some degree of certainty during this long day coming. In each such cluster of votes, a 15-minute vote will precede the various 5-minute votes that follow, in order to give Members time to come to the floor.

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

And, finally, Mr. Speaker, House Resolution 542 waives clause 1(b) of rule X, which relates to explanations in the report or rescissions on transfers of unexpended balances.

The rule also waives clause 2(l)(6) of Rule XI, concerning 3-day availability of the report, and also clause 7 of rule XXI, concerning a 3-day availability of printing requirements.

Mr. Speaker, House Resolution 542 will permit the expeditious consideration of this bill and is very much the same as the rules which have governed consideration of the foreign appropriation bills over the last 5 or 10 years. I call on Members to support the rule. It is a good rule.

Turning now to the bill itself, I would offer just a few brief comments.

This is a $12.5 billion bill, which represents only about eight-tenths of 1 percent of the Federal budget. But what an important eight-tenths of 1 percent that is; nothing less than the foreign policy of the United States.

The Committee on Appropriations is always tasked with striking a difficult balance between scarce resources on the one hand and a great number of pressing and conflicting needs on the other hand. But by their very nature and their importance, the kind of issues that are dealt with in this bill tend to be less forgiving of mistakes and miscalculations than those in most other bills.

And, of course, this legislation has no built-in constituency for Members of Congress. It is a sobering realization that weighs heavily on the appropriators, and I believe the gentleman from Alabama (Mr. CALLAHAN), his ranking member, the gentlewoman from California (Ms. PELOSI), and the whole subcommittee and their staff are to be thanked for the good job they have done on a very difficult, difficult bill.

Certainly in this bill, as in all bills, there are things individual Members will find fault with. There are elements that I disagree with personally. But the appropriators have brought us a bill that deserves the very careful attention of every Member. And once the rule process is over today, we should allow the House to work its will and we will come up with a good piece of legislation.

Mr. Speaker, this may be one of my last opportunities to address the House on the subject of foreign policy. I served on the Foreign Affairs Committee for 6 years prior to becoming chairman of the Committee on Rules, and the world has changed immensely since I came here as a freshman Member in 1978, 20 years ago. Unquestionably, the most world-shaking event since then was the end of the Cold War and the simultaneous disintegration of the Soviet Union, all for the good of mankind. But the world remains a very dangerous place, and we should not forget that.

□ 1200

Saddam Hussein provides ample proof that a dictator need not be guided by a universalist ideology in order to pose a threat to our country and to our allies. Personal megalomania can be more than enough.

Let us never be lulled into complacency or a false sense of security. The world will always be a dangerous place, at least for so long as some people and some nations are free and the others are not. And there are those that would like to take away our freedoms. America must always be willing to pay the price of leadership, and that includes moral leadership, both personally and as a Nation. We must always keep in mind Alexander Hamilton's solemn warning that a Nation which prefers disgrace to danger is prepared to lose its freedom, and they would deserve to do so.

Mr. Speaker, having said that, I urge support for this rule. It is a fair rule. It does deal with the issue of abortion as many of my colleagues know. But we have been very careful to make sure that whether Members are of a philosophy of pro-choice or pro-life that there will be a fair debate on this issue and both sides can enter into that debate.

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

Mr. HALL of Ohio. Mr. Speaker, I thank the gentleman from New York (Mr. SOLOMON) for yielding me the time, and I yield myself such time as I may consume.

This is a modified open rule which will allow consideration of H.R. 4569, which is the foreign operations appropriation bill for fiscal year 1999.

As my colleague from New York described, this rule will provide one hour of general debate to be equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. Though this is technically a modified open rule, I want to make sure my colleagues understand that it severely limits the opportunities for floor debate. The rule requires amendments to be preprinted in the CONGRESSIONAL RECORD. This is a significant limitation considering that the bill was reported two days ago and has been available for only a short period of time. The amendment process is limited to five hours. Again, this is a significant limitation. Under the rule, time spent on voting is counted toward the time cap. This is a controversial bill and many Members will want to offer amendments and participate in floor debate. Under the time cap, some Members may not have the chance to offer their amendments because time will run out.

The rule permits five specific amendments that would otherwise be out of order. Only one of these is a Democratic amendment, even though many Democrats asked the Committee on Rules for waivers. The rule waives the requirement for the committee report to be available for three days prior to floor consideration. I realize the necessity for moving quickly on this bill, but waiving this rule makes it difficult for the public and even House Members to get timely information about the bill. I checked this morning and it is my understanding the committee report is not even available on the World Wide Web.

The bill contains many good provisions. It increases UNICEF funding by $5 million over last year's level. It restores an administration cut of $47 million to the Child Survival and Disease Programs Fund, bringing spending back to last year's level. It also increases Peace Corps funding above last year's level. However, the overall spending levels in the bill are inadequate to handle our international commitments and our responsibility to assist the poor and needy of the world. The bill makes deep cuts in assistance to Russia and the World Bank's Global Environmental Facility, and it reduces aid to Israel and Egypt.

Overall, the bill reduces spending by 2.4 percent below last year's level, and almost 9 percent below the Administration's request. The bill does not include the full Administration request for $18 billion for the International Monetary Fund.

Regretfully, the rule denies a Democratic request to make in order an amendment adding $14.5 billion in credit for the International Monetary Fund. This would bring total IMF funding to the level requested by the Administration. Withholding funds is dangerous because the IMF is already spread thin as a result of the financial

crises in Asia, Russia and Latin America. Unless checked, these international economic problems could seriously affect our own economy.

One of the most disappointing provisions in the bill cuts international disaster assistance $55 million below the Administration request. The International Disaster Assistance program helps victims of natural and man-made disasters. Projects funded under this program include airlifting relief supplies to disaster-stricken people in remote locations, supporting supplementary feeding centers for severely undernourished children; immunizing dislocated populations against disease; and providing water purification to reduce deaths from cholera following floods. This is the type of foreign assistance Americans most strongly support and we should be increasing it, not cutting it.

I personally have witnessed our humanitarian relief programs working in countries where wars, famines and disasters threaten the lives of thousands of innocent people. I have seen desperately malnourished babies brought back to life in emergency feeding centers. I have seen people whose farms were destroyed given seeds and tools to feed themselves and rebuild their lives. I have seen children lost to their families in the chaos of war reunited with their mothers and fathers. Everywhere I have seen the gratitude in the eyes of the people we have helped and the respect we have earned as humanitarian leaders.

Later, when the House begins the amending process, the gentleman from California (Mr. CAMPBELL) and I will offer a bipartisan amendment to restore $30 million to the International Disaster Assistance account. The money would come from funds freed up when the full Committee on Appropriations cut a program designed to halt North Korea's potential to produce nuclear weapons. I share the concerns that led to these cuts, but I hope that Congress will support the Senate version which gives the President the authority to keep our 1994 agreement with North Korea after certifying North Korea's compliance with it. That is in our national interest, and it is the route supported by our allies in South Korea who would bear the brunt of any attack by North Korea.

Because of the cuts in this bill, the Administration has threatened a veto. Unfortunately there is not much we can do to improve this bill because of the severe funding constraints we are working under. Still I hope that we can offer some improvements during the amendment process.

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

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

At the outset I mentioned my good friend from Dayton, OH (Mr. TONY HALL). He is a good friend, but I think he protests too much when he complains that this rule would not give Members fair opportunity to debate the bill. He was complaining that some Democrat Members were not permitted to have their amendments made in order. The truth is we denied, I think, eight Democrat Members. Most of those Members had not only filed late, but also they were asking for waivers beyond the normal rules of the House. Not only did we deny those eight, we denied 13 Republicans as well. We should be following the germaneness rules of the House. We have certainly tried to do that.

Make no mistake about it, this rule is an open rule. This rule allows any Member of this House over the next seven hours to come to the floor and, under normal rules of the House, offer cutting amendments, they can offer offsetting amendments, they can offer limitation amendments, they can offer striking amendments. And that is what would happen if we brought this bill directly to the floor.

Now, the question was made, "Well, we won't have enough time to consider all of these amendments." I will just tell my colleagues, seven hours from now, we will not have used all the time. We will not use the full five hours. We will not use the full time on this debate on this rule, or even the one hour of general debate. There is hardly anybody here to speak on this matter today. It makes me concerned that people would say that this rule is somehow being very restrictive. It is a totally open rule. I hope everybody supports it.

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

Mr. HALL of Ohio. Mr. Speaker, I yield myself such time as I may consume. I would just simply say that we have 40 amendments that are printed in the RECORD and we have another five amendments with waivers and we have five hours to consider this. The report was not even out by this morning relative to many of the things that were done in this particular appropriation bill. Many of us are legislating and thinking about a bill of which we do not know a lot about. As a result of that, we feel we do not have the time really to evaluate it and have debate.

Mr. Speaker, I yield 2½ minutes to the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Speaker, I thank the gentleman for yielding time. I want to share the view of the gentleman from New York. It is regrettable that we do not have more people here. This is a very important bill. As the gentleman observed, it is a small amount of money. But it is critically important as the world's leader tries to implement policy. And it is lamentable that we do not have more Members engaged.

I rise today in opposition to this rule. I understand the Chairman's view. But the rule does not provide, in my opinion, for certain essential things. First and foremost from my perspective, the rule does not permit debate and action on funding of the IMF. That is because the rule does not protect an amendment restoring the IMF's funding as it would necessarily have to, in order to be sustained against a point of order.

It is critical, Mr. Speaker, that we fully fund the International Monetary Fund this year. Congress failed to fund the IMF at sufficient levels in Fiscal Year 1998. Those of us who support funding the IMF agreed to wait until a supplemental appropriations bill came before the House. We were guaranteed that the remaining funding for the IMF would be included in a supplemental. It has not been, contrary to that guarantee. Now IMF opponents are trying, once again, to prevent us from providing the full $18 billion that is needed for the IMF.

I also want to support an amendment that will be offered on section 907 of the Freedom Support Act. Last week, the full Appropriations Committee passed an amendment which struck section 907. I opposed this amendment. We find ourselves in a situation where Azerbaijan has for 9 years blockaded Nagorno-Karabagh and Armenia from fuel, food, medicine, and other vital goods. I believe it is critically important that we reinstate section 907, and therefore will support an amendment which will be offered to do so.

I will be joined, I know, by the gentleman from Virginia (Mr. WOLF), the gentleman from New Jersey (Mr. SMITH) and others who have been there and know firsthand the situation.

I appreciate what the Chairman of the Committee on Rules is saying in terms of some aspects of this rule being open, but I do not believe that the rule goes far enough to allow us to address critically important issues as we end this session. I would hope that the rule would be modified to give greater latitude for debate and amendment.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume. The previous speaker is one of the most astute members of this body. He is of the highest integrity. I like him very much. He is a good Member. He always does his due diligence.

Therefore, I have to be a little critical of him on the IMF issue, because the gentleman knows that we cannot make an amendment in order; it would require a Budget Act waiver. We are not going to get ourselves back into that situation. If we want to consider that on a separate bill, that is fine, but it cannot be a part of this legislation.

Second, the gentleman can be relieved to know that he would have that opportunity on section 907.

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

Mr. SOLOMON. I yield to the gentleman from Maryland.

Mr. HOYER. It is my understanding that the chairman of the subcommittee the gentleman from Alabama (Mr. CALLAHAN) has indicated that this matter of IMF funding will probably be addressed in the conference. What I am saying is I hope that that is the case. It is important that that be done. But if that is going to be done, presumably, therefore, there is the contemplation that this issue will in fact be voted on by this House. It may modify or affect, as the gentleman knows, the rules under which we do it and the points of order that may or may not be able to be raised.

I understand what the gentleman is saying. I am pleased at that. All I am saying is this would be a more timely fashion to do it and send a better message, in my opinion, to all the world.

□ 1215

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

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

Mr. Speaker, I would like to associate myself with the views of the gentleman from Maryland (Mr. HOYER). Certainly, representing an agricultural area with a depressed farm economy, we are keenly interested in full funding of the International Monetary Fund. The signal that sends to the economies in other parts of the world that are such important destinations for American agricultural products cannot be under- or cannot be overestimated. We must move in that respect in a very speedy and deliberate fashion.

I would like to raise a different issue, however, with respect to this legislation, this bill and other matters that we are considering today, this week and next week; and that is, where is the budget resolution? I am pleased that we are able to take up the appropriations bills, I am pleased that we have a continuing resolution so we do not face a shutdown of Federal agencies come October 1, but I am very disheartened by the fact that here we are, 13 days from the beginning of the next fiscal year, and we do not yet have a budget resolution that has been passed by this Congress.

This is a disgrace. We have set up a budget procedure by law. We have told ourselves that we are supposed to follow this. We have told the American people that we will follow this. But tragically, we have gone for 5 months and 2 days past the deadline for having a budget resolution, and we have nothing to show for it. We have to coble together a rule in the Committee on Rules so that these appropriations bills can come to the floor without violating the Budget Act.

The time has passed for us to do a budget resolution. When the budget came up initially in this body, the Blue Dog Coalition had a budget alternative that it wished to have made in order. We were denied the opportunity to present that budget. That budget is fairly close to what I understand is the operating procedure that is being followed by the leadership.

But the question is: How can the American people trust the United States Congress to fulfill its responsibility in balancing the budget and responsibly dealing with requests for additional funds for disasters, for Bosnia, the International Monetary Fund, for a number of other things, when we do not put together a budget, an elemental document that businesses, local governments, State governments operate with, not only in this country but around the world? It is hard for us to tell other countries how they should get their financial houses in order when we cannot even do a budget resolution in Congress.

I think it is a humbling situation for us to be in, and I urge that the leadership of this body forthwith direct us towards a budget resolution.

Mr. SOLOMON. Mr. Speaker, I yield 5 minutes to the gentleman from Indiana (Mr. SOUDER), a very dynamic second-term Member of this Congress. He comes to us from the district of a great old friend of mine, Dan Quayle, and he is from Fort Wayne.

Mr. SOUDER. Mr. Speaker, I thank the gentleman from New York for yielding this time to me.

Mr. Speaker, I am going to support this rule, even though two of my preprinted amendments are not going to be allowed. There are many of us who would have liked to have some cracks at the IMF. We understand that with the struggles in the agricultural community, that we really probably do not have any choice at this point but to fund an organization that has been highly secretive, that refuses to cooperate with Congress, that it is not clear it is not wasting money throughout the world. But they have us over a barrel. The question is, how much money are they going to extort out of us? And while we might be able to live with the amount in this bill, it needs to be a minimal amount until they start to cooperate.

So it is not only my amendments, but other amendments on this side of the aisle that we wanted to have in order, and are disappointed that we are not able to do that.

I particularly want to speak briefly on the amendments that I wanted to offer. I have a bill in, cosponsored by the gentleman from New York (Mr. SOLOMON), the chairman of the Committee on Rules, and the gentleman from Indiana (Mr. BURTON), chairman of the Committee on Government Reform and Oversight, that would say as part of us giving money to the International Monetary Fund, if we are going to use American taxpayer dollars, that the countries that get the money from the International Monetary Fund should cooperate with American investigations in the campaign finance violations, much like American banks have to do.

As I have discussed in special order speeches this week, it is critical for my colleagues and for the American public to understand that the investigation of illegal contributions from foreign nationals to American campaigns, with the likely intent to influence American foreign policy, have been stonewalled by the lack of cooperation of witnesses who have critical testimony and documentation. Many of these persons are foreign nationals associated with persons who have already been indicted or convicted by Federal authorities in connection with these illegal schemes. Seventy-nine witnesses have taken the fifth amendment, and more significantly to this particular bill, 18 have fled the country or are avoiding investigators by hiding in foreign countries.

Mr. James Riady is the deputy chairman of Lippo Group in Indonesia, and investigators from the other body have suggested that he has a, quote, "long-term relationship with the Chinese intelligence agency. Riady is also reported to have called DNC fund-raiser, John Huang, our man in the American government," end quote. He is now living in Indonesia and refuses to cooperate with investigators.

Ng Lap Seng, a Chinese Communist Party official, wired more than $900,000 in money to Charlie Trie for conduit contributions. He lives in Macao and has refused to be interviewed.

Ted Sioeng and his network of business associates gave $400,000 to the Democratic Party and $150,000 to Republicans.

All these witnesses have refused to cooperate.

My amendment would have expressed our intent that no country should receive American taxpayer assistance to the IMF unless it is cooperating fully with American investigations, both with Congress and the Justice Department, so we can find out whether our elections have been influenced by foreign governments; whether there has been a compromise in our government and in our leadership of our country of decisions, because of foreign money. And the best way to find out these things is often by tracking the money. And when we track the money in the New York banks and when we track the money through those international countries that are cooperating, and then run into stonewalling in other countries, why should our taxpayer dollars go to these countries to help bail out their economies if they are not going to cooperate with us when we are trying find out whether our government has been put up for sale? It is a slap in the face to the American taxpayer for these countries to demand

our financial assistance and then slam the closed door on our investigations into critical matters affecting our own national security.

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

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

Mr. SOLOMON. Mr. Speaker, I say to my good friend, the gentleman from Indiana (Mr. SOUDER), that yes, I do strongly support his amendment, and I would like to have made it in order, which I could have done. However, in doing that, we would have had to waive various rules. We would then have had to perhaps give the same consideration to other Republicans and other Democrats, and it just would not have been fair to do that. I think the gentleman understands.

Let me just further state that when it comes to the IMF, a lot of us have very serious concerns about it; not against the IMF itself, but against their policies. One of their policies is to go around the world, suggesting and demanding that these countries which are going to receive prospective loans raise taxes.

Well that goes against everything we believe in, and that is not going to get the free market economies going in these countries. They are going to have to cut taxes, they are going to have to shrink the government and go to a free market economy.

The other thing is accountability. This arrogant IMF organization refuses to be accountable to even the United States of America, which pays about 20 percent or more of the annual contribution to IMF. And I just want to commend the gentleman from Alabama (Mr. CALLAHAN), the chairman of the committee, and the gentlewoman from California (Ms. PELOSI) and others for the reforms that they have written into this legislation, because that goes a long way towards forcing the IMF to be accountable to the people and the taxpayers that put up the money. I want to commend the gentleman for his remarks.

Mr. SOUDER. Reclaiming my time, I too want to congratulate the gentleman from Alabama (Mr. CALLAHAN) for the progress that we have made and the gentleman from New York (Mr. SOLOMON) for his support of this legislation. I understand the difficulty here. I hope indeed, if in some kind of conference report or end-of-the-year deal there is a bump-up in IMF spending, that we also can look at some of these other amendments that Members were deeply concerned about and the other matters that the gentleman from New York (Mr. SOLOMON) raised.

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

Mr. BENTSEN. Mr. Speaker, I rise in strong opposition to House Resolution 642. My argument today is not with the distinguished chairman of the Committee on Rules. He is just doing his job. My argument today is with the leadership of the House.

Mr. Speaker, it has been nearly a year since the request for more IMF contribution has come to the Congress, and in that time while the other body has acted, the House has continued to fail to act. And what has happened? We have seen more nations fall to contagion, the problems spread to Russia, to Latin America. We have seen the U.S. stock market erase all the gains for the year. We have seen U.S. economic growth decline by at least 2 percent because of the Asian situation. We have seen the stock market today drop 200 points because of the spread to Latin America, not necessarily based on fundamentals but based on a lack of confidence in the markets, and particularly in emerging markets. And it comes right back here.

Now just a couple of weeks ago, we saw the chairman of the Federal Reserve give this speech in Berkeley, California, where he said the U.S. economy would not be isolated from this, and now the problems of a potential world economic crisis are lapping, the waves of it are lapping on the shores of America.

Now I want to point out to my Republican colleagues the irresponsibility in this area. Two years ago, when we came close to defaulting on the U.S. debt, my Republican colleagues held up a comment from the firm of George Soros and his lead analyst saying that technical default in U.S. treasuries would not be that big of a deal, and certainly it would. Unfortunately we did not do that. But Mr. Soros testified before the Committee on Banking and Financial Services the other day, and here is what he said:

> Congress bears an awesome responsibility for keeping the IMF alive. I am convinced that the attitude of the Congress is already an important element in the failure to deal with Russia.

Their own person saying this.

Now we can go through the politics, and we can talk about the problems with the IMF, and we have tried to do that on the House Committee on Banking and Financial Services, but it has been nearly a year. How long will we fiddle and allow the world to burn and not deal with the problem at hand, and how much will the American workers and the American investors, the men and women who all of us claim to represent, have to suffer because this House will not act?

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentlewoman from New York (Mrs. LOWEY).

Mrs. LOWEY. Mr. Speaker, I rise in opposition to this gag rule.

Mr. Speaker, the foreign operations appropriations bill is one of the most important pieces of legislation the House will consider this year. As a member of the Subcommittee on Foreign Operations, I have sat through many hours of hearings, two markups, in the process of bringing this bill before the House today. But there are 420 Members of this House who are seeing the bill for the first time today, and they deserve a lot more respect for their input than this rule gives them.

The rule before us imposes a ridiculous time limit of 5 hours for the complete consideration of this bill and stricter limitations on certain specific amendments. As a comparison, I would ask my colleagues to look at how much time this body took to debate and amend the foreign operations appropriations bill for FY 1998. Last year it took us 3 days, 15½ hours, to finish the bill, over three times as long as we have been given today.

The rule also denies the House an opportunity to debate the issue of additional funding for the International Monetary Fund. Whichever side of the issue my colleagues stand on, it deserves a full debate by this House. I, for one, strongly support the administration's request for IMF funding, and I believe that the leadership is playing a dangerous political game by not allowing a vote on this issue today.

□ 1230

The ongoing economic turmoil in Asia and Russia is having a serious impact on Wall Street and other markets around the world, and we must provide the IMF with the resources it needs to respond to the economic insecurity in Russia and Asia as it promotes badly needed reforms in these countries.

Finally, the rule violates an agreement that we had with the Republican leadership on the international family planning issue. By allowing a second degree amendment to the gentlewoman from California (Ms. Pelosi)'s amendment, the Committee on Rules turned its back on an agreement it made just 1 week ago. On this matter alone, we should reject the rule.

Mr. Speaker, I urge my colleagues to stand up for their right to have a full debate on this important legislation, and I urge a vote against this terrible rule.

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

I would say to the gentlewoman that I really am taken aback by her remarks. I harken back to only last year when we were having the arguments on both sides of the aisle about the issue of pro-life or pro-choice. The gentlewoman knows that she and others came to me, and I stood up for them, even though I am on the other side of the issue philosophically.

We are doing the same thing this year, only in reverse, from what we did last year.

When I hear criticism like this, it really hurts, because when one is sincere about trying to help and bring

these issues together so that we can debate it, it does not sit well to hear that kind of criticism.

Let me go back to talk about this rule. The Democrats controlled this Chamber for 40 years. In the last 2 years that they controlled it, during the 103d Congress, they brought this same bill to the floor, and guess what?

The gentlewoman says that this is a gag rule. But the Demoncrats brought it to this floor with a completely closed rule; they required the amendments to be filed with the Committee on Rules, and they selectively picked just a few and then brought that to the floor. Nobody could work their will.

This rule is just the opposite. This rule makes all of the regular amendments in order. One can offer striking amendments, cutting amendments, offsetting amendments, limitation amendments under the regular rule. Nobody is held back. It is an open rule. All we did was make in order several others to go with it. So nobody is shut out; everybody is allowed. We ought to know that. We ought to be fair about this debate on the floor that we will have on the issue of pro-life and pro-choice. No one is going to change their mind.

I have been here for 20 years; I have never seen one Member of this Congress, on either side of that issue, change their mind on a vote on this floor. We all know how we are going to vote, so let us have the open debate on it and let us let the chips fall where they may. I just had to say that to my very, very good friend from Westchester, New York.

Mrs. LOWEY. Mr. Speaker, will the gentleman yield?

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

Mrs. LOWEY. Mr. Speaker, I just want to say to my good friend from New York, the distinguished chairman of the Committee on Rules, we have always had a collegial relationship, and I just want the gentleman to know that everything I have said is meant to be fair and not to personally attribute anything to our good chairman.

However, I would just like to say to the gentleman from New York (Mr. SOLOMON) that it was my understanding, as we had a meeting in the committee, that there would be an opportunity to offer an amendment, because on the committee we did not have full debate on the pro-life/pro-choice issue, because as the gentleman said, people know where they stand on this issue, and we thought we would defer the debate to the floor.

It was my understanding that we would have the opportunity to offer a substitute and we would have a full debate on that, and then the Members would use it as an opportunity to vote, either for or against.

So I am sorry if there is a difference of opinion, but I do believe that was the agreement that we thought was made, and so we did not have a debate in the full committee. We thought the debate would be here and that there would not be a second degree.

So I certainly respect the gentleman's views, but I just wanted to present to the gentleman my understanding. It was certainly the spirit of the agreement that, in my judgment, was violated by allowing the second degree.

I thank the gentleman very much. I wish the gentleman well, and I know we will continue to work well together.

Mr. SOLOMON. Mr. Speaker, that is a much better explanation.

Mr. Chairman, I yield such time as he may consume to the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Speaker, I think the membership should know very clearly that an agreement was made to allow the gentlewoman from California (Ms. PELOSI) to offer an amendment. Nothing whatsoever was stated as to whether or not a second degree amendment to that would be permitted or not permitted; it just was not on the table.

Moreover, the agreement was to prevent what might have been an hour or so of debate in the committee. If it were up to me I'd debate it all day. Let me say also that in the committee, because we had whipped on this, we believed that we would have won by more than just a few votes in committee, and that any substitute that would have been offered would have been defeated. I do do reasonably good vote counts when I do work an issue. So not getting a roll call vote in committee was just to expedite the bill. I think that should be made very clear. Nobody has violated an agreement.

Let me just say for the record, because this I find very disconcerting, many of my friends on the other side of this issue time and again have demanded and received the ability to second-degree pro-life amendments that this Member and other Members have offered on the floor. Every time we have done it, the second degree amendment comes in, we live with it, that is the way the process goes. The shoe is just on the other foot.

I get, for the first time in my 18 years as a Member of Congress, an ability to second-degree an amendment that is being offered on the other side of the issue I see absolutely no unfairness in this whatsoever.

Mr. SOLOMON. Mr. Speaker, reclaiming my time, I say to my good friend, we are just running out of time. If the gentlewoman would please get her time, and I will try to yield. But I just have to say to all of my colleagues, we are talking about an agreement that was made here and an agreement that was made there. I am Chairman of the Committee on Rules, and if I am not included in those agreements, there is no agreement.

Ms. PELOSI. Mr. Speaker, will the gentleman yield?

Mr. SOLOMON. I yield to the gentlewoman from California.

Ms. PELOSI. Mr. Speaker, now the gentleman is speaking the truth. Nobody was intending to honor the agreement in the first place, I guess, but the agreement was not honored.

The SPEAKER pro tempore (Mr. LAHOOD). The Chair would advise all Members that the gentleman from Ohio (Mr. HALL) has 14 minutes remaining, and the gentleman from New York (Mr. SOLOMON) has approximately 8 minutes remaining.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. LEE).

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

I rise to speak against this rule, and also against the funding for the IMF. However, it is critical that this body be able to speak to and debate this measure, wherever one stands on the International Monetary Fund.

The Committee on Banking and Financial Services, on which I sit, held several days of hearings on the Russian economic crisis and expanding economic turmoil internationally. The witness's testimony in our committee discussions were consistent with much of the news in our daily media. Major parts of Asia are in severe recession and going into a depression. Indonesia, in spite of or because of the IMF, is in extreme difficulty. Russia, in spite of or because of the IMF, is in severe crisis, and these two areas are affecting Latin America and the United States.

We know that it has been harmful to people who are not part of the political and economic oligarchy, particularly women and children. The $6 billion disbursed in Indonesia has been estimated to match the corrupt appropriation of this money by Suharto and his extended family.

In Russia, IMF bailout has gone into the maze of corruption, the Mafia, and oligarchs.

In Africa, in Haiti, in Mexico, in developing countries that have arranged for IMF loan programs, the developing economies have had to shift their priorities from food crop production to cash crops, thereby creating local food shortages and making the poor even more dependent on cash that they do not have. IMF loan repayment policies mandate that priorities shift from the most minimum education and health care programs to paying interest on the loan.

Mr. Speaker, these issues, believe me, these issues deserve a full and fair debate on this floor. I urge a "no" vote against the rule.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Mr. Speaker, I rise in opposition to the rule and in opposition

to the underlying bill, particularly the provision that would repeal section 907 of the Freedom Support Act. An amendment will be offered today which I have cosponsored that would strike this repeal provision.

Mr. Speaker, Azerbaijan has done nothing to comply with the basic requirement of section 907 that it lift its blockade of Armenia and Nagorno Karabagh, blockades that have caused severe hardship for the Armenian people. The Government of Azerbaijan has blockaded Armenia and Nagorno Karabagh for 9 years. The blockade has cut off the transportation of food, fuel, medicine and other vital supplies, creating a humanitarian crisis requiring the United States to send emergency life-saving assistance to Armenia.

Next, Mr. Speaker, I would like to speak in opposition to an amendment expected to be offered by the gentleman from Indiana (Mr. BURTON). This amendment cuts humanitarian foreign assistance to India. As a result of the underground nuclear tests that India conducted in May, the President was required to invoke severe sanctions pursuant to the Glenn amendment of the Arms Export Control Act. These sanctions terminated much of the development aid that the U.S. provides to India; however, it protects humanitarian programs from the sanctions.

Passage of the Burton amendment would only serve to hurt India's poor and not have any impact on the government.

The United States and India have conducted several rounds of bilateral talks that have been labeled as "positive" and "successful quiet diplomacy." This positive direction would be substantially disrupted by passage of the Burton amendment.

In light of the progress in the ongoing U.S.-India talks, now would be the worst time to enact the Burton amendment.

Again, Mr. Speaker, this rule should be opposed and the underlying bill should be opposed, in part because so much effort is put into legislation, if you will, on appropriation bills.

I share the opinion that was expressed yesterday by the gentleman from New York (Mr. GILMAN), when he addressed the Committee on Rules and said that to the extent that this legislation actually includes authorizing language that has not been reviewed by the full Congress, it should be defeated.

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

Mr. TRAFICANT. Mr. Speaker, I support the rule. I will not vote for the bill. The day I vote for a foreign aid bill in this House, I guess the House will cave in. But I am not going to offer any amendments to cut it.

I want to compliment the gentleman from Alabama (Mr. CALLAHAN), and I think he has brought another good bill, if there can be a good foreign aid bill, to the House. But I will have an amendment that says when we give money to a country and that country is going to buy a product and they do not build the product, they do not make the product, they should buy the product from us unless they can buy it from some other developing country at less than 10 percent our cost. It is a limitation.

I want the amendment in the bill. It makes the bill friendly to American workers who are busting their buns to give money overseas while we have people dying in the streets in America.

The gentleman from Alabama (Mr. CALLAHAN) has done a good job. I will not offer to cut it, and that is rare for me, because I think he has made some responsible moves. I want to credit our Democrat ranking minority member, the gentlewoman from California (Ms. PELOSI), as well.

Mr. HALL of Ohio. Mr. Speaker, I yield 6 minutes to the gentlewoman from California (Ms. PELOSI), the ranking minority member of the Subcommittee on Foreign Appropriations.

Ms. PELOSI. Mr. Speaker, I thank the gentleman from Ohio for yielding and for his presentation of this rule, which I rise with great reluctance to oppose. My reluctance springs not from the substance of the rule, that is easy, but reluctance springing from my respect and regard for the distinguished chairman of the Committee on Rules, the gentleman from New York (Mr. SOLOMON).

The chairman is my friend, and this is probably the last rule which we will be contending with each other over. I want to take the opportunity to say what a pleasure it has been to serve in Congress with the gentleman. The gentleman knows of the respect that I have for him, and that is why it is very difficult for me to oppose the gentleman on this rule. But the gentleman made it easy, because I think this rule is a contortion and, in my view, violates the agreement that we had with our committee.

Once again, Mr. Speaker, we are in a situation, and it seems like an annual event, where we get an agreement with the Republican leadership of this House that we will have free and fair debate and vote on the international family planning issue. No matter where one stands on that issue, Members understand the unfairness that is contained in this bill.

□ 1245

The record of our Committee on Appropriations was clear. When our distinguished chairman, the gentleman from Louisiana (Mr. LIVINGSTON), spelled out very clearly how our rights were protected on this issue on the floor or in any other arena that it would be taken up.

My complaint is not with our distinguished chairman, the gentleman from Louisiana (Mr. LIVINGSTON), nor is it with my colleague and the distinguished chair of the subcommittee, the gentleman from Alabama (Mr. CALLAHAN). It is a joy to serve with both of them, and I respect them highly.

My complaint is with this Republican leadership of this House which, after agreements are made in our committee, has to go and run and check with the far right to see if it was okay.

We specifically conveyed to the Republican leadership that a second-degree amendment was not part of the agreement. They knew that. The reason my colleague, the gentleman from New Jersey (Mr. SMITH) says, well you usually get the second degree, why are you complaining if I do. The point is that, in the interest of comity and cooperation, we said, okay, proceed and put the gentleman's language in the bill if we get a chance to amend it on the floor.

So, indeed, the gentleman from New Jersey (Mr. SMITH) has a privileged position. His language is part of the legislation. Why should he have two bites at the apple, especially when that is in violation of our agreement.

So one of the casualties of this will be, of course, the trust that we can have working together in the Committee on Appropriations, because, clearly, we should be talking to the far right wing if we want to be sure about what the arrangement will be when we come to the floor.

It takes the rug out from under our own committee leadership and any commitments they make to us in committee. When that commitment was made, it specifically mentioned that the leadership, the Republican leadership of the House was a part of the agreement. So here we go again. That is just one point, the point of unfairness, which of course seems to be the banner of the day around here.

But this rule, even if that unfairness were not an issue, and let us for a moment put it aside, I call this rule a rule suitable for ostriches. Let us put our heads in the sand on all of the troubled spots in the world.

For example, Korea, North Korea, the rules committee would not allow an amendment on Korea. International environmental issues, we cannot have an amendment on that issue. The list goes on and on. Africa, we cannot have an amendment on what is going on in Africa.

Even with those amendments that were made in order or those which under the rule can be submitted because they were printed in the RECORD, there is a very, very narrow amount of time with which those issues are to be debated.

If we subtract the time for the amendments that the gentleman provided time for in the amendment, there

are 2 hours, only 2 hours to discuss disasters of the whole rest of the world, Ireland, Africa, disaster assistance, the list goes on and on. The International Monetary Fund. That takes me to that point.

Members in this group, in this body are divided on the issue of the International Monetary Fund. Wherever we are on that issue, I think it is fair to say that this House should be debating that issue.

Some of my Republican colleagues said to me, do not worry about the IMF. If you support the IMF, we are going to put the $14.5 billion in in conference. Oh, really. Do my colleagues think that is appropriate, a $14 billion appropriation in conference without this body having the opportunity to debate it pro and con?

I think that that is not right. It is hard to imagine how such a distinguished group of people who are interested in the economy of our country could say that the International Monetary Fund should not be debated on this floor.

So it is for reasons of substance, reasons of fairness, and reasons of timing that I oppose this rule. I just want to make the further point in terms of timing that, not only is the timing of restricting all the debate on the amendments to 5 hours unfair, but it is also about the timing, of the jamming, of the railroading this bill onto the floor before Members are even versed as to what the issues are that are contained in it.

Mr. Speaker, I ask my colleagues to vote "no" on the rule.

The SPEAKER pro tempore (Mr. LAHOOD). The Chair advises Members that the gentleman from New York (Mr. SOLOMON) has 8 minutes remaining, and the gentleman from Ohio (Mr. HALL) has 3 minutes remaining.

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

Mr. Speaker, I have to clear up a couple of things. The gentlewoman mentioned that amendments were going to be restricted to 5 minutes. That is not true. We are under the 5-minute rule. We can go for 30 minutes on any amendment.

Secondly, the gentlewoman is saying that Members are not going to have a chance to work their will. I have examined all of the amendments that were printed in the RECORD. There were a vast number of amendments. Only about 10 or 11 of them are allowable, that are germane to the issue. We are going to allow all of those. If the gentlewoman tells me that is going to take 5 hours to debate 10 amendments, there is something wrong around here.

Secondly, the gentlewoman has been critical of the Republican leadership and that this message was conveyed to them. I want to know who in the leadership it was conveyed to. I am a part of the Republican leadership and I am chairman of the Committee on Rules.

Ms. PELOSI. Mr. Speaker, If the gentleman will yield, it was the gentleman from Texas (Mr. DELAY).

Mr. SOLOMON. Mr. Speaker, just a minute and I am going to get to him. No one approached me. However, I approached the gentleman from Texas (Mr. DELAY) who is our whip and is a Member of the Republican leadership and serves on the Committee on Appropriations.

The gentleman from Texas (Mr. DELAY) said, "Yes, I said I would go to you and try to get you to make in order a Pelosi or her designee's amendment." The gentleman from Texas (Mr. DELAY) did that. He mentioned nothing to me. I called the gentleman, and he knows nothing about any second-degree amendment. There was no discussion whatsoever.

Mr. Speaker, I yield 3 minutes to the very distinguished gentleman from Robbinsville, New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Speaker, first let me say, and I think it is unfortunate and unhelpful when my good friend, the gentlewoman from California refers to prolifers as the far right—in this case me.

Let me just say that I am conservative and very proud of it, but I take a back seat to no one on human rights. I have been in this body for 18 years. I have been all over the world, very often with my good friend, the gentleman from Ohio (Mr. HALL) and the gentleman from Virginia (Mr. WOLF) and other committed leaders in human rights.

I have chaired more hearings in my subcommittee—international operations and human rights that have ever been held ever on human rights. I have been to Asia, Africa, Eastern and Central Europe, the Middle East, Central and South America—all on behalf of human rights. Gulag labor abuse and exploitation of child workers. We have worked on religious freedom. When it comes to child survival, going back to the early 1980s, I led the effort and offered amendment after amendment on this floor and in committee to beef up the child survival account.

As a matter of fact when Reagan's Administration wanted to zero out the $25 million child survival account, I put $50 million and reauthorized that account to continue immunization, oral rehydration, breast feeding, and growth monitoring. I take a back seat to no one on humanitarianism and on human rights. If that is "far right," I accept the label, but I think the gentlelady's use of the term is to engender ridicule and disgust. Moreover, name calling undermines the caliber of debate and does grave injury to the comity of the House when people make such reference.

Ms. PELOSI. Mr. Speaker, will the gentleman yield so I can agree with him?

Mr. SMITH of New Jersey. I yield to the gentlewoman.

Ms. PELOSI. Mr. Speaker, I agree with everything that the gentleman has said, and I salute him for everything that he has done. The gentleman is so right. He takes a back seat to no one on all of the issues he said. I want him to know that I was not referring to him. I was referring to elements outside of this body.

Mr. SMITH of New Jersey. Mr. Speaker, there were no elements. I was the one who was in conference with our leadership on this.

Let me just say that mention has been made that somehow this rule is unfair on pro-life issues. Nothing can be further from the truth. Let me state to Members that, in the full Committee on Appropriations, my good friend, the gentleman from Mississippi (Mr. WICKER), offered to compromised Mexico City policy, which allows the President to waive one of the two mainstays of that pro-life Mexico City policy. It is a clear concession by the pro-life side. It is a compromise.

The Committee on Appropriations accepted the Wicker amendment. In order to expedite consideration of that bill, they decided that there would be a voice vote. We would have gladly had the vote and the debate in the committee.

There was no mention that a perfecting amendment would be offered or not be offered. But let me remind Members of the history. Every time I have offered this amendment, the Mexico City amendment, it has been second degreed. I accept that. On May 24th, 1995, the gentlewoman from Maryland (Mrs. MORELLA) offered the second degree. June 28th, 1995, in the foreign ops bill, Jan Meyers offered the second degree. I accepted that. That is the process. We all live under the same rules. June 11th, 1997 the gentleman from California (Mr. CAMPBELL) and the gentleman from Pennsylvania (Mr. GREENWOOD) second degreed the underlying amendment that I had offered.

Last year, September 4, after the gentleman from New York (Mr. GILMAN) and the gentlewoman from California (Ms. PELOSI) offered an amendment, it was a second degree, and that was the second second degree. The first one that had been proffered by the gentleman from New York (Mr. GILMAN), the gentleman from California (Mr. CAMPBELL) and the gentleman from Pennsylvania (Mr. GREENWOOD), was deemed that it was not good enough. That is what held up that process and we acceded again and allowed a second degree amendment to the Smith amendment to be offered.

Now the shoe is on the other foot and some folks are crying foul. Really that does not pass the straight face test. It strains credulity to make that argument on the floor here. Every time the gentlewoman has offered her second degree, I have accepted it. Now I get to offer the second degree and to say foul does not cut it.

I hope Members will vote for this rule.

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

Mr. Speaker, I would simply say that we have some problems with some of our Members here relative to the rule. It is controversial. The bill itself is controversial. I want to say from the start that the gentleman from Alabama (Mr. CALLAHAN) on some of the things that he has committed himself to on child survival activities, the Peace Corps, UNICEF, basic education, he has been a real champion. He has kept that money very strong for it. In some cases, he has increased the money.

What I would like to say, though, about foreign operations both here and in the Senate is that it continues to get cut in many different categories. In 1985, the development assistance account was cut by 40 percent. Over the past couple of years, a number of the categories have been cut. So many people in our own country believe that foreign appropriations, as part of our total budget, is so out of whack that when we have debates with people, I remember the debate I had last time I ran for reelection and one of my opponents was asked a question, all of us were asked a question, you know we spend too much money on foreign aid and what do you think we should do?

One of my opponents said, "Well, I think we should cut it back. We spend way too much money."

I said, "Really?" I said, "Well, what percentage do you think we spend of our total budget on foreign aid?"

She said, It "has to be somewhere between 25 and 27 percent."

I said, "Really?" I said, "Would you believe it is really eight-tenths of 1 percent of our total budget?"

"It cannot be."

I said, "I am telling you that is the truth."

What we are talking about today, the part that I like best, the humanitarian aid, is even less than that. This is good aid. It helps people that are sick. It helps people that are facing floods now in Bangladesh. It helps people that reunite children that have become temporary orphans as a result of civil war. It helps children be immunized.

At one time, we had 40,000 people die every day in this world and over the past few years that has gone down to about 35,000. 35,000 people will die today, 35,000 people died yesterday and 35,000 will die tomorrow because of civil war, because of lack of food, because of drought, because of famine, because of a lot of things, and our aid goes to help those people.

We are not making a mark here in the past couple of years because our aid for foreign aid continues to go down. I even understand in the Senate that what is happening over there, they are going to lower the status of the foreign aid committee over there. It does not have the status it once used to. In almost every country of the world, to be on the foreign affairs committee is a great distinction. It is the number one committee in most parliaments.

The SPEAKER pro tempore. The time of the gentleman from Ohio (Mr. HALL) has expired.

Mr. SOLOMON. Mr. Speaker, I yield 15 seconds to the gentleman from Ohio.

Mr. HALL of Ohio. Mr. Speaker, if we compare ourselves with the 17 major nations of the world, we rank seventeenth in our appropriation to foreign aid.

We need to do better. We need to quit running from this issue. We need to stand up and support it. There are a lot of changes that need to be in this bill as it comes before the House today. I hope we can make the changes.

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

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

Mr. Speaker, as I close, I heap accolades on the gentleman from Ohio (Mr. HALL). I know of no Member, and I have served with him since the very beginning, who has done more for human rights and to alleviate hunger throughout this world than the gentleman from Ohio (Mr. HALL) has. We all should salute him.

Let me just speak a little further on what he was speaking about, because the American people sometimes do not understand that the foreign aid budget is not much. It is only eight-tenths of 1 percent of the Federal budget. The truth of the matter is, they are incensed when they see monies that we give to foreign nations and have these foreign nations then turn around and vote against us consistently in the U.N., vote against American foreign policy, whether it is a Democratic President or a Republican President. The American people resent that. They resent greatly, when they see IMF funding and other international organizations giving American taxpayer dollars to Russia. They see it going in the front door and going out the back door even faster. The American people resent that.

Of course, that is why I have to again commend the gentleman from Alabama (Mr. CALLAHAN) and the other Members for the reforms they are writing in to this legislation. It goes a long way in holding the IMF accountable not only for our policy but also so that we can see where our tax dollars go.

□ 1300

Finally, let me just say about the rule itself, every Member should come over and they should vote for this rule. This rule is not restrictive in any way. There were 40 amendments filed and I have a list of them right here. Only 10 of these amendments are germane to the issues and are allowed under the rules of the House.

Any Member that has done his due diligence will have his amendment time on the floor. The gentleman from Alabama (Mr. CALLAHAN) can negotiate with the gentlewoman from California (Ms. PELOSI) and they can determine how much time might be allowed on a particular amendment. With only 10 amendments that are made in order over a five-hour period, every Member should have the opportunity to work their will.

Mr. Speaker, let me commend the gentleman from Alabama (Mr. CALLAHAN), the gentlewoman from California (Ms. PELOSI) and their staffs for an excellent piece of legislation. Let us come over here and pass the rule and get on with it, because we have very important legislation to deal with in the next 13 days.

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

The previous question was ordered.

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the resolution.

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

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

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

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 229, nays 188, not voting 17, as follows:

[Roll No. 446]

YEAS—229

Aderholt	Chambliss	Fossella
Archer	Chenoweth	Fowler
Armey	Christensen	Fox
Bachus	Coble	Franks (NJ)
Baker	Coburn	Frelinghuysen
Ballenger	Collins	Gallegly
Barcia	Combest	Ganske
Barr	Cook	Gekas
Barrett (NE)	Cooksey	Gibbons
Bartlett	Cox	Gilchrest
Barton	Crane	Gillmor
Bass	Crapo	Gilman
Bateman	Cubin	Goode
Bilbray	Davis (VA)	Goodlatte
Bilirakis	Deal	Goodling
Bishop	DeLay	Graham
Bliley	Diaz-Balart	Granger
Blunt	Dickey	Greenwood
Boehlert	Doolittle	Gutknecht
Boehner	Doyle	Hall (TX)
Bonilla	Dreier	Hansen
Bono	Duncan	Hastert
Bryant	Dunn	Hastings (WA)
Bunning	Ehlers	Hayworth
Burr	Ehrlich	Hefley
Burton	Emerson	Herger
Buyer	English	Hill
Callahan	Ensign	Hilleary
Calvert	Everett	Hobson
Camp	Ewing	Hoekstra
Canady	Fawell	Holden
Cannon	Foley	Horn
Chabot	Forbes	Hostettler

Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kildee
Kim
King (NY)
Kingston
Knollenberg
Kucinich
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lucas
Manton
Manzullo
Mascara
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McIntyre
McKeon
Metcalf
Mica
Miller (FL)
Mollohan
Moran (KS)
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Oxley
Packard
Pappas
Parker
Paxon
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Quinn
Radanovich
Rahall
Redmond
Regula
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Royce
Ryun
Salmon
Sanford
Saxton
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stump
Stupak
Sununu
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NAYS—188

Abercrombie
Ackerman
Allen
Andrews
Baesler
Baldacci
Barrett (WI)
Bentsen
Bereuter
Berman
Berry
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Campbell
Cardin
Carson
Castle
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gordon
Green
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hefner
Hinchey
Hinojosa
Hooley
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kilpatrick
Kind (WI)
Kleczka
Klink
Klug
Kolbe
LaFalce
Lampson
Lantos
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (CA)
Minge
Moakley
Moran (VA)
Morella
Murtha
Nadler
Neal
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pickett
Pomeroy
Price (NC)
Ramstad
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sánchez
Sanders
Sandlin
Sawyer
Scott
Serrano
Sherman
Sisisky
Skaggs
Skelton
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stenholm
Stokes
Strickland
Tanner
Tauscher
Thompson
Thurman
Tierney
Torres
Towns
Turner
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey
Wynn
Yates

NOT VOTING—17

Becerra
Brady (TX)
Brown (CA)
Capps
Cunningham
Gonzalez
Goss
Gutierrez
Hilliard
Mink
Paul
Poshard
Pryce (OH)
Riggs
Scarborough
Schumer
Whitfield

□ 1321

Mr. HOYER changed his vote from "yea" to "nay."

Messrs. MASCARA, GREENWOOD, LAZIO of New York, and STUPAK, Mrs. JOHNSON of Connecticut, and Messrs. UPTON, HORN, and BOEHLERT changed their vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. BRADY of Texas. Mr. Speaker, on rollcall No. 446, I was inadvertently detained. Had I been present, I would have voted "yea."

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Sherman Williams, one of his secretaries.

GENERAL LEAVE

Mr. CALLAHAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill (H.R. 4569) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1999, and for other purposes, and that I may include tabular and extraneous material.

The SPEAKER pro tempore (Mr. LAHOOD). Is there objection to the request of the gentleman from Alabama?

There was no objection.

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 1999

The SPEAKER pro tempore. Pursuant to House Resolution 542 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for consideration of the bill, H.R. 4569.

□ 1323

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4569) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1999, and for other purposes, with Mr. THORNBERRY in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Alabama (Mr. CALLAHAN) and the gentlewoman from California (Ms. PELOSI), each will control 30 minutes.

The Chair recognizes the gentleman from Alabama (Mr. CALLAHAN).

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

I am pleased to open general debate today on H.R. 4569, the fiscal year 1999 Foreign Operations, Export Financing and Related Programs appropriations bill.

This will be the last appropriation bill, Mr. Chairman, for two distinguished members of our subcommittee and the Committee on Appropriations. I am speaking of the gentleman from Illinois (Mr. YATES) and the gentleman from California (Mr. TORRES), who are leaving after this session of Congress and going on to retirement.

Mr. Chairman, I cannot help but point out that these two Members have not only served with distinction on this subcommittee, but with the entire Congress throughout their careers.

The gentleman from Illinois (Mr. YATES), for example, has been a member of this subcommittee since its inception. He was here when they debated the Marshall Plan, and he has made a tremendous contribution to this committee and to the people of the United States and, indeed, the world, with the many contributions he has made. So I am sure that my colleagues join with me in expressing our best ever to these two gentlemen who are retiring and will congratulate them for their tremendous contributions.

I want to begin, Mr. Chairman, with some basic figures. This bill is $3.5 million below the subcommittee's allocation of $12.4 billion in budget authority and within our outlay allocation. We also have brought a bill that is $315 million below last year's level and $1.1 billion below what the President has requested to run foreign operations for the fiscal year 1999.

There are some who might rightfully argue this is not a sufficient amount of money for the President, and I regret that. However, I do not determine the amount of money that will be made available. This is done by other authorities, and they have allocated a

designated amount. But it is a responsible bill with the amount of monies we had to work with, and I regret that we cannot fulfill the President's request for all the monies he wants for all of the programs he wants. But the President and the executive branch of government ought to be happy that this subcommittee has not tried to tie their hands, have not dictated to them how every penny will be spent.

There is not one dime in this bill earmarked, and I think that is a compliment to the committee and to the full committee, and I think it is the right way to go in making certain we give the executive branch the constitutional authority they need by not telling them how every penny will be spent.

For the first time in history, Mr. Chairman, we are reducing aid to Israel. Many would say, why are we doing that? We are doing that because Prime Minister Netanyahu informed us here in this body that the economy of Israel is such that it is time to look at responsible fiscal policy and recognize that the United States is not in an entitlement position for Israel. The government has cooperated, the government of Israel has cooperated in this first-time ever reduction in economic support to Israel. So it does include the first reduction to Israel, and I am happy to have received the cooperation of so many people, both in the Congress and the Israeli government, in making certain that we handle foreign operations in a very fiscally responsible manner.

I might also point out, Mr. Chairman, that the appropriation is less than 1 percent of the total amount of money we will appropriate for 1999. Many people in this country think maybe we spend 20 percent of our money on foreign aid, but that is not the case. Next year it will be somewhere below 1 percent. So we are not spending a lot of money for foreign aid, but we are doing it in a very, very responsible manner.

Also Members will note that we have not included the President's request for the full $18 billion for the IMF. We have included the $3.5 billion. We have also included some reform measures that we and the Committee on Banking and Financial Services felt were necessary, a message being sent to the International Monetary Fund that business can no longer be transacted as it has been in the past.

□ 1330

And they are going to have to be more accountable. They are going to have to be more transparent. But we have denied the President's request for the additional $13.5 billion for the International Monetary Fund.

Now, I do not have to remind Members that the United States is facing a series of profound policy changes at this time. The economies of Asia and Russia are in disarray and, as we have seen in the last couple of days, the economy in South America, with Brazil and Peru and others, is beginning to have some problems. And we are going to have to be a participant in the salvation of this economy, a participant that will allow them to keep their dollar afloat and to act in a responsible manner. But without giving them indication that there have to be some changes in their fiscal policies, they are not going to have a sufficient amount of money in which to do it.

We do not dictate, as I said, to the Secretary of State what she should do. We did not tell the President exactly what he should do with every penny. We give him as much latitude as we possibly can. There are some areas we have taken extreme disagreement with. For instance, the gentleman from Louisiana (Mr. LIVINGSTON) and I are firmly convinced that we ought to move beyond the current policy of the Korean Energy Development Corporation, KEDO.

I have said from the beginning that KEDO is an irresponsible policy that we never should have entered into in the first place. But the administration chose to do it, and we have funded it for the last 4 or 5 years, but it is time to take a serious look at KEDO, especially in light of the fact they are now shooting missiles over Japan and indications are that they have missiles that very possibly could reach Alaska.

With respect to some of the problems taking place in the Caucasus, we want to help Armenia, we want to help Georgia, but we recognize there is a policy in effect, called the section 907 policy, that is causing tremendous problems to Azerbaijan and to people in America who are trying to do business in Azerbaijan. And I am happy that the chairman of our committee offered an amendment in full committee which passed with a pretty good vote which lifted the 907 restrictions.

So we have a good bill. And I know that many Members had many amendments they wanted to offer today, but I am pleased that the Committee on Rules gave us a rule which I think is fair, to pass a bill that I think is fiscally responsible.

Mr. Chairman, I submit for the RECORD documentary materials regarding this bill.

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS BILL, 1999 (H.R. 4569)

	FY 1998 Enacted	FY 1999 Estimate	Bill	Bill compared with Enacted	Bill compared with Estimate
TITLE I - EXPORT AND INVESTMENT ASSISTANCE					
EXPORT-IMPORT BANK OF THE UNITED STATES					
Limitation on Program Activity:					
Subsidy appropriation	683,000,000	808,000,000	745,500,000	+62,500,000	-62,500,000
(Direct loan authorization)	(1,330,000,000)	(1,325,000,000)	(1,325,000,000)	(-5,000,000)	.....
(Guaranteed loan authorization)	(11,300,000,000)	(15,401,000,000)	(15,401,000,000)	(+4,101,000,000)	.....
Administrative expenses	48,614,000	51,940,000	50,277,000	+1,663,000	-1,663,000
Negative subsidy	-51,000,000	-25,000,000	-25,000,000	+26,000,000	.....
Total, Export-Import Bank of the United States	680,614,000	834,940,000	770,777,000	+90,163,000	-64,163,000
INTERNATIONAL ASSISTANCE PROGRAMS					
OVERSEAS PRIVATE INVESTMENT CORPORATION					
Noncredit account:					
Administrative expenses	32,000,000	34,000,000	33,000,000	+1,000,000	-1,000,000
Insurance fees and other offsetting collections	-251,000,000	-260,000,000	-260,000,000	-9,000,000	.....
Direct loans:					
Loan subsidy	4,000,000	4,000,000	4,000,000	.....	.....
(Loan authorization)	(133,000,000)	(200,000,000)	(200,000,000)	(+67,000,000)	.....
Guaranteed loans:					
Loan subsidy	56,000,000	46,000,000	46,000,000	-10,000,000	.....
(Loan authorization)	(1,800,000,000)	(2,600,000,000)	(2,600,000,000)	(+800,000,000)	.....
Total, Overseas Private Investment Corporation	-159,000,000	-176,000,000	-177,000,000	-18,000,000	-1,000,000
TRADE AND DEVELOPMENT AGENCY					
Trade and development agency	41,500,000	50,000,000	41,500,000	.....	-8,500,000
Total, title I, Export and investment assistance	563,114,000	708,940,000	635,277,000	+72,163,000	-73,663,000
(Loan authorizations)	(14,563,000,000)	(19,526,000,000)	(19,526,000,000)	(+4,963,000,000)	.....
TITLE II - BILATERAL ECONOMIC ASSISTANCE					
INTERNATIONAL ASSISTANCE PROGRAMS					
Agency for International Development					
Child survival and disease programs fund	650,000,000	502,836,000	650,000,000	.....	+147,164,000
Development assistance	1,210,000,000	1,265,798,000	1,174,000,000	-36,000,000	-91,798,000
International disaster assistance	190,000,000	205,000,000	150,000,000	-40,000,000	-55,000,000
Micro and Small Enterprise Development program account:					
Subsidy appropriations	1,500,000	1,500,000	1,500,000	.....	.....
(Direct loan authorization)	(1,000,000)	(1,000,000)	(1,000,000)	.....	.....
(Guaranteed loan authorization)	(48,000,000)	(48,000,000)	(48,000,000)	.....	.....
Administrative expenses	500,000	500,000	500,000	.....	.....
Urban and environmental credit program account:					
Subsidy appropriations	3,000,000	6,000,000	.....	-3,000,000	-6,000,000
(Guaranteed loan authorization)	(46,000,000)	(68,000,000)	.....	(-46,000,000)	(-68,000,000)
Administrative expenses	6,000,000	6,053,000	5,500,000	-500,000	-553,000
Development credit authority program account (by transfer)	.....	(15,000,000)	.....	.....	(-15,000,000)
Subtotal, development assistance	2,061,000,000	1,987,687,000	1,981,500,000	-79,500,000	-6,187,000
Payment to the Foreign Service Retirement and Disability Fund	44,208,000	44,552,000	44,552,000	+344,000	.....
Operating expenses of the Agency for International Development	473,000,000	483,858,000	460,000,000	-13,000,000	-23,858,000
Operating expenses of the Agency for International Development Office of Inspector General	29,047,000	33,000,000	31,500,000	+2,453,000	-1,500,000
Total, Agency for International Development	2,607,255,000	2,549,097,000	2,517,552,000	-89,703,000	-31,545,000
Other Bilateral Economic Assistance					
Economic support fund:					
Camp David countries	2,015,000,000	2,015,000,000	1,855,000,000	-160,000,000	-160,000,000
Other	385,000,000	498,600,000	471,000,000	+86,000,000	-27,600,000
Subtotal, Economic support fund	2,400,000,000	2,513,600,000	2,326,000,000	-74,000,000	-187,600,000
International fund for Ireland	19,600,000	.....	19,600,000	.....	+19,600,000
Assistance for Eastern Europe and the Baltic States	485,000,000	464,500,000	450,000,000	-35,000,000	-14,500,000
Assistance for the New Independent States of the former Soviet Union	770,000,000	925,000,000	590,000,000	-180,000,000	-335,000,000
Total, Other Bilateral Economic Assistance	3,674,600,000	3,903,100,000	3,385,600,000	-289,000,000	-517,500,000
INDEPENDENT AGENCIES					
Inter-American Foundation					
Appropriations	.....	22,000,000	20,680,000	+20,680,000	-1,320,000
(By transfer)	(22,000,000)	.....	.....	(-22,000,000)	.....
African Development Foundation					
Appropriations	.....	14,000,000	13,160,000	+13,160,000	-840,000
(By transfer)	(14,000,000)	.....	.....	(-14,000,000)	.....
Peace Corps					
Appropriations	222,000,000	270,335,000	230,000,000	+8,000,000	-40,335,000
Department of State					
International narcotics control	215,000,000	275,000,000	275,000,000	+60,000,000	.....
Narcotics interdiction	15,000,000	.....	.....	-15,000,000	.....
Migration and refugee assistance	650,000,000	650,000,000	640,000,000	-10,000,000	-10,000,000
Refugee resettlement assistance	5,000,000	.....	.....	-5,000,000	.....

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS BILL, 1999 (H.R. 4569)—Continued

	FY 1998 Enacted	FY 1999 Estimate	Bill	Bill compared with Enacted	Bill compared with Estimate
United States Emergency Refugee and Migration Assistance Fund	50,000,000	20,000,000	30,000,000	-20,000,000	+10,000,000
Nonproliferation, anti-terrorism, demining and related programs	133,000,000	215,900,000	152,000,000	+19,000,000	-63,900,000
Total, Department of State	1,068,000,000	1,160,900,000	1,097,000,000	+29,000,000	-63,900,000
Department of the Treasury					
Debt restructuring	27,000,000	72,000,000	36,000,000	+9,000,000	-36,000,000
International affairs technical assistance		5,000,000			-5,000,000
United States community adjustment and investment program		37,000,000			-37,000,000
Subtotal, Department of the Treasury	27,000,000	114,000,000	36,000,000	+9,000,000	-78,000,000
Total, title II, Bilateral economic assistance	7,598,855,000	8,033,432,000	7,299,992,000	-298,863,000	-733,440,000
(By transfer)	(36,000,000)	(15,000,000)		(-36,000,000)	(-15,000,000)
(Loan authorizations)	(95,000,000)	(117,000,000)	(49,000,000)	(-46,000,000)	(-68,000,000)
TITLE III - MILITARY ASSISTANCE					
FUNDS APPROPRIATED TO THE PRESIDENT					
International Military Education and Training	50,000,000	50,000,000	50,000,000		
Foreign Military Financing Program:					
Grants:					
Camp David countries	3,100,000,000	3,100,000,000	3,160,000,000	+60,000,000	+60,000,000
Other	196,550,000	175,910,000	175,910,000	-20,640,000	
Subtotal, grants	3,296,550,000	3,275,910,000	3,335,910,000	+39,360,000	+60,000,000
(Limitation on administrative expenses)	(23,250,000)	(29,910,000)	(29,910,000)	(+6,660,000)	
Direct concessional loans:					
Subsidy appropriation	60,000,000	20,000,000	20,000,000	-40,000,000	
(Loan authorization)	(657,000,000)	(167,000,000)	(167,000,000)	(-490,000,000)	
FMF program level	(3,953,550,000)	(3,442,910,000)	(3,502,910,000)	(-450,640,000)	(+60,000,000)
Total, Foreign military assistance	3,356,550,000	3,295,910,000	3,355,910,000	-640,000	+60,000,000
Special Defense Acquisition Fund:					
Offsetting collections	-106,000,000	-19,000,000	-19,000,000	+87,000,000	
Peacekeeping operations	77,500,000	83,000,000	62,250,000	-15,250,000	-20,750,000
Total, title III, Military assistance	3,378,050,000	3,409,910,000	3,449,160,000	+71,110,000	+39,250,000
(Limitation on administrative expenses)	(23,250,000)	(29,910,000)	(29,910,000)	(+6,660,000)	
(Loan authorization)	(657,000,000)	(167,000,000)	(167,000,000)	(-490,000,000)	
TITLE IV - MULTILATERAL ECONOMIC ASSISTANCE					
FUNDS APPROPRIATED TO THE PRESIDENT					
International Financial Institutions					
World Bank Group					
Contribution to the International Bank for Reconstruction and Development:					
Contribution to the Global Environment Facility 1/	47,500,000	300,000,000	42,500,000	-5,000,000	-257,500,000
Contribution to the International Development Association	1,034,503,100	800,000,000	800,000,000	-234,503,100	
Total, World Bank Group	1,082,003,100	1,100,000,000	842,500,000	-239,503,100	-257,500,000
Contribution to the Inter-American Development Bank:					
Paid-in capital	25,610,667	25,610,667	25,610,667		
(Limitation on callable capital subscriptions)	(1,503,718,910)	(1,503,718,910)	(1,503,718,910)		
Fund for special operations 1/	20,835,000	21,152,000	21,152,000	+317,000	
Contribution to the Enterprise for the Americas Multilateral Investment Fund 1/	30,000,000	50,000,000	50,000,000	+20,000,000	
Total, contribution to the Inter-American Development Bank	76,445,667	96,762,667	96,762,667	+20,317,000	
Contribution to the Asian Development Bank:					
Paid-in capital	13,221,596	13,221,596	13,221,596		
(Limitation on callable capital subscriptions)	(647,858,204)	(647,858,204)	(647,858,204)		
Contribution to the Asian Development fund 1/	150,000,000	250,000,000	210,000,000	+60,000,000	-40,000,000
Total, contribution to the Asian Development Bank	163,221,596	263,221,596	223,221,596	+60,000,000	-40,000,000
Contribution to the African Development Fund 1/	45,000,000	155,000,000	128,000,000	+83,000,000	-27,000,000
Contribution to the European Bank for Reconstruction and Development:					
Paid-in capital	35,778,717	35,778,717	35,778,717		
(Limitation on callable capital subscriptions)	(123,237,803)	(123,237,803)	(123,237,803)		
North American Development Bank:					
Paid-in capital	56,500,000			-56,500,000	
(Limitation on callable capital subscriptions)	(318,750,000)			(-318,750,000)	
International Monetary Fund					
Contribution to the enhanced structural adjustment facility		7,000,000			-7,000,000
Total, International Financial Institutions	1,458,949,080	1,657,762,960	1,326,262,960	-132,686,100	-331,500,000
(Limitation on callable capital subscript)	(2,593,564,917)	(2,274,814,917)	(2,274,814,917)	(-318,750,000)	

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS BILL, 1999 (H.R. 4569)—Continued

	FY 1998 Enacted	FY 1999 Estimate	Bill	Bill compared with Enacted	Bill compared with Estimate
International Organizations and Programs					
International organizations and programs	192,000,000	314,000,000	157,250,000	-34,750,000	-156,750,000
(By transfer)	(2,500,000)	(2,500,000)	(2,500,000)		
Total, title IV, Multilateral economic assistance	1,650,949,080	1,971,762,980	1,483,512,980	-167,436,100	-488,250,000
(By transfer)	(2,500,000)	(2,500,000)	(2,500,000)		
(Limitation on callable capital subscript)	(2,593,564,917)	(2,274,814,917)	(2,274,814,917)	(-318,750,000)	
TITLE VI					
FUNDS APPROPRIATED TO THE PRESIDENT					
International Monetary Programs					
Loans to International Monetary Fund 2/		3,361,000,000	3,361,000,000	+3,361,000,000	
United States Quota, International Monetary Fund 2/		14,500,000,000			-14,500,000,000
Total, International Monetary Programs		17,861,000,000	3,361,000,000	+3,361,000,000	-14,500,000,000
Grand total	13,190,968,080	31,985,044,980	16,228,941,980	+3,037,973,900	-15,756,103,000
(By transfer)	(38,500,000)	(17,500,000)	(2,500,000)	(-36,000,000)	(-15,000,000)
(Limitation on administrative expenses)	(23,250,000)	(29,910,000)	(29,910,000)	(+6,660,000)	
(Limitation on callable capital subscript)	(2,593,564,917)	(2,274,814,917)	(2,274,814,917)	(-318,750,000)	
(Loan authorizations)	(15,315,000,000)	(19,810,000,000)	(19,742,000,000)	(+4,427,000,000)	(-68,000,000)
CONGRESSIONAL BUDGET RECAP					
Total mandatory and discretionary	13,190,968,080	31,985,044,980	16,228,941,980	+3,037,973,900	-15,756,103,000
Mandatory	44,208,000	44,552,000	44,552,000	+344,000	
Discretionary including arrearages and IMF	13,146,760,080	31,940,492,980	16,184,389,980	+3,037,629,900	-15,756,103,000
Arrearages	-359,753,100	-502,485,334	-351,952,000	+7,801,100	+150,533,334
IMF		-17,861,000,000	-3,361,000,000	-3,361,000,000	+14,500,000,000
Discretionary excluding arrearages and IMF	12,787,006,980	13,577,007,646	12,471,437,980	-315,569,000	-1,105,569,666

1/ The amounts shown for the Senate are provided as an FY 1998 supplemental.

2/ The amounts shown for the President's request were requested as an FY 1998 supplemental; the amounts shown for the Senate are provided as an FY 1998 supplemental.

Tables printed on page 98 of House Report 105–719, the report to accompany the FY 1999 Foreign Operations, Export Financing, and Related Program Appropriations Bill, were printed with errors. The following are corrections to those sections of the report:

COMPARISON WITH BUDGET RESOLUTION

Section 308(a)(1)(A) of the Congressional Budget and Impoundment Control Act of 1974 (Public Law 93–344), requires that the report accompanying a bill providing new budget authority contain a statement detailing how the authority compares with the reports submitted under section 302(b) of the Act for the most recently agreed to concurrent resolution on the budget for the fiscal year. This information follows:

FISCAL YEAR 1999 APPROPRIATIONS

[Dollars in millions]

	Budget authority	Outlays
Sec. 302(b):		
Discretionary	12,475	12,525
Mandatory	45	45
Total	12,520	12,570
This bill:		
Discretionary	16,184	12,546
Mandatory	45	45
Total	16,229	12,591

FIVE-YEAR PROJECTION OF OUTLAYS

In compliance with section 302(a)(1)(B) of the Congressional Budget Act of 1974 (Public Law 93–344 as amended), the following table contains five-year projections associated with the budget authority provided in the accompanying bill.

Fiscal year 1999 appropriations

	Millions
Budget authority	16,229
Outlays	12,591
Fiscal Year:	
1999	4,896
2000	3,065
2001	2,319
2002	914
2003 and future years	1,562

Since the submission of House Report 105–719, the Chairman of the Committee on the Budget has provided an increased section 302(a) allocation consistent with funding provided in H.R. 4569 for New Arrangements to Borrow and arrearages for multilateral development banks. House Report 105–722, submitted by the Chairman of the Committee on Appropriations, subsequently increased the section 302(b) allocation for the Foreign Operations Subcommittee. The following table shows that the bill is within the revised allocation:

FISCAL YEAR 1999 APPROPRIATIONS

[Dollars in millions]

	Budget authority	Outlays
Sec. 302(b) (Revised):		
Discretionary	16,188	12,546
Mandatory	45	45
Total	16,233	12,591
This bill:		
Discretionary	16,184	12,546
Mandatory	45	45
Total	16,229	12,591

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

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

Mr. Chairman, I rise in opposition to the bill, and with the greatest respect for my chairman, the gentleman from Alabama (Mr. CALLAHAN). At the start, I want to commend him for the manner in which he put the bill together. Although we disagree on some of the provisions in the bill, he was very open and accommodating whenever it was possible for him to be on some of the initiatives from our side of the aisle.

I also want to commend our chairman of the full committee, the gentleman from Louisiana (Mr. LIVINGSTON), for the manner in which he conducted the full committee on this legislation and his openness. But we have some very serious policy disagreements that I will discuss in a moment.

First, in addition to praising my distinguished colleagues on the other side of the aisle, I want to join the gentleman from Alabama in commending our two Members who have served so well and who will be leaving the Congress this year. This will be their last foreign ops bill.

First of all, the gentleman from Illinois (Mr. YATES); Chairman YATES, Ranking Member YATES. In the full committee I mentioned that he has been hailed as a great mentor, legislator, leader, thinker, intellect. But I wanted to commend him as a great patriot because of his work as chair of the Interior Committee and then as ranking member on the subcommittee. He was a great patriot in protecting the natural resources of our great country, the cultural heritage of our country, and the freedom of expression of our constitution. For all of that, we are most grateful to him.

And the gentleman from California (Mr. TORRES) had a resume before he came to Congress that served him well here, and indeed served our entire country as a diplomat; an ambassador. He also brought the fighting spirit of the labor movement and the commitment of a strong Democrat. His diplomatic skills as an ambassador and as part of our delegation will be missed greatly. This Congress will miss his expertise in many areas, including his knowledge of this hemisphere and his leadership on issues of concern to our country.

Mr. Chairman, the service of both of these gentlemen will be missed and I will certainly miss their votes on our committee.

This bill, I think, should be what it has been in the past, an area where we come together in a bipartisan spirit to promote democratic values, to give expression to the compassion of the American people, and to make very hard-nosed decisions about what is in our national interest. I do not think that many of these issues are partisan issues. Indeed, the luxury of our committee is that very often we are the kaleidoscope. We are in different designs on different issues.

Many of us for example on both sides of the aisle support 907 and many on both sides of the aisle oppose 907. I join with my Republican colleagues in opposing the initiative of the gentleman from Louisiana (Mr. LIVINGSTON).

We also have strong human rights' advocates on the committee from both sides of the aisle.

We have issues like IMF, where there are Democrats and Republicans on one side of the issue and on the other side of the issue as well. So we are used to working cooperatively in a bipartisan manner.

Our chairman traditionally likes to give to the executive branch, to the President, the prerogative to have as much flexibility as possible. At least that is normally what the practice has been. Not so in this bill.

First and foremost, I oppose the legislation because I do not think it rises, in terms of its vision and its resources, to the challenge that our country faces as the sole global leader of the world. I also think those resources which are, as the chairman mentioned, $315 million below fiscal year 1998 and a full $1.1 billion below the President's request, greatly reduces the President's flexibility with the narrowing of those resources.

I am concerned that just $3.5 billion instead of the full $18 billion for the IMF has been included in this legislation. And as I mentioned during the debate on the rule, I am very concerned about the lack of opportunity for us to debate the IMF. There were 12 amendments coming from both sides of the aisle on the IMF, and the Committee on Rules rejected every one of them.

The whole world is wondering how we are going to deal with the economic crisis in Asia. Is the IMF the appropriate way to go? Regardless of what side we are on on that issue, this House should be debating that issue. And the idea we can put $14.5 billion into the bill in conference, I think is really unfair to the Members. And, really, it is an insult to the intelligence of the American people that this body cannot have a debate on a subject of grave concern, that is the economic stability of the world.

As far as the allocation of funds, my concern about the number, the $315 million below last year's request, springs from some of the unrest that is out there in our fragile new democracies. As we all know, the economy of Russia is in a very depressed state. Russia happens to be the leading market for exports from some of the new independent states; for example, Georgia.

The country of Georgia, with President Shevardnadze who is a leader in that region as well as the President of his own country, has worked hard to democratize Georgia, to implement the market reforms, to reform the economy, and he is losing his export market—Russia. Georgia is being flooded

by cheap products from Russia now, undermining its economy. And we further exacerbate the situation by reducing the aid that we give to Georgia, giving a real lever to his opponents there who are not the democrats of Georgia, thereby undermining his leadership. He did what we asked him to do and we lowered the assistance we are giving him. And that is just one example.

I am also concerned, and I have an area of disagreement with some of my Republican colleagues, that the bill denies all funding for the Korean Peninsula Energy Development Organization. The agreement between the U.S. and North Korea provides the only basis for U.S. access to troublesome sites in Korea. Ending the program eliminates any possibility of ending North Korea's nuclear ballistic missile programs and may, in fact, jeopardize the security of U.S. troops in the region.

My request to at least debate the issue was denied by the Committee on Rules. And further into the debate today, I will suggest what my amendment would have been.

We have discussed the fact that the bill has language restricting international family planning organizations from using their own funds for purposes that they deem worthy of their mission. And the bill shortchanges the global environmental facility of the World Bank to the point where it will literally run out of funds this year.

I am disappointed that we could not get greater funding for the Peace Corps, but I salute the chairman for the figure he did put in, and his willingness, if we have any more money at the end of the day, to put more funds in for the Peace Corps.

And I salute Chairman CALLAHAN for his leadership on the child survival and disease account. He is truly a champion in the world. And his initiatives were met with some resistance along the way, so I commend him for his vision and for his perseverance and for his success on behalf of the children worldwide. I just wish the bill had a bigger allocation so child survival could be funded higher.

And, again, I personally thank him for the HIV/AIDS prevention control money and the UNICEF funds.

The funds for the Middle East have been reduced, largely under the leadership of the gentleman from Alabama (Mr. CALLAHAN). And as we all know, the Middle East, regardless of the fate of this bill today, the Middle East funds will be there. They are the safest appropriation allocation in this bill.

So I again thank the chairman for some of the initiatives that are there and for his leadership, but I regretfully must oppose the bill because it is inadequate to the task.

Everyone in America is familiar with President Kennedy's statement in his inaugural address, "My fellow Americans, Ask not what your country can do for you, but what you can do for your country." But the very next line of that great speech is, "And to the citizens of the world, ask not what America can do for you, but what we can do, working together, for the freedom of man." I do not think that the allocation for this bill and the priorities and the opportunities that are missed in this bill are a match for those great words.

I hope, at the end of the process, that they will be, and that we can all join in supporting this bill, making it the bipartisan package that it traditionally has been and hopefully will be.

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

Mr. CALLAHAN. Mr. Chairman, I yield myself such time as I may consume to thank the gentlewoman from California for her kind words and for mentioning the child survival account.

I am very proud of the child survival account. And, yes, we did have a rocky road in the beginning, but I am pleased to say that the administration has seen the light of day and included this in their budget request for the first time this year, and we are happy to grant the administration's request in this regard.

Mr. Chairman, I yield 5 minutes to the gentleman from Illinois (Mr. PORTER), one of the most distinguished members of our subcommittee.

Mr. PORTER. Mr. Chairman, I want to thank the gentleman from Alabama for his tireless work in developing this bill. He and his outstanding staff have dedicated many hours to stretching our limited foreign aid dollars and to trying to accommodate and reflect the concerns of many Members, including this Member.

As we review the events of the past fiscal year, the importance of our foreign assistance has never been clearer. We are living in a global community. Our economy, our health, our environment, are all interconnected with those of our immediate neighbors and with those half a world away.

The United States' international activities at both the bilateral and multilateral level have an impact on every American citizen and every person in the world.

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Because of the importance of our role in the world, I wish that our allocation could have been greater. However, recognizing the need for fiscal austerity to maintain a balanced budget, I support this legislation as it was reported by our subcommittee, with the exception of funding for arrearage payments to multilateral financial institutions. However, my support for the bill is tested by some changes made by the full committee.

I supported the gentleman from Alabama's decision not to include any legislative language which would condition funding for international family planning. Authorizing language has already been included in the State Department reform bill that is awaiting the President's consideration. An authorizing bill is the proper vehicle for this language, and I am strongly against this addition which for the fourth year in a row will jeopardize the enactment of this bill into law.

In addition, I supported the gentleman from Alabama's decision to maintain current law with regard to assistance to Azerbaijan in the subcommittee bill. Although there were some elements of the package that the subcommittee agreed to on the Caucasus that I did not necessarily agree with, the overall package for assistance to the Caucasus was a balanced approach that provided positive incentives to the parties in the region to resolve their disputes and begin working together. The action of the committee in repealing section 907 in my judgment destroyed that balance and serves to undermine the careful efforts of the subcommittee to encourage solutions to problems in the area. I will support the efforts of the gentleman from California (Mr. RADANOVICH) in attempting to repeal this misguided and improper authorizing provision.

Again, on the whole, I want to support this bill and the excellent work of my colleague from Alabama. I hope that we can resolve these issues favorably and then work with the Senate to provide the highest possible funding level in the bill within necessary overall fiscal constraints.

Let me close, Mr. Chairman, by paying tribute to two of our colleagues who will be leaving the subcommittee, retiring. One, of course, is my neighbor and friend the gentleman from Illinois (Mr. YATES). His district and mine abut. Today he actually represents the town in which I was born and grew up. We do not always by any means see things eye to eye on policy but I think you will never find a harder worker, someone who has been on top of the issues for 50 years of service to this Congress and to his country, questioning, raising issues, fighting for the things that he believes in. The gentleman from Illinois has provided a tremendous example of someone who is committed and serving in a way that does great credit to the United States Congress. We are also going to miss our colleague and friend the gentleman from California (Mr. TORRES). We have worked together on many issues. I have a tremendous respect for his resolve in standing for the things that he believes in, and he has always been there serving in a way that has brought credit to himself, to his State and to our country, and I am very proud that I have had the opportunity to serve in Congress with the gentleman from California as well.

I commend this bill to the Members. I would like to make some changes in it. I am hoping we can see those changes made. But overall it does the kind of work that we expect of our committee and I commend our chairman for his fine effort.

Ms. PELOSI. Mr. Chairman, I yield 3 minutes to the gentleman from Michigan (Mr. BONIOR), the distinguished Democratic whip of the House and a champion on international issues relating to the American worker.

Mr. BONIOR. Mr. Chairman, I thank my colleague for her kind remarks and for the job that she and the gentleman from Alabama (Mr. CALLAHAN) and others have done on this bill.

Mr. Chairman, I want to urge my colleagues to support an amendment later today that would restore section 907 prohibiting aid to the authoritarian regime of Azerbaijan. For nearly a decade, Azerbaijan has used tanks and soldiers to blockade its democratic neighbors, the Republic of Armenia. This illegal blockade has cut off the transport of fuel, of food and of medicine. This blockade is a roadblock to regional peace and it is a chokehold on democracy. That is why the United States has refused to spend our tax dollars to prop up the Azerbaijani government. It has always been our stated policy to reward those who work for peace and democracy and punish those who do not, until now. This bill undermines our commitment to democracy. It abandons support for the people of Nagorno-Karabagh who are struggling for self-determination. And it completely undercuts regional peace talks that have just this week shown some promising signs and hints of progress.

Why would we do this? Why are Members of this House being asked to overturn an effective, long-term commitment to peace and democracy? Why would we hand out a big sack of carrots to an anti-democratic regime? Sadly, the answer can be summed up in one word. Oil. Put crudely, the oil lobby has dollar signs in its eyes. The big corporations cannot wait to start pumping oil from beneath the Caspian Sea, even if that means selling out a democratic country, even if that means abandoning a landlocked Nation whose freedom depends upon open borders, and even if that means sacrificing our own principles of justice.

America's interests in the Caucasus lie with the development of democracy and human rights, not just the development of oil fields. This bill guts our long-standing policy and it mocks our deepest values.

I urge my colleagues to support democracy and to support the amendment that is going to be offered by the gentleman from California (Mr. RADANOVICH) and supported by the gentleman from Illinois (Mr. PORTER) on this side of the aisle and the gentleman from New Jersey (Mr. PALLONE) and others on our side of the aisle.

Support the amendment to restore section 907.

Mr. CALLAHAN. Mr. Chairman, I yield such time as he may consume to the gentleman from Louisiana (Mr. LIVINGSTON) the chairman of the full committee.

Mr. LIVINGSTON. Mr. Chairman, I am interested in some of the comments that have just transpired about this ominous lifting of section 907. It applied sanctions against one of what were two warring parties only a few short years ago, Azerbaijan versus Armenia.

The fact of the matter is that these are both countries emerging from what was the Soviet Union, clearly they were at war with one another, and clearly in 1992 we levied sanctions on Azerbaijan, a Moslem country, while attempting to assist Armenia, an orthodox country, for legitimate reasons. Azerbaijan, by some reports, started the war, and there was a conflict that spread over a long period of time. People on both sides were killed; there was incredible devastation and misery reaped from that conflict, but Armenia won. Armenia moved over to help and Armenians took over Nagorno-Karabagh, expelling all of the Azeris. There are no Azeris in Nagorno-Karabagh. There are some 700,000 Azeri refugees in their own country, in Azerbaijan. Yet we still have the sanction imposed upon Azerbaijan by the United States which is supposed to be a neutral party.

My friend who just preceded me said it is to help the oil companies. Is it to help the oil companies that we attempt to repeal section 907 which is a strenuous sanction on one of the parties but not the other? No. It is so that the United States can simply take a balanced view towards a very important strategic part of the world. Kazakhstan has tremendous oil supplies. Turkmenistan has tremendous natural gas supplies. They are across the Caspian. If those supplies go west through Azerbaijan, possibly through Armenia, possibly through Georgia, into Turkey, then the fact is that the United States may benefit, but certainly the western industrialized world could benefit. If the oil supplies only go north to Russia, if the oil supplies only go east to China or south to Iran, the industrialized world does not benefit, and perhaps others who do not share the civilized goals that we in the United States espouse will benefit.

The fact is that this is a conflict that must come to an end and it has not. Recently a proponent of maintaining section 907 said that we have not succeeded at all in bringing peace to this region, and, therefore, that is a reason to maintain section 907. He said it is a failed policy and since it has continued to fail, we should not lift 907. I say exactly the opposite is true, and it is borne out by an article in the New York Times dated September 14, 1998 in which the lead says, "Ethnic Conflict in Caucasus Shows Its First Glimmer of Hope." That is a few days after our full committee met and we lifted section 907 out of this bill. The first glimmer of hope evolved after we took the section out.

We have been in the position of sanctioning one party to a conflict, continuing to beat them over the head, and then saying, "By the way, we want your friendship to bring this oil west, why don't you help us?" And they have not been entirely cooperative until we finally lifted this sanction. The time has come to lift it.

Do not let the people tell you about the blockade. Azerbaijan represents 20 percent of the border with Armenia. Eighty percent is with other countries like Iran and Georgia. The fact is this blockade is a false issue. Most of the other issues referred to by the gentleman who preceded me are false issues.

We should not side with the Armenians. We should not side with the Azeris. We should side with a balanced approach to two prospective friends. That means whether you are Armenian-American or whether you are Azeri-American, you should be in favor of the American point of view which is a balanced view and the lifting of 907. Let us get rid of this outrage which is totally slanted against one party.

[From the New York Times, Sept. 14, 1998]

ETHNIC CONFLICT IN CAUCASUS SHOWS ITS FIRST GLIMMER OF HOPE

(By Stephen Kinzer)

YEREVAN, ARMENIA, Sept. 11—In a week that saw the first high-level contact in years between Armenia and Azerbaijan, leaders of both countries said they were eager to resolve an ethnic conflict that threatens to ignite the Caucasus.

The conflict is over the disputed enclave of Nagorno-Karabakh, which the world recognizes as part of Azerbaijan but which has been held by its ethnic Armenian majority since 1994. Fighting that ended that year took more than 35,000 lives and forced hundreds of thousands from their homes.

A resumption of fighting could be disastrous, because the Caucasus today is delicately balanced between prosperity and chaos. Huge amounts of oil have been discovered under and around the Caspian Sea, but ethnic conflicts in places like Nagorno-Karabakh could abort the expected boom and plunge the region back into the anarchy of the early 1990's.

There has been no substantial movement toward a settlement of the conflict, and the sides remain so far apart that some fear another war. But last Monday, the Prime Minister of Armenia, Armen Darbinyan, flew to Azerbaijan to attend a regional trade conference.

Before meeting privately with his guest, President Heydar Aliyev of Azerbaijan told reporters that he looked forward to "the restoration of friendship between Azerbaijan and Armenia in the context of a peaceful resolution in Nagorno-Karabakh." It was the first time in memory he had made such a statement.

A team of diplomats from Russia, France and the United States has been searching for

a solution to the Nagorno-Karabakh dispute. They want the mountainous enclave returned to Azerbaijan but given "maximum possible autonomy." Armenia has rejected that framework, vowing never to allow Azerbaijan to rule there again.

In an interview here after Mr. Aliyev's remarks, President Robert Kocharian of Armenia said "nonstandard approaches" could produce a "unique solution" in the enclave.

He mentioned several possible models: Northern Ireland, which has broad powers to run its affairs but remains under British sovereignty; Bosnia and Herzegovina, where a joint presidency represents the three principal ethnic groups; New Caledonia, a self-governing "overseas territory" of France, and Andorra, a principality that holds a seat in the United Nations but whose nominal rulers are the President of France and the bishop of Seo de Urgel, Spain.

Mr. Kocharian said he could accept a token role for Azerbaijan in the enclave to allow it a measure of "face saving." But Azerbaijan, which is posted to earn billions of dollars from oil exports, is seeking to save much more than face. It wants Nagorno-Karabakh back, and could use its coming wealth to build an army capable of retaking it.

Mr. Kocharian said he is not worried about such a counterattack.

"Are you sure the rich man fights better?" he asked. "In 10 years, who will be ready to fight and die, and for what? In 10 years, any attack on Nagorno-Karabakh would be viewed by its residents as an aggression against their country. For the Azerbaijani Army, Karabakh will be just a memory. Who will be more willing to give their lives?"

Mr. Kocharian rose to power on the Nagorno-Karabakh issue. He is a former leader of the enclave, and was elected Armenia's President in March after the army forced his precedessor, Levon Ter-Petrosian, to resign. Military chiefs suspected that Mr. Ter-Petrosian was preparing a compromise with Azerbaijan.

"We cannot accept anything less than Karabakh being de facto Armenian," said Armen Aivazian, a historian and foreign policy expert. "It should be under unchallenged, permanent Armenian military control. After that, Andorra could be negotiated. All kinds of solutions are possible."

Mr. Aivazian acknowledged, however, that there seemed little prospect of Azerbaijan's accepting such a formula.

"I personally don't see any solution in the time ahead," he said. "If the situation continues as it is, the chance of war is not 100 percent, but certainly more than 50 or 60 percent."

Any peace accord would have to be accepted by leaders of the Nagorno-Karabakh Armenians, and because Mr. Kocharian is considered one of the enclave's heroes, he would presumably be able to influence them.

"He has a lot of sway over Karabakh opinion," said a European diplomat in Yerevan. "He is an astute politician and an astute string-puller, and as time goes on, he may have a chance to be a statesman."

Ms. PELOSI. Mr. Chairman, I yield 1½ minutes to the gentleman from California (Mr. TORRES) who was praised by many of the previous speakers.

Mr. TORRES. Mr. Chairman, I thank the gentlewoman for yielding time. I believe that this policy of lifting section 907 is simply a question of rewarding Azerbaijan. Azerbaijan does not deserve to be rewarded. Their government has blockaded Armenia and Nagorno-Karabagh for 9 years. The blockade has cut off the supply of food, of fuel, of medicine and other vital goods and commodities. Azerbaijan's blockade has precipitated a humanitarian crisis requiring the U.S. to send emergency life-saving assistance to Armenia. Azerbaijan has blocked U.N. humanitarian aid to Nagorno-Karabagh. It has refused to allow the U.N. to operate in Nagorno-Karabagh and has even blocked the U.N. from conducting a humanitarian needs assessment.

Mr. Chairman, at a time when Armenia is introducing market reforms and integrating its economy with the West, at a time when Armenia is in dire need, the blockade has virtually isolated Armenia from the rest of the world. Armenia is landlocked, and 85 percent of all Soviet-era goods destined to Armenia went through Azerbaijan.

Mr. Chairman, this blockade has strengthened another nation, Turkey, in imposing its five-year blockade of Armenia on assistance from the West. We must resuscitate, we must put back into legislation section 907 as will be proposed by the gentleman from California (Mr. RADANOVICH).

Mr. CALLAHAN. Mr. Chairman, I yield 5 minutes to the gentleman from Michigan (Mr. KNOLLENBERG) who certainly is a member who is so interested in this committee and so knowledgeable on many of the areas of the world that are so important to the contents of our bill.

Mr. KNOLLENBERG. Mr. Chairman, I rise in strong support of the bill, H.R. 4569, and I wanted to obviously thank the gentleman from Alabama (Mr. CALLAHAN) for yielding me this time. He has been, I think, an outstanding individual in terms of shepherding this particular appropriations bill through the process. That is not an easy task. He has done it with diligence, impartiality and I believe with absolute fairness. I commend the gentleman from Alabama. I want to thank the gentlewoman from California (Ms. PELOSI) for her work in coming together on a host of important issues, and the staff for all the work they have done to create this bill. Each member of this subcommittee has worked in a bipartisan fashion to craft a foreign aid bill that reflects our Nation's international priorities while maintaining a goal of fiscal responsibility and a balanced budget. The chairman spoke to that.

This bill holds the line on foreign aid spending while maintaining funding for our most important foreign aid priorities. By supporting continued funding for Microenterprise and other development assistance programs, Congress reaffirms our country's crucial role as a leader in strengthening the ever-growing community of prosperous, democratic nations.

The bill also maintains the U.S. commitment to the Middle East process and our long-standing ally Israel. It provides $70 million for the resettlement of former Soviet, East European and other refugees in Israel. And while U.S. support for peace in the Middle East is reaffirmed, the bill takes an historic first step toward eliminating the region's long-standing reliance on U.S. economic aid.

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Furthermore, the committee has ensured that whenever necessary, U.S. funds are focused on reinforcing our vital national security needs.

First, the bill contains our strong commitment to the democratization of Russia that addresses my concerns about Russian exports of nuclear and ballistic missile technology. This grave situation is addressed by stipulating that aid to Russia is contingent upon stopping the development of any nuclear program or ballistic missile capability. We are sending a powerful signal to Russia that its interaction with dangerous rogue states like Iran is unacceptable.

The bill also highlights congressional concern about the recent activities of another dangerous rogue state, North Korea. Given the very frightening revelations in recent weeks regarding North Korea's offensive capabilities, we must take action. The U.S. must send a signal of its strong disapproval by suspending aid to North Korea until we have real proof that it has ended its dangerous ballistic missile and nuclear weapons program.

And finally I would like to add concerns with respect to one particular issue. The bill does contain language repealing Section 907, a provision of law passed by this body, signed into law by President Bush in 1992. Section 907 prohibits direct economic and military aid to the government of Azerbaijan while it continues to blockade its neighbors and has been the centerpiece of U.S. Policy toward the Caucasus for the last 6 years. I am concerned that its repeal may compromise the U.S. role as an unbiased mediator in negotiations to settle the Nagorno-Karabagh conflict. This issue will undoubtedly surface again during the bill's consideration. I look forward to a spirited debate, and I hope we will be able to convince some of my colleagues that this may be an inappropriate move at this time. Only through balanced support from the U.S. will we finally see this region free of bloodshed and conflict and rich with prosperity and opportunity.

Mr. Chairman, the subject of foreign aid often sparks heated debate on this floor. While we all have strong opinions about a number of programs, I ask my colleagues to not let heated discussions about details keep us from the business at hand. We need to unite behind this fair bill to maintain U.S. leadership and strengthen our influence across the globe.

Mr. Chairman, I ask for Members to support this bill, and I thank the gentleman again for yielding me time.

Ms. PELOSI. Mr. Chairman, I yield 2 minutes to the also reknowned gentleman from Illinois (Mr. YATES) in this, the line up of champions. We heard from the gentleman from California (Mr. TORRES) who was much acclaimed on the floor earlier, and now the much acclaimed gentleman from Illinois, Mr. YATES.

Mr. YATES. Mr. Chairman, may I express my very profound thank you to my good friend the gentleman from Alabama (Mr. CALLAHAN) the chairman of the Committee, to the gentlewoman from California (Ms. PELOSI) and to the gentleman from Illinois (Mr. PORTER) for many nice things they said about me. I think perhaps my absence from the floor at that time may have helped. However I am grateful. They were very generous in their statements, but I want them to know that I am very thankful for the many nice things they said about me.

Mr. Chairman, November 2, 1948, I was elected for the first time to the Congress of the United States. I was away from my representation in this House for 2 years when I ran for the Senate unsuccessfully. I came back the next term. And in all that time I have been a member of the Committee on Appropriations, luckily I believe, because I think it is one of the great committees of the House, and in all that time I have been a member of the Foreign Aid Subcommittee. First, it was called the Marshall Plan Subcommittee, and gradually, as the years went on, it was called the Foreign Aid Subcommittee. The opportunities were presented many times to get off that subcommittee and move to another one, but I considered the foreign aid program so important that I never seriously attempted to leave that subcommittee. I believe it is extremely important that adequate funding be given to the Foreign Aid Subcommittee in order to carry out our purposes throughout the world.

Mr. Chairman, in all that time I doubt that I voted against more than 1 or 2 of the bills, and I hate to say it this time because I hold Chairman Sonny Montgomery in such high regard. I have been associated with many chairmen during that period; none was better than the gentleman from Alabama (Mr. CALLAHAN), I think he was the best of all of them. And of course it has been a honor and a privilege to serve with the gentlewoman from California (Ms. PELOSI) and my good friend and neighbor to the north, the gentleman from Illinois (Mr. PORTER).

I find this bill, however, lacking in so many instances that I think I will have difficulty in supporting it. In fact, I think I probably will vote against it unless it is corrected in the course of the debate and in amendment.

Mr. Chairman, during the almost 50 years that I have served on this subcommittee, foreign aid has seen a major transition in both the political situation in the world and how foreign assistance and export programs can best address these changes.

Foreign aid, like defense spending, helps preserve our national security. But, unlike defense spending, where we continue to allocate one out of every five dollars of our Federal budget, foreign aid, which is currently less than one percent of the overall Federal budget, has continued to decrease.

The ironic truth about foreign aid is, that it is much cheaper than most Americans think and it does things that most Americans may not realize. Yet, this bill continues to cut the most cost effective portion of our national security budget, foreign aid.

The total amount in the bill is slightly below the amount provided last year. It is well below the request by the administration. More significantly it is below our committee's 302(b) allocation.

As former Secretary of Defense, William Perry and the Chairman of the Joint Chiefs of Staff, General John Shalikashvili, said in their May 23, 1995, article in USA Today: "This is no time to be penny-wise and pound-foolish. Our foreign assistance program helps finance the building blocks of a new international structure that is more peaceful and more stable than the one we left behind."

In my tenure in this House, I have seen firsthand the effect foreign aid can have on bringing economic restoration to a war-torn or undeveloped country. I guess it is safe to say that I am a strong supporter of foreign aid. In fact, in all my years in the House, I do not think I have ever voted against a foreign aid appropriations bill, but there is always a first time.

Mr. Chairman, if asked, I would not be able to characterize this as a good bill. I feel that in its present condition the President would be forced to veto the bill. I hope my friends on the other side of the aisle will agree that we do not want to see this bill and this Congress again caught up in a continuing resolution.

There are many funding level and policy issues which still need to be addressed before this bill would be worthy of my support. I hope my colleagues will accept amendments in order to find tune this bill before we go to conference with the other body.

I still believe we can get a good bill, one with wide bipartisan support and one the President will be happy to sign.

The first area I feel we need to address is the development assistance account. Bilateral and multilateral development assistance accounts have been cut much more deeply than any other area of the foreign operations budget over the last four years—cut on average by more than 30 percent out of overall cuts of about 11 percent, these cuts have harmed a wide range of programs including family planning, micro enterprise, IDA, and UNDP, to name just a few.

The foreign policy challenges and opportunities facing the United States on the eve of the twenty-first century require greater attention to and investment in developing countries than ever before.

It is in developing countries where issues such as rapid population growth, environmental degradation, food insecurity, ethnic conflict and widespread poverty must be addressed if we are to realize the goal of peace, democracy, prosperity and new export markets.

I ask my colleagues, wouldn't logic tell you that if you increase development assistance and thereby provide a better standard of living, such a commitment would address the root causes that plague developing communities. Yet, this bill continues to ignore and dismiss the role development assistance can play in accomplishing our foreign policy aims and achieving our overall national security objectives.

Another major concern is that this House is not addressing the shortfall in the International Monetary Fund [IMF] and insisting on relying on the conference committee and convoluted procedures to achieve complete funding before we adjourn for the year.

In the almost 50 years since I became a Member of this House I have never been a part of a Congress that ignored a world financial crisis, and I am deeply disappointed that in the last year of my last Congress this is just what we are doing. If this funding is not addressed before we adjourn, American suppliers, business and finally the American people will suffer from the short sightedness and convoluted restrictions of the leadership in this House.

We are the leaders of the world, and that should include being the leader in foreign assistance. Foreign aid is critically important to our position in the world community and the United States cannot continue to lead without the institutions funded by this bill.

The business community in the United States—who rely heavily on such foreign aid institutions to create an environment favorably to business—request we increase our foreign aid to approximately $18 billion.

They see first hand how adversely affected the economy is by the diminished role the United States plays in the developing world, and, you can be sure, their foreign competitors, armed with the support of their government's, are ready and waiting to step right in.

If we do not increase our level of foreign aid, the long-term economic impact will be unfavorable to American business, the American people and our national security interests.

Mr. Chairman, Let's work together to take this bad bill and craft a great bill.

Mr. CALLAHAN. Mr. Chairman I yield 4 minutes to the gentleman from New Jersey (Mr. FRELINGHUYSEN) who is also a member of our subcommittee whom we have to lean upon from time to time for expertise primarily in the area of the finance of this world, the World Bank and the International Monetary Fund. He is a true expert and a value member of our subcommittee.

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

Mr. FRELINGHUYSEN. I yield to the gentleman from Illinois.

Mr. YATES. Mr. Chairman, I understand that in the course of my meandering discourse I referred to the gentleman from Alabama (Mr. CALLAHAN) as Sonny Montgomery. I made a mistake. I want to correct that immediately.

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

Mr. FRELINGHUYSEN. I yield to the gentleman from Alabama.

Mr. CALLAHAN. Mr. Chairman, I take no offense. Former Congressman Montgomery might.

Mr. YATES. He was a good friend; I doubt that. I think he would consider it a compliment.

Mr. FRELINGHUYSEN. Mr. Chairman, reclaiming my time, it is a pleasure to have yielded to the gentleman from Illinois (Mr. YATES). I was two years-old when he became a Member of Congress, and it is a pleasure to be in the Chamber with him.

Mr. YATES. Mr. Chairman, if the gentleman would continue to yield, it was a pleasure to serve with the gentleman's father, may I say, of course when he was a Member, as well as with his son.

Mr. FRELINGHUYSEN. Mr. Chairman, I thank the gentleman from Illinois, and, reclaiming my time, I rise in support of the foreign operations bill, and personally I would like to thank the gentleman from Alabama (Mr. CALLAHAN) for his leadership as well as the gentlewoman from California (Ms. PELOSI) and our very excellent staff for all the good work they do.

The challenges we face, Mr. Chairman, around the globe are increasingly complex: the struggle to find peace in the middle east and in the Balkans, the challenge of supporting emerging democracies in Eastern Europe, in central Asia, increased threats of nuclear proliferation and terrorism around the world and economic deterioration in Asia and elsewhere; that has a big impact on American jobs and prosperity. With this bill we provide some of the essential tools to promote and protect America's leadership and interests, and we do so within the confines of our balanced budget agreement.

Particular items worthy of note in this bill include the fact that with the full cooperation of Israel and Egypt this bill marks the beginning of a multiyear plan to reduce the level of assistance to Camp David countries, and, as our report reflects, our committee encourages other traditional aid recipients to follow the bold path undertaken by Israel.

Under the chairman's leadership we have also restored critical funding for child survival programs and disease prevention and eradication. I am particularly appreciative of the chairman's supportive efforts to combat tuberculosis and other infectious diseases that have emerged as major threats around the world.

We also continue America's longstanding support of development assistance for the poorest of the poor including international family planning programs. We also placed increased emphasis on important priorities in our own hemisphere, especially addressing the scourge of illegal narcotics traffic. Further, we maintain our efforts to protect export-related American jobs for providing resources through the Export-Import Bank, OPEC, TDA to help American companies enter and succeed in international markets, and when our American companies invest in developing economies, particularly in countries that receive U.S. taxpayer assistance in this bill, we make it clear that we expect these countries will provide no less than full legal protection for these investments.

Finally, our subcommittee has spent a great deal of time and deliberation on the issue of resources for IMF. In this bill we do provide for the new arrangements to borrow, and the Senate has provided the full administration requests so that I anticipate that this issue will remain one for vigorous debate as our work is completed. We sought and continue to seek cooperation support of the administration for much needed reforms at the IMF in order that all Members can be confident that this is an investment worthy of our support. A lot more work needs to be done by all of us to educate the public and promote a greater confidence in all of our foreign aid activities as well as IMF.

Finally, a note of personal thanks to the gentleman from Alabama (Mr. CALLAHAN) and our ranking member for including language in our report on behalf of the families and victims of Pan Am Flight 103 who have never received proper justice.

Ms. PELOSI. Mr. Chairman, I yield 5 minutes to the gentleman from Wisconsin (Mr. OBEY). It is a very distinct privilege to recognize the ranking member of the full committee and a person who served for many years at ranking member of this subcommittee. It is a intimidating feat to have to follow in his footsteps as ranking on this committee.

Mr. OBEY. Mr. Chairman, I thank the gentlewoman for yielding this time to me, and she has done a terrific job on this bill as she does on virtually everything else she deals with, and I also want to express my appreciation to the gentleman from Alabama (Mr. CALLAHAN) for his efforts this year and through the years to try to produce a decent bill.

Having said that, I very much regret what I am about to say. I have supported this bill for years, but I do not believe that I can any longer do so.

Since 1989 we have really had euphoria in this country. The Iron Curtain collapsed, democracy was restored in a good many countries in central Europe, South Africa is a far different country than it used to be, we have many more democracies in Latin and Central America than we had a decade ago, and I think we have almost come to expect that to be the norm. Unfortunately the real normalcy seems to be raising its ugly head in many parts of the globe, and I do not believe that this bill meets the task of dealing with those problems.

It is first of all, Mr. Chairman, terribly inadequate in terms of the way it deals with our international economic situation. We have a crisis in terms of what is happening in the Asian economy, and that sooner or later is going to collapse in on us, ruin our ability to export, and take away American jobs. And yet the majority party has refused to even allow us to vote on the question of providing full funding for the IMF, and this issue has been hanging around for a year. We cannot afford to wait any longer.

If my colleagues will take a look at the former Soviet Union, first of all this bill does not provide sufficient resources to meet the problems in dealing with those states and then, after it has cut substantially the funding for those states, it then has the functional equivalent of earmarks which tie the President's hands in responding to any change in circumstances in that part of the world. We should not be requiring the President to spend specific amounts of money in any area in the former Soviet Union unless the situation on the ground warrants it. And yet that is what this bill unfortunately does.

As far as Nagorno-Karabakh, Armenia, Azerbaijan are concerned, I am not at all convinced that the solution that this bill has produced is not more in the interests of American oil companies than it is in the interests of the American people.

□ 1415

I do not believe that this is a healthy outcome.

I also have to simply say that I think more and more, this bill has become a bill that satisfies the needs and desires of virtually every country in the world and every special interest in our own country. The only thing that seems to be left out is our national interests. That I think is no reflection on anyone who has tried to work on this bill, but it is a reflection on the shortsightedness of many of the groups that make up this body and force the committee to produce a bill which is essentially a political accommodation rather than a package that meets our real, substantive needs.

Then finally we come to the issue of Korea. In Korea we have the most reckless, irresponsible and dangerous regime in the world in North Korea. We have 5 different foreign policy goals that we are trying to reach in dealing with that outrageously out-of-line regime. We have only been able to achieve one of those goals: the shutting down of the Yongbyon reactor complex which is capable now today of producing weapons-grade fuel to produce several nuclear bombs a year. And yet,

this committee has produced a product which blows apart the one success that we have had in the midst of a lot of failures in dealing with Korea. It is highly dangerous to the national interests of the United States, and I therefore urge a "no" vote on the entire bill.

Mr. CALLAHAN. Mr. Chairman, I yield 2½ minutes to the gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Chairman, I am not a member of this committee, although I am a member of the full committee, and I came to seek time because there is an increasing problem, and I have heard the same problem from both sides of the aisle. With increasing trade agreements, we have more and more American investors investing abroad, and our American citizens are getting ripped off by the same countries that we are giving foreign aid to.

A good example, in Bulgaria, one of my constituents invested $4 million, and the bank acknowledges receipt of the money. But yet, one of their employees took off with the money and they do not want to take responsibility for it. It has to go into the courts. Three years later, nothing has happened.

Dr. Raffee, known worldwide as a computer expert, was asked under Prime Minister Zia in Bangladesh to invest in a high-tech company in Bangladesh. Well, to give my colleagues an idea, Bangladesh was established by 2 men, 1 civilian, 1 military. The civilian was the first President, the military was the second President. The civilian is the father of the current prime minister, the military gentleman is the father of the previous Prime Minister Zia. Each feels that the other woman had their entire family murdered.

So my colleagues can imagine the situation that exists there. It is a blood feud paralleled not even close to the Hatfield and McCoy blood feuds. And our businessmen are getting caught right in the middle of it, and that is wrong.

What I would say is that when we have our trade agreements that there be a rule of law established and enforced that maybe the State Department could have an antiAmerican business alert, and even this committee, in extreme cases, review and take a look to make sure that our American interests are secured in these extreme cases, because there is an increasing problem. I have talked to many of my colleagues on the other side, and they have constituents with the same problems.

I would appeal to the committee and the subcommittee to take a look into this area and withhold funds not only in human rights, but American rights, just as we have in the past.

I thank the chairman for allowing me to have the time to express these concerns.

Ms. PELOSI. Mr. Chairman, I yield 1½ minutes to the gentleman from California (Mr. SHERMAN), who is an expert on international relations, and I am pleased that he will be speaking on this bill.

Mr. SHERMAN. Mr. Chairman, I thank the gentlewoman, especially for overstating my qualifications.

Mr. Chairman, I rise to talk about the part of this bill that repeals Section 907 of the Freedom Support Act. This is a critically important part of the appropriations bill. It has been addressed by half of the speakers that have come to speak about the bill in general. The Armenian National Committee and the Armenian Assembly, the 2 largest Armenian organizations, the predominant Armenian organizations, have put out a statement saying that for Armenian Americans, this is the most important vote of this Congress.

As a member of the Committee on International Relations, I feel more than a little concerned that such a substantive provision has been stuck in an appropriations bill. A provision that deals with an area that our committee had hearings on, our committee decided not to try to change this year, and then the Committee on Appropriations tries to change it.

If one believes that substantive changes should be made by authorizing committees, if one believes that American foreign policy should reflect American values, then I hope my colleagues will vote for the Radanovich-Pallone-Rogan-Sherman amendment to this bill and delete those provisions that try to play havoc with American foreign policy in the Caucasus.

Ms. PELOSI. Mr. Chairman, how much time remains on each side?

The CHAIRMAN. The gentlewoman from California (Ms. PELOSI) has 7½ minutes remaining; the gentleman from Alabama (Mr. CALLAHAN) has 2 minutes remaining.

Ms. PELOSI. Mr. Chairman, I yield 1½ minutes to the gentlewoman from Ohio (Ms. KAPTUR), a nationally recognized leader on international relations.

Ms. KAPTUR. Mr. Chairman, I would like to thank the gentlewoman from California (Ms. PELOSI) for this opportunity, and also our subcommittee chairman, the gentleman from Alabama (Mr. CALLAHAN). With all of the rumors and the swirling of media events here in Washington, I think it is important to say something about these 2 individuals who have worked so well together. They do not always agree, but they produced a bill; some may agree with it, some may not agree. But it is an example of Congress working at its best and we need to pat them on the back for that and thank them.

I also wanted to rise today and pay tribute to one of our colleagues who just walked off the floor here for a few minutes and to extend my personal gratitude to him on behalf of this institution, myself and our country, and that is the gentleman from Illinois (Mr. YATES), truly a high-minded gentleman, someone with extraordinary intelligence and the gentlemanly demeanor that is so welcome. He has an incisive knowledge of the rules, and demonstrates truly gracious behavior in every single instance in which we have had a chance to deal with him.

I am sorry he is not here, and I know he would be very embarrassed by all of these laudatory remarks. But he has been such a valued colleague to serve with and a rare talent that has raised this institution's standing as representative of our people. In fact, the standard that the gentleman from Illinois (Mr. YATES) set raised America and our people always.

I know that our country and this House, and certainly this Member, will sorely miss his presence in future meetings of this subcommittee. He has been an unforgettable Member with whom to serve. And if only in my own career, and I am sure other Members feel this way, we could model ourselves on him, America would be so much better for it.

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

I thank the gentlewoman from Ohio for her remarks about our distinguished colleague, the gentleman from Illinois (Mr. YATES).

Mr. Chairman, in my opening remarks I referred to the concern that I had that the full funding for the International Monetary Fund was not included in this legislation, and that was one of the reasons that I was urging our colleagues to oppose the bill. I have serious concerns, as I mentioned, about a conference committee increasing the IMF by $14.5 billion without the benefit of debate on the floor. I completely associate myself with those who object to the manner in which the IMF has conducted its business. I think the issue of conditionality, transparency, moral hazard, the description of how some countries and companies take risks, knowing that they will have a bailout. Maybe they make decisions based on that, or maybe they do not, but there certainly is the appearance of that happening.

I think all of these concerns are trumped by the contagion issue; by the idea that our economies are interrelated globally, and that we need to have a mechanism, we need to have an institution that can act to buoy up currencies or whatever so that our markets are not flooded by cheap labor and that the markets for our exports are not diminished.

So it is with grave concern about the impact on our own economy, and certainly with concern about the impact on the economies in the world and the well-being of those countries and their people that I believe that we should give one more round of funding to the

IMF, but not any more. We should take it down to the basics and build it up from there. Again, IMF is just one other reason why I am opposing this legislation.

Another concern that I have in this legislation is that while my colleagues on the other side have traditionally given the President a great deal of flexibility in this bill, that is not the case in this bill. One area of concern that has not received much attention so far is the Global Environmental Facility, the GEF. We are $300 million in arrears with the GEF. That was the request of the administration. There is $45 million in the bill, and I had an amendment which was offered in committee and defeated that would have put $50 million more into the GEF. These are arrears, therefore I do not need an offset for the $50 million.

I think that if we care about our children and our grandchildren, we have to be concerned about the air that they breathe and the water that they drink and recognize that we are not isolated from the impact of pollution in other countries. The work of the GEF is very, very important work when it comes to improving the environmental technologies in these countries, and many of those technologies exported from the United States. That again is another reason why I am opposing the bill, because of the lack of funding, increased funding to pay the arrears at the GEF.

Mr. Chairman, how much time remains?

The CHAIRMAN. The gentleman from Alabama (Mr. CALLAHAN) has 2 minutes remaining; the gentlewoman from California (Ms. Pelosi) has 3½ minutes remaining.

Mr. CALLAHAN. Mr. Chairman, I am ready to close, and I think I have the right to close on this debate.

Ms. PELOSI. Mr. Chairman, recognizing that our distinguished chairman wishes to close, I yield 1½ minutes to the gentleman from New Jersey (Mr. PALLONE) so that he can speak before the close of the gentleman's remarks.

Mr. PALLONE. Mr. Chairman, again, I would like to rise in support of an amendment that is being offered, hopefully soon by my colleague, the gentleman from California (Mr. RADONOVICH) of California, cosponsored by myself, and it is very simple and straightforward. It would simply strike the section relating to the repeal of Section 907 of the Freedom Support Act.

The Freedom Support Act, passed by Congress on a bipartisan basis and signed into law by President Bush, defined U.S. policy in the Newly Independent Countries of the former Soviet Union in the post-Cold War era. Section 907 prohibits direct U.S. Government aid to Azerbaijan until that country lifts its blockades of Armenia and Nagorna Karabagh.

Mr. Chairman, Section 907 was good law when we passed it back in 1992, and it is still good law. Azerbaijan has done nothing to comply with the basic requirement of Section 907 that it lift its blockades of Armenia and Nagorna Karabagh, blockades that have caused severe human hardship for the Armenian people.

□ 1430

Mr. Chairman, Azerbaijan is an authoritarian regime run by a Soviet Arab bureaucrat named Heydar Aliyev. Armenia, on the other hand, is a democracy that has tried to extend the institutions of democracy to its citizens while making the transition to a market economy.

Yet, Mr. Chairman, if we adopt the language in the foreign ops bill, we will essentially be rewarding the country that has not made the transition from Soviet era despotism and corruption and punishing the country, that is Armenia, that has moved towards democracy and a market economy and is trying to integrate with the West.

I would just like to say again, let there be no doubt that the government of Azerbaijan has blockaded Armenia for 9 years. The blockade has cut off the transport of food, fuel, medicine, and other vital supplies creating a humanitarian crisis requiring the U.S. to send assistance to Armenia.

Ms. PELOSI. Mr. Chairman, I am pleased to yield 1 minute to the gentleman from Rhode Island (Mr. KENNEDY) and commend him for his leadership on this issue.

Mr. KENNEDY of Rhode Island. Mr. Chairman, I thank the gentlewoman from California for her work on this issue and particularly my colleague, the gentleman from New Jersey (Mr. PALLONE) who I look forward to supporting as he offers his amendment with the gentleman from California (Mr. RADANOVICH) to straighten out this report with respect to ending the sanctions on those countries that are blockading the democratic country of Armenia, which is a country that this country should be doing more to work closely with and support.

Instead, our Nation's policy is that, as embodied in this report, to make friends with a regime that is totally antithetical to the principles that this country holds dear, those democratic principles that are so important to this country and are also important it our friends in Armenia.

I look forward to supporting the gentleman from New Jersey (Mr. PALLONE) as he seeks to strike this language that would call for an end of sanctioning a country like Azerbaijan for what they should be sanctioned for. I agree with my colleague, the gentleman from New Jersey (Mr. PALLONE) that we need to continue the pressure on these regimes so that they end the blockade of Armenia and Nagorno-Karabakh.

Ms. PELOSI. Mr. Chairman, I yield myself the final minute to close.

Mr. Chairman, in closing, I would just like to again commend the gentleman from Alabama, our chairman, for his leadership and his cooperation. I want to commend the staff, the majority staff, Mr. Charlie Flickner, John Shank, Bill Inglee, and also Mark Murray and Lori Maes on the minority side. I commend Nancy Tippins of Mr. Callahan's personal staff, and Carolyn Bartholomew of my personal staff as well.

I see the gentleman from Virginia (Mr. WOLF) on the floor, and it is always a pleasure to work with him on these international issues. I want to commend Ann Huiskes of his staff for her work. Earlier the gentleman from New Jersey (Mr. SMITH) was on the floor, and I want to commend Joseph Reese of his staff with whom we have worked. While the gentleman from New Jersey (Mr. SMITH) is not on the subcommittee, we have worked on many of these international issues although we are not in complete agreement today.

Mr. Chairman, again I urge my colleagues to oppose this legislation. I think it does not measure up to the vision that our country should have about our foreign policy, that it is a departure from our bipartisan tradition on international relations, and that we can do better. I hope that, in the course of the process, we will and that I will be able to support the bill. But as it stands now, I urge my colleagues to vote "no" on this bill.

The CHAIRMAN. The time of the gentlewoman from California (Ms. PELOSI) has expired.

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

Mr. Chairman, all of the points during this debate have been well taken and that is exactly what this body is all about. Basically, though, this is a good bill. It is a bill that has received majority support in both subcommittee and full committee.

There are several issues of contention that we will debate this afternoon, one of them being Section 907 whereby I disagree with the other side and the gentlewoman from California about the merits of what we have done. We have done exactly the right thing.

The other is the future funding of the International Monetary Fund. While we do not disagree on what we hope this world will be in the hands of those who control the monies of the International Monetary Fund, they are not doing it in a responsible manner now.

That is what this body is all about, to debate the differences. But let us not lose sight of where we are. We are $3.5 million below the subcommittee's allocation of $12.4 billion, so we are below our request. We are within our outlay. We are $315 million below last year. We are $1.1 billion below what the President has requested for 1999.

In addition to that, we have protected things such as child survival. If we talk to the American people, they are against foreign aid. Most of them do not understand how little we give to foreign aid. But if we mention to them we are taking most of this money and spending it on children who are starving on other continents, if we tell them we are trying to provide health care and trying to remove horrible diseases that are prevalent in some areas, such as the polio which we seek to eradicate, with foreign aid monies, the American people do not want to see starving children starved. They do not want to see unhealthy children not receive medical attention.

They want to assist in education. They want to stop government-to-government aid that have been an indication of past years. So we have a responsible bill with a few major controversies that will be discussed.

Mr. DINGELL. Mr. Chairman, Members should know that even as we consider funds in this bill for the International Monetary Fund (IMF), the Government of Korea is backing away from commitments it made to the IMF and to the world community to finally put an end to government directed lending, corporate subsidies, and interference with corporate governance. A new round of bidding was recently announced for Korea's huge bankrupt motor vehicle company, Kia Motors and its affiliate Asia Motors, after Kia's creditors announced that 30 percent of Kia and Asia Motors' $8.7 billion in bad debt would be "forgiven" so that these companies, which some estimate have been bankrupt since 1991, can be sold as viable entities.

I might add, the only two non-Korean firms that have expressed an interest in buying Kia are U.S. companies, General Motors and Ford. General Motors and Ford have now withdrawn from the bidding, because they cannot justify the burdensome terms set by the creditors for the sale. As a result, Kia's creditors have now successfully forced all foreign firms out of the bidding, leaving only Korean companies, Samsung, Hyundai and Daewoo, as contenders for Kia.

Who is setting these impossible conditions? Principally, it is none other than the Government of Korea once again attempting to financially prop up Kia and to control its fate, even though it told the IMF it would no longer engage in this kind of activity. Kia's creditors are represented by the Korea Development Bank, which is 100 percent owned and controlled by the Government of Korea. The Korean Government also directly holds a 30 percent equity interest in Kia.

By blocking the sale of Kia's assets as a bankrupt, non-viable entity, the Government of Korea may be protecting its own equity stake in the company, but it is perpetuating the very nonmarket-based government subsidization and interference that has produced the calamitous decline of Korea's economy.

Is this the kind of "reform" that we thought the Government of Korea had committed to implement in return for the $60 billion loan package it received from the IMF? If not, we must demand that our government exercise strict and aggressive monitoring of how every penny of the IMF funding is used and what Korea is doing to implement its commitments to the IMF and to fulfill its trade obligations to the world community.

We cannot allow U.S. tax dollars to be used to continue the operation of non-viable, bankrupt Korean auto, steel, and other firms that dump cheap imports in our market and undermine otherwise competitive products made by U.S. firms and U.S. workers.

Without strict monitoring and reporting to Congress, we will never know what Korea is doing. It is simply not good enough for Administration officials to make vague statements about being "encouraged" by the progress of Korea's economic reform. Korea has institutions and policies that enable the government to intervene in commercial lending and corporate governance. This Congress needs to know what Korea is doing to restructure those institutions and to change those policies, so that government intervention in the private economy is minimized and Korean markets are open to U.S. and other foreign competitors.

Mr. Chairman, the legislation we are considering contains significant requirements applicable to Korea and other IMF recipients. It provides that IMF-recipient governments shall not give government support or tax privileges to individual firms. The government-owned Korea Development Bank's decision to "forgive" a large share of Kia's debt, so that it can be sold as a viable entity, is government support of the most fundamental kind and violates the prohibition in this legislation. But without strict monitoring and reporting to Congress, the Government of Korea is free to ignore these and other warnings. We must not let that happen.

Together with my Colleagues, Mr. MURTHA and Mr. REGULA, I have written Secretary of the Treasury Rubin, Secretary of Commerce Daley, and U.S. Trade Representatives Barshefsky, asking a number of detailed questions about reforms in Korea, and in particular, about the sale of Korea's bankrupt auto, steel, and other firms. When I receive their response, I will make it available in an effort to keep Members informed on this important matter.

Ms. STABENOW. Mr. Chairman, I will vote yes on the final passage of H.R. 4569 with serious reservations. I urge the Senate and the Conference Committee to address the issue of family planning and other serious flaws that exist in the bill. If significant improvements are not made in the bill before it returns to the House of Representatives, I do not intend to support the final passage of this legislation.

Ms. RIVERS. Mr. Chairman, I will vote yes for H.R. 4569 with the expectation that Senate and Conference activity will remedy the serious flaws that exist in the bill. If these inadequacies are not addressed before it returns to the House, I will not support its ultimate passage.

Mr. LEVIN. Mr. Chairman, I will support passage of H.R. 4569, the Foreign Operations Appropriation for fiscal year 1999. I do so in spite of serious concerns over a number of the bill's provisions.

Unfortunately, the Majority has once again been unwilling to provide adequate funding for the International Monetary Fund. H.R. 4569 provides only $3.4 billion in credits to the IMF, far less than is needed to deal with the spreading economic crisis in Asia, Russia and other countries, and far less than the $18 billion requested by the Administration. It is particularly unfortunate that the Majority would not even allow an amendment on IMF funding in order to let the House have an up-or-down vote on the matter.

I also object to language contained in this bill to codify the so-called "Mexico City" restrictions on U.S. funds for international family planning organizations. Finally, I believe the provisions related to North Korea and funding for the Newly Independent States of the former Soviet Union need to be improved.

I hope that these deficiencies in the bill can be corrected in conference with the Senate. I will not support the conference report unless there are major changes.

Mr. BENTSEN. Mr. Chairman, I rise in reluctant support of the fiscal year 1999 Foreign Operations Appropriations bill, but I strongly support the bill's provision to provide $3 billion in aid to Israel.

While I support final passage of this bill, I am very concerned about the inadequate response to the shortfall in funding for the International Monetary Fund. It has been nearly a year since the Administration requested $3.4 billion for the New Arrangements to Borrow (NAB) and $14.5 billion to address the Asian currency crisis. This bill provides only the $3.4 billing in credits for the International Monetary Fund. Unless the U.S. provides the full share requested, which has no budgetary impact, no other member countries will increase their participation, which all IMF member countries are being asked to make, and we would be unable to replenish the IMF's depleted reserves and fund loan packages to address worldwide currency devaluations.

Without this investment, the IMF will have fewer resources to meet future needs to provide economic stability and in particular stability to markets for US exports. Given that the Senate has passed the full amount requested, I am hopeful that the full Administration funding level will be met when conference action takes place on this bill. If the House fails to adopt the Senate provision with respect to the IMF funding and the President vetoes the bill as he has said he would, I would have no choice but to support the veto.

While I have serious concerns about funding levels for the IMF, I strongly support aid to Israel, and am very pleased with the $3 billion appropriated for economic and military assistance provided in this bill. I believe the United States must maintain its commitment to providing aid to Israel, which is in the United States' strategic and economic best interest. An important regional ally and the only true democracy in the Middle East, Israel is certainly deserving of this support.

The American-Israeli partnership is vital because it exists beyond normal political and strategic bonds. Both nations share a common set of values—individual responsibility, freedom, hope, and opportunity. Israel is the most reliable ally of the United States in the Middle East and continued foreign aid funding will maintain its solid partnership with the United States. Because of the importance of the

United States-Israel relationship and the strength of Israel's democracy, the United States has a strong, stable democratic ally. By its continued support of Israel, the United States honors a historic commitment to a fellow democracy with which we share unique security, economic, and cultural ties.

I do not believe there is anything more important than to forge a just and lasting peace for the Middle East. I urge my colleagues to continue our support for Israel and to further our national interests by voting for this appropriation.

Mr. UNDERWOOD. Mr. Chairman, I strongly oppose this rule which would block any amendments to provide funding for the International Monetary Fund (IMF). The IMF is an indispensable organization formed in 1945 to assist its members with monetary issues and financial cooperation. It is no surprise that the IMF has grown from 29 member countries to 182 nations today.

Mr. Speaker, the rule we have before us today would rob us of the opportunity to continue to assist nations heavily affected by the economic contagion which has spread from Asia to Russia to Latin America. The global economic structures demand that we consider a rule which would allow us to replenish the IMF's depleted reserves. The requisite $14.5 billion assists not only the economically troubled areas I have mentioned, but also the United States. Due to the nature of our interlinked world economies, it is not so difficult to comprehend that financial woes in South Korea and Russia will eventually reach our shores. For example, Asia purchases about 40% of American agricultural exports. American exports to Asia are expected to decrease by 3 to 6% this year alone due to reduction of demand in this region.

The people of Guam, my constituents, have felt the effects of the Asian Financial Crisis since it commenced last year. With our tourist economy dependent on the investment of our Asian neighbors, we have witnessed dwindling tourism numbers effectively shutting down local businesses and leaving numerous individuals unemployed. Between July 1997 and July 1998, Guam visitor arrival numbers plummeted by an astounding 23%.

Critics of the IMF cite that this would be the appropriate time to force reforms on the IMF, such as increasing the transparency of its operations. This reasoning is myopic. The would continues to be in the throes of financial crises, and instead of assisting, the United States is stymieing efforts to assist troubled nations. Exacting conditions on the IMF at this point would be counterproductive to furthering American economic interests.

In the interest of our economic well-being, I urge my colleagues to oppose H. Res. 542.

Mr. ROGAN. Mr. Chairman, today the House of Representatives will pass H.R. 4569, the 1999 Foreign Operations Appropriations Act. Contained within this act was an important provision I am proud to have cosponsored. The provision eliminated language that would have repealed section 907 of the Freedom of Support Act of 1992. I want to applaud and recognize the overwhelming bipartisan support this measure received.

The passage of this Amendment sends the clear message that the United States does not condone the government of Azerbaijan's cruel and inhumane blockade of Armenia and Nagorno Karabagh. This embargo is still in effect today. As a result of this economic chokehold, a bipartisan group of legislators included a provision to the Freedom Support Act known as Section 907.

The Radanovish-Pallone-Rogan-Sherman amendment retains current law (Section 907) by prohibiting U.S. tax dollars from going to the dictatorial government of Azerbaijan until its government takes steps to lift its blockade. Presently humanitarian aid may go to the people of Azerbaijan through private charities. Maintaining this section promotes the cause of democracy, while sending the message that human rights violations and actions that compromise the expansion of democracy will not be tolerated.

Mr. VENTO. Mr. Chairman, I rise today in strong opposition to the Foreign Operation Appropriations Bill for FY 99 reported out of the Appropriations Committee. Once again, the GOP leadership has all but ensured confrontation with the Republican led Senate and has set the Congress on a collision course with the White House. This bill has several serious flaws that fail to address the ongoing global economic crisis and is simply not adequate to meet our national security requirements or to meet our obligations and responsibilities as the world's only superpower. Specifically, this bill ignores the President's request of the total $18 billion for the International Monetary Fund (IMF) and is vital to serve and replenish the IMF funding base which has been severely depleted by the financial crisis in Mexico, Asia and Russia; again includes restrictive language on international family planning funding; fully funds the United States School of Americans (SOA) which has a long history of instructing human rights abusers; and underfunds important international programs that are crucial to an effective foreign policy.

The changes that have occurred in the world in the last decade have provided the United States unprecedented opportunities to enhance our national and economic security by solidifying our global leadership and by bringing democracy to many countries. The Congress has debated the IMF replenishment for a full year. In that time, the economic crisis has spread from Asia to Russia, and is now threatening to strike in Latin America. It is not time for Congress to take a proactive role on this replenishment. The IMF is an imperfect solution, not the problem, and it is one of the only tools available to address the serious global economic turmoil. As a senior Member of the House Banking Committee, I visited southeast Asia last winter and met with political and financial leaders in China, Korea and Japan. Following the trip, I was convinced more than ever that the Asian economic contagion would not be isolated to Asia. Just yesterday, Federal Reserve Chairman Greenspan and Treasury Secretary Rubin stressed again the importance of increasing the funding for the IMF. Furthermore, the Republican led Senate included the full $18 Billion requested by the Administration in its passed Foreign Operations Bill. The fact remains that the replenishment of the IMF will ultimately benefit American workers, businesses and farmers by protecting our economic strength.

This bill also contains language restricting foreign organizations who receive family planning assistance from using their own funds to seek to change laws in their own respective country. This provision punishes organizations for engaging in legal activities in their own countries that would be protected by the First Amendment, if carried out in the United States. Funding for preventive family planning leads to a decrease in unintended pregnancies, a decrease in maternal deaths, and a decrease in abortion. Funds under these programs are legally prohibited from supporting or encouraging abortion as a method of family planning. These restrictions are safeguarded by legally binding contracts with the organizations that receive U.S. funds, by close technical monitoring, and by regular audits by independent, nationally recognized accounting firms. None of these funds are utilized for abortion purposes.

International family planning assistance is intended to help women make informed health care decisions, improve the quality of life for citizens of developing nations, and promote economic responsibility in allocating scarce resources. Ultimately, I believe it will be in the best interest of the United States to support programs that strive to help the poor and underprivileged, especially women in such need. Such funds prevent unwanted pregnancies and the abortions that may follow. In its current form, this provision would even muzzle organizations from speaking out against abortion in their own countries. Again, the GOP led Senate did not include this restrictive language in its version, thus setting up a difficult conference negotiation. Furthermore, the President has indicated clearly that this language is unacceptable and that he will veto any bill containing such language.

Again, the GOP leadership insisted on providing full funding for expanding the International Military Education and Training (IMET) programs to countries with horrific histories of human rights abuses. Specifically, funding for the School of the Americas (S.O.A.). The S.O.A. was established in 1946 to train military officers from Latin American countries. To date, nearly 60,000 military personnel from various Latin American countries have attended the S.O.A. Unfortunately, upon returning to their home countries a number of graduates have participated in the overthrow of democratically elected governments and in broad abuses of human rights. The lessons taught by the U.S. at the S.O.A. were clearly not very effective in guiding democratic military conduct. I have serious apprehension to any congressional commitment to S.O.A. instruction that will bring about positive change in Latin America or in the Global theater. Only the closure of the S.O.A. could better serve this objective. That is the right thing to do symbolically and substantively.

This bill appropriates only $43 million of the $300 million requested by the President for the Global Environment Facility (G.E.F) of the World Bank. This important facility funds environmental projects throughout the world. The G.E.F. was created in response to the vast needs in developing countries for multilateral resources devoted to mitigating environmental problems. Currently, the G.E.F. is funding programs to address a variety of environmental

problems including the promotion of a biodiversity, creating energy efficiency and cleaning up polluted water. Without additional funding, G.E.F. will run out of money soon and this vital work will stop.

Many funding levels for programs that the Committee has reported will severely undercut our ability to provide leadership throughout the global community. Specifically, the Peace Corps defining programs, the Export Import Bank, and the Protocols to implement the Comprehensive Test Ban Treaty.

Overall, this bill fails to provide adequate resources to meet our national security requirements and reaffirm our obligation and responsibilities as the world's superpower. The Republican leaders has again illustrated its indifference to meeting the needs of the global financial crises, reaffirming its commitments to human rights, providing environmental leadership abroad, and assisting those who need our help the most in this age of poverty, civil discord and economic turmoil. I urge Members to vote no on this bill.

Mr. BEREUTER. Mr. Chairman, this Member rises to express his support for H.R. 4569, the Foreign Operations and Export Financing Act for 1999. This Member would like to also express his strong support for provisions within this measure that support the U.S. Army School of the Americas.

Mr. Chairman, as many of my colleagues are aware, there has been a concerted effort to close the U.S. Army School of the Americas by opponents of the school that have often used distorted or false information that serves one purpose—to mislead the American public. The U.S. Army School of the Americas is a U.S. Army military training institution that it is a key Latin American foreign policy tool for the United States and an integral part of the U.S. Southern Command's engagement strategy in Latin America.

The primary mission of the School is to promote democracy, civilian control of the military, respect for human rights, and doctrinally sound, relevant military education and training to the nations of Latin America. With the change in the National Security Strategy from containment to engagement and enlargement the U.S. Army School of the Americas has shifted its curriculum to provide course instruction in areas such as civil-military operations, counterdrug operations, democratic sustainment, peacekeeping operations, and humanitarian demining.

Opponents of the School have attempted to place the blame for many of the human rights abuses in Latin American countries on the U.S. Army School of the Americas. It should be noted that in the 50-year existence of the School and its almost 60,000 graduates that less than one percent of those students have ever been linked to human rights violations. The human rights training taught is more comprehensive than human rights training taught at any other U.S. military school.

Also, of critical importance is the counterdrug operations course at the U.S. Army School of the Americas which teaches both military and civilian police forces the necessary skills to stop the cultivation, production and transportation of illegal drugs. Many of the School's graduates have lost their lives while combating the narco-guerrillas and drug lords in Bolivia, Colombia, and Ecuador—key countries in the United States war on drugs. These counterdrug operations are of vital interest to our national security as the efforts of these brave Latin American soldiers are aimed at reducing the flow of drugs across our borders.

The U.S. Army School of the Americas has been endorsed by the Department of State, the Department of Defense, the Department of the Army, the Office of National Drug Control Policy, and the Drug Enforcement Agency. The School does far more good in promoting democratic values and respect for human rights among Latin American countries.

This Member supports the sustainment of the U.S. Army School of the Americas as provided in the Foreign Operations and Export Financing Act for 1999 and urges his colleagues to do so as well.

Mrs. TAUSCHER. Mr. Chairman, I rise in support of the Pelosi amendment to fully fund the International Monetary Fund.

Mr. Chairman, Congress is once again prohibited from moving forward on the incredible important issue of IMF replenishment. Earlier this year, the House Banking Committee supported a bill to fully fund the IMF by a 40-9 vote. This bipartisan measure includes needed reforms of the program to make the Fund more transparent and accountable, improve labor standards in recipient countries, and increase the effectiveness of market-oriented reforms. Unfortunately, since the consideration of this measure in committee, IMF funding has been bogged down by extraneous issues. This must stop.

The global economy has been going through a tumultuous time over the past year. First the Asian Tigers slipped, then Russia. Now we are receiving news that Brazil, one of the strongest and largest economies in Latin America, is experiencing economic retraction. We need to stand up and do what's right, not only to bolster the global economy, but to protect American economy, American jobs, and American values. Should our economy falter, the Federal budget surplus will be at risk.

How can we, as stewards of our Nation's fiscal house, oppose IMF funding when failure to do so threatens to drag our strong domestic economy along with it? I urge my colleagues to oppose the point of order and support full IMF funding.

Mr. KLINK. Mr. Chairman, it is disappointing to me that the House is moving to approve new funding for the International Monetary Fund (IMF) in this legislation and shutting out amendments on the IMF, because the IMF Board of Directors is working on a capital deregulation agenda very similar to the Multilateral Agreement on Investment (MAI).

The amendment I intended to offer with my friend from Florida, Ms. ROS-LEHTINEN, would have required the Secretary of the Treasury to oppose an attempt by the IMF to expand its jurisdiction over international capital flows, before any new money is released for the IMF.

We won't be able to offer that amendment because the rule for this bill puts time constraints on amendments and does not make IMF amendments in order. That is unfortunate.

The MAI is a highly controversial international investment treaty which has existed in near obscurity for more than 2 years. The MAI was conceived in secrecy, negotiated mostly in secret, and, if the IMF has its way, it will implement provisions very similar to the MAI in secret. The future of the MAI is uncertain, but the IMF's plan to liberalize controls on capital is moving full speed ahead.

The IMF is working on an amendment to its Articles of Agreement that would give the IMF the power to require member countries to commit to full capital account liberalization. The IMF could then dictate to countries the removal of all barriers to the international flow of capital. The IMF would become the ultimate enforcer of capital deregulation. This would increase the IMF's power over all member countries, including the United States U.S. investor protection laws could be endangered, and Congress would have nothing to say about it.

The IMF's proposed capital liberalization strategy would also increase the likelihood and scope of future financial crises. Rapidly growing and extremely volatile international capital flows have rendered may emerging markets and developing countries extremely vulnerable to destabilizing speculative capital. The IMF's dismal record of predicting these crises increase the possibility that Congress will be called upon to bail out troubled economies in the future. If you add weakened capital regulation to that mix, the sky becomes the limit for these bailouts.

Whatever you think of the MAI or the IMF, the kind of important decisions contemplated to require the United States to remove controls on the flow of capital should be made by Congress, not unelected international bureaucrats. Furthermore, we should not be throwing good money after bad in these troubled foreign economies by dumbing down their capital flow controls.

We shouldn't give the IMF a blank check with this bill and we definitely should not allow the IMF to assume the ability to require the weakening of the regulation of the movement of capital either here in the United States or in other countries.

The Klink/Ros-Lehtinen amendment would have ensured that Congress has the say in developing U.S. capital regulations and help prevent or reduce any future bailouts by the IMF. I'm disappointed that our amendment could not be debated today.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule for a period not to exceed 5 hours and shall be considered read through page 141, line 18.

The text of H.R. 4569 through page 141, line 18 is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1999, and for other purposes, namely:

TITLE I—EXPORT AND INVESTMENT ASSISTANCE

EXPORT-IMPORT BANK OF THE UNITED STATES

The Export-Import Bank of the United States is authorized to make such expenditures within the limits of funds and borrowing authority available to such corporation, and in accordance with law, and to

make such contracts and commitments without regard to fiscal year limitations, as provided by section 104 of the Government Corporation Control Act, as may be necessary in carrying out the program for the current fiscal year for such corporation: *Provided*, That none of the funds available during the current fiscal year may be used to make expenditures, contracts, or commitments for the export of nuclear equipment, fuel, or technology to any country other than a nuclear-weapon state as defined in Article IX of the Treaty on the Non-Proliferation of Nuclear Weapons eligible to receive economic or military assistance under this Act that has detonated a nuclear explosive after the date of enactment of this Act.

SUBSIDY APPROPRIATION

For the cost of direct loans, loan guarantees, insurance, and tied-aid grants as authorized by section 10 of the Export-Import Bank Act of 1945, as amended, $745,500,000 to remain available until September 30, 2003: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That such sums shall remain available until 2014 for the disbursement of direct loans, loan guarantees, insurance and tied-aid grants obligated in fiscal years 1999 and 2000: *Provided further*, That none of the funds appropriated by this Act or any prior Act appropriating funds for foreign operations, export financing, or related programs for tied-aid credits or grants may be used for any other purpose except through the regular notification procedures of the Committees on Appropriations: *Provided further*, That funds appropriated by this paragraph are made available notwithstanding section 2(b)(2) of the Export-Import Bank Act of 1945, in connection with the purchase or lease of any product by any East European country, any Baltic State, or any agency or national thereof.

ADMINISTRATIVE EXPENSES

For administrative expenses to carry out the direct and guaranteed loan and insurance programs (to be computed on an accrual basis), including hire of passenger motor vehicles and services as authorized by 5 U.S.C. 3109, and not to exceed $20,000 for official reception and representation expenses for members of the Board of Directors, $50,277,000: *Provided*, That necessary expenses (including special services performed on a contract or fee basis, but not including other personal services) in connection with the collection of moneys owed the Export-Import Bank, repossession or sale of pledged collateral or other assets acquired by the Export-Import Bank in satisfaction of moneys owed the Export-Import Bank, or the investigation or appraisal of any property, or the evaluation of the legal or technical aspects of any transaction for which an application for a loan, guarantee or insurance commitment has been made, shall be considered nonadministrative expenses for the purposes of this heading.

OVERSEAS PRIVATE INVESTMENT CORPORATION

NONCREDIT ACCOUNT

The Overseas Private Investment Corporation is authorized to make, without regard to fiscal year limitations, as provided by 31 U.S.C. 9104, such expenditures and commitments within the limits of funds available to it and in accordance with law as may be necessary: *Provided*, That the amount available for administrative expenses to carry out the credit and insurance programs (including an amount for official reception and representation expenses which shall not exceed $35,000) shall not exceed $33,000,000: *Provided further*, That project-specific transaction costs, including direct and indirect costs incurred in claims settlements, and other direct costs associated with services provided to specific investors or potential investors pursuant to section 234 of the Foreign Assistance Act of 1961, shall not be considered administrative expenses for the purposes of this heading.

PROGRAM ACCOUNT

For the cost of direct and guaranteed loans, $50,000,000, as authorized by section 234 of the Foreign Assistance Act of 1961 to be derived by transfer from the Overseas Private Investment Corporation Noncredit Account: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That such sums shall be available for direct loan obligations and loan guaranty commitments incurred or made during fiscal years 1999 and 2000: *Provided further*, That such sums shall remain available through fiscal year 2007 for the disbursement of direct and guaranteed loans obligated in fiscal year 1999, and through fiscal year 2008 for the disbursement of direct and guaranteed loans obligated in fiscal year 2000: *Provided further*, That in addition, such sums as may be necessary for administrative expenses to carry out the credit program may be derived from amounts available for administrative expenses to carry out the credit and insurance programs in the Overseas Private Investment Corporation Noncredit Account and merged with said account.

FUNDS APPROPRIATED TO THE PRESIDENT

TRADE AND DEVELOPMENT AGENCY

For necessary expenses to carry out the provisions of section 661 of the Foreign Assistance Act of 1961, $41,500,000, to remain available until September 30, 2000: *Provided*, That the Trade and Development Agency may receive reimbursements from corporations and other entities for the costs of grants for feasibility studies and other project planning services, to be deposited as an offsetting collection to this account and to be available for obligation until September 30, 2000, for necessary expenses under this paragraph: *Provided further*, That such reimbursements shall not cover, or be allocated against, direct or indirect administrative costs of the agency.

TITLE II—BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

For expenses necessary to enable the President to carry out the provisions of the Foreign Assistance Act of 1961, and for other purposes, to remain available until September 30, 1999, unless otherwise specified herein, as follows:

AGENCY FOR INTERNATIONAL DEVELOPMENT

CHILD SURVIVAL AND DISEASE PROGRAMS FUND

For necessary expenses to carry out the provisions of chapters 1 and 10 of part I of the Foreign Assistance Act of 1961, for child survival, basic education, assistance to combat tropical and other diseases, and related activities, in addition to funds otherwise available for such purposes, $650,000,000, to remain available until expended: *Provided*, That this amount shall be made available for such activities as: (1) immunization programs; (2) oral rehydration programs; (3) health and nutrition programs, and related education programs, which address the needs of mothers and children; (4) water and sanitation programs; (5) assistance for displaced and orphaned children; (6) programs for the prevention, treatment, and control of, and research on, tuberculosis, HIV/AIDS, polio, malaria and other diseases; and (7) up to $98,000,000 for basic education programs for children: *Provided further*, That none of the funds appropriated under this heading may be made available for nonproject assistance.

DEVELOPMENT ASSISTANCE

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the provisions of sections 103 through 106 and chapter 10 of part I of the Foreign Assistance Act of 1961, $1,174,000,000, to remain available until September 30, 2000: *Provided*, That none of the funds made available in this Act nor any unobligated balances from prior appropriations may be made available to any organization or program which, as determined by the President of the United States, supports or participates in the management of a program of coercive abortion or involuntary sterilization: *Provided further*, That none of the funds made available under this heading may be used to pay for the performance of abortion as a method of family planning or to motivate or coerce any person to practice abortions; and that in order to reduce reliance on abortion in developing nations, funds shall be available only to voluntary family planning projects which offer, either directly or through referral to, or information about access to, a broad range of family planning methods and services: *Provided further*, That in awarding grants for natural family planning under section 104 of the Foreign Assistance Act of 1961 no applicant shall be discriminated against because of such applicant's religious or conscientious commitment to offer only natural family planning; and, additionally, all such applicants shall comply with the requirements of the previous proviso: *Provided further*, That for purposes of this or any other Act authorizing or appropriating funds for foreign operations, export financing, and related programs, the term "motivate", as it relates to family planning assistance, shall not be construed to prohibit the provision, consistent with local law, of information or counseling about all pregnancy options: *Provided further*, That nothing in this paragraph shall be construed to alter any existing statutory prohibitions against abortion under section 104 of the Foreign Assistance Act of 1961: *Provided further*, That, notwithstanding section 109 of the Foreign Assistance Act of 1961, of the funds appropriated under this heading in this Act, and of the unobligated balances of funds previously appropriated under this heading, not to exceed $2,500,000 may be transferred to "International Organizations and Programs" for a contribution to the International Fund for Agricultural Development (IFAD), and that any such transfer of funds shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That none of the funds appropriated under this heading may be made available for any activity which is in contravention to the Convention on International Trade in Endangered Species of Flora and Fauna (CITES): *Provided further*, That none of the funds appropriated under this heading may be made available for assistance for the central Government of the Republic of South Africa, until the Secretary of State reports in writing to the appropriate committees of the Congress on the steps being taken by the United States Government to negotiate the repeal, suspension, or termination of section 15(c) of South Africa's Medicines and Related Substances Control Amendment Act No. 90 of 1997.

PRIVATE AND VOLUNTARY ORGANIZATIONS

None of the funds appropriated by this Act for development assistance may be made available to any United States private and voluntary organization, except any cooperative development organization, which obtains less than 20 percent of its total annual funding for international activities from sources other than the United States Government: *Provided*, That the requirements of the provisions of section 123(g) of the Foreign Assistance Act of 1961 and the provisions on private and voluntary organizations in title II of the Foreign Assistance and Related Programs Appropriations Act, 1985 (as enacted in Public Law 98–473) shall be superseded by the provisions of this section, except that the authority contained in the last sentence of section 123(g) may be exercised by the Administrator with regard to the requirements of this paragraph.

Funds appropriated under title II of this Act should be made available to private and voluntary organizations at a level which is at least equivalent to the level provided in fiscal year 1995. Such private and voluntary organizations shall include those which operate on a not-for-profit basis, receive contributions from private sources, receive voluntary support from the public and are deemed to be among the most cost-effective and successful providers of development assistance.

INTERNATIONAL DISASTER ASSISTANCE

For necessary expenses for international disaster relief, rehabilitation, and reconstruction assistance pursuant to section 491 of the Foreign Assistance Act of 1961, as amended, $150,000,000, to remain available until expended.

MICRO AND SMALL ENTERPRISE DEVELOPMENT PROGRAM ACCOUNT

For the cost of direct loans and loan guarantees, $1,500,000, as authorized by section 108 of the Foreign Assistance Act of 1961, as amended: *Provided*, That such costs shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That guarantees of loans made under this heading in support of microenterprise activities may guarantee up to 70 percent of the principal amount of any such loans notwithstanding section 108 of the Foreign Assistance Act of 1961. In addition, for administrative expenses to carry out programs under this heading, $500,000, all of which may be transferred to and merged with the appropriation for Operating Expenses of the Agency for International Development: *Provided further*, That funds made available under this heading shall remain available until September 30, 2000.

URBAN AND ENVIRONMENTAL CREDIT PROGRAM ACCOUNT

For administrative expenses to carry out guaranteed loan programs, $5,500,000, all of which may be transferred to and merged with the appropriation for Operating Expenses of the Agency for International Development.

PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND DISABILITY FUND

For payment to the "Foreign Service Retirement and Disability Fund", as authorized by the Foreign Service Act of 1980, $44,552,000.

OPERATING EXPENSES OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT

For necessary expenses to carry out the provisions of section 667, $460,000,000: *Provided*, That none of the funds appropriated by this Act for programs administered by the Agency for International Development may be used to finance printing costs of any report or study (except feasibility, design, or evaluation reports or studies) in excess of $25,000 without the approval of the Administrator of the Agency or the Administrator's designee.

OPERATING EXPENSES OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT OFFICE OF INSPECTOR GENERAL

For necessary expenses to carry out the provisions of section 667, $31,500,000, to remain available until September 30, 2000, which sum shall be available for the Office of the Inspector General of the Agency for International Development.

OTHER BILATERAL ECONOMIC ASSISTANCE

ECONOMIC SUPPORT FUND

For necessary expenses to carry out the provisions of chapter 4 of part II, $2,326,000,000, to remain available until September 30, 2000: *Provided*, That of the funds appropriated under this heading, not to exceed $1,080,000,000 shall be available only for Israel, which sum shall be available on a grant basis as a cash transfer and shall be disbursed within 30 days of enactment of this Act or by October 31, 1998, whichever is later: *Provided further*, That not to exceed $775,000,000 shall be available only for Egypt, which sum shall be provided on a grant basis, and of which sum cash transfer assistance may be provided, with the understanding that Egypt will undertake significant economic reforms which are additional to those which were undertaken in previous fiscal years: *Provided further*, That in exercising the authority to provide cash transfer assistance for Israel, the President shall ensure that the level of such assistance does not cause an adverse impact on the total level of nonmilitary exports from the United States to such country.

INTERNATIONAL FUND FOR IRELAND

For necessary expenses to carry out the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961, $19,600,000, which shall be available for the United States contribution to the International Fund for Ireland and shall be made available in accordance with the provisions of the Anglo-Irish Agreement Support Act of 1986 (Public Law 99–415): *Provided*, That such amount shall be expended at the minimum rate necessary to make timely payment for projects and activities: *Provided further*, That funds made available under this heading shall remain available until September 30, 2000.

ASSISTANCE FOR EASTERN EUROPE AND THE BALTIC STATES

(a) For necessary expenses to carry out the provisions of the Foreign Assistance Act of 1961 and the Support for East European Democracy (SEED) Act of 1989, $450,000,000, to remain available until September 30, 2000, which shall be available, notwithstanding any other provision of law, for economic assistance and for related programs for Eastern Europe and the Baltic States.

(b) Funds appropriated under this heading shall be considered to be economic assistance under the Foreign Assistance Act of 1961 for purposes of making available the administrative authorities contained in that Act for the use of economic assistance.

(c) None of the funds appropriated under this heading may be made available for new housing construction or repair or reconstruction of existing housing in Bosnia and Herzegovina unless directly related to the efforts of United States troops to promote peace in said country.

(d) With regard to funds appropriated under this heading for the economic revitalization program in Bosnia and Herzegovina, and local currencies generated by such funds (including the conversion of funds appropriated under this heading into currency used by Bosnia and Herzegovina as local currency and local currency returned or repaid under such program)—

(1) the Administrator of the Agency for International Development shall provide written approval for grants and loans prior to the obligation and expenditure of funds for such purposes, and prior to the use of funds that have been returned or repaid to any lending facility or grantee; and

(2) the provisions of section 532 of this Act shall apply.

(e) The President is authorized to withhold funds appropriated under this heading made available for economic revitalization programs in Bosnia and Herzegovina, if he determines and certifies to the Committees on Appropriations that the Federation of Bosnia and Herzegovina has not complied with article III of annex 1–A of the General Framework Agreement for Peace in Bosnia and Herzegovina concerning the withdrawal of foreign forces, and that intelligence cooperation on training, investigations, and related activities between Iranian officials and Bosnian officials has not been terminated.

(f) Not to exceed $225,000,000 of the funds appropriated under this heading may be made available for Bosnia and Herzegovina.

(g) Funds appropriated under this heading or in prior appropriations Acts that are or have been made available for an Enterprise Fund may be deposited by such Fund in interest-bearing accounts prior to the Fund's disbursement of such funds for program purposes. The Fund may retain for such program purposes any interest earned on such deposits without returning such interest to the Treasury of the United States and without further appropriation by the Congress. Funds made available for Enterprise Funds shall be expended at the minimum rate necessary to make timely payment for projects and activities.

ASSISTANCE FOR THE NEW INDEPENDENT STATES OF THE FORMER SOVIET UNION

(a) For necessary expenses to carry out the provisions of chapter 11 of part I of the Foreign Assistance Act of 1961 and the FREEDOM Support Act, for assistance for the new independent states of the former Soviet Union and for related programs, $590,000,000, to remain available until September 30, 2000: *Provided*, That the provisions of such chapter shall apply to funds appropriated by this paragraph.

(b) Funds appropriated under title II of this Act, including funds appropriated under this heading, should be made available for assistance for Mongolia at a level which is at least equivalent to the level provided in fiscal year 1998: *Provided*, That funds made available for assistance for Mongolia may be made available in accordance with the purposes and utilizing the authorities provided in chapter 11 of part I of the Foreign Assistance Act of 1961.

(c)(1) Of the funds appropriated under this heading that are allocated for assistance for the Government of Russia, 50 percent shall be withheld from obligation until the President determines and certifies in writing to the Committees on Appropriations that the Government of Russia has terminated implementation of arrangements to provide Iran with technical expertise, training, technology, or equipment necessary to develop a nuclear reactor, related nuclear research facilities or programs, or ballistic missile capability.

(2) Notwithstanding paragraph (1) assistance may be provided for the Government of Russia if the President determines and certifies to the Committees on Appropriations that making such funds available: (A) is vital to the national security interest of the United States; and (B) that the Government of Russia is taking meaningful steps to limit major supply contracts and to curtail the transfer of technology and technological expertise related to activities referred to in paragraph (1).

(d) Not more than 25 percent of the funds appropriated under this heading may be made available for assistance for any country in the region.

(e) Of the funds appropriated under this heading, not less than 33 percent shall be made available for assistance for the Southern Caucasus region: *Provided*, That of the funds made available for the Southern Caucasus region, 40 percent should be used for reconstruction and other activities relating to the peaceful resolution of conflicts within the region, especially those in the vicinity of Abkhazia and Nagorno-Karabakh: *Provided further*, That funds made available to parties participating in the Minsk Process under the first proviso of this subsection shall be provided only to those parties which agree to participate in direct or proximity negotiations without preconditions to resolve conflicts in the region: *Provided further*, That if the Secretary of State after May 30, 1999, determines and reports to the relevant committees of Congress that the full amount of funds that may be made available under the first proviso cannot be effectively utilized, the amount provided under the previous proviso may be used for other purposes under this heading.

(f) Funds provided under the previous subsection shall be made available for humanitarian assistance for refugees, displaced persons, and needy civilians affected by the conflicts in the Southern Caucasus region, including those in Abkhazia and Nagorno-Karabakh, notwithstanding any other provision of this or any other Act.

(g) Section 907 of the FREEDOM Support Act shall not apply to—

(1) activities to support democracy or assistance under title V of the FREEDOM Support Act and section 1424 of Public Law 104–201;

(2) any assistance provided by the Trade and Development Agency under section 661 of the Foreign Assistance Act of 1961 (22 U.S.C. 2421); and

(3) any activity carried out by a member of the United States and Foreign Commercial Service while acting within his or her official capacity.

(h) Funds appropriated under this heading or in prior appropriations Acts that are or have been made available for an Enterprise Fund may be deposited by such Fund in interest-bearing accounts prior to the Fund's disbursement of such funds for program purposes. The Fund may retain for such program purposes any interest earned on such deposits without returning such interest to the Treasury of the United States and without further appropriation by the Congress. Funds made available for Enterprise Funds shall be expended at the minimum rate necessary to make timely payment for projects and activities.

INDEPENDENT AGENCIES

INTER-AMERICAN FOUNDATION

For expenses necessary to carry out the functions of the Inter-American Foundation in accordance with the provisions of section 401 of the Foreign Assistance Act of 1969, and to make commitments without regard to fiscal year limitations, as provided by 31 U.S.C. 9104(b)(3), $20,680,000.

AFRICAN DEVELOPMENT FOUNDATION

For expenses necessary to carry out title V of the International Security and Development Cooperation Act of 1980, Public Law 96–533, and to make commitments without regard to fiscal year limitations (31 U.S.C. 9104(b)(3)), $13,160,000: *Provided*, That funds made available to grantees may be invested pending expenditure for project purposes when authorized by the President of the Foundation: *Provided further*, That interest earned shall be used only for the purposes for which the grant was made: *Provided further*, That this authority applies to interest earned both prior to and following enactment of this provision: *Provided further*, That notwithstanding section 505(a)(2) of the African Development Foundation Act, in exceptional circumstances the board of directors of the Foundation may waive the $250,000 limitation contained in that section with respect to a project: *Provided further*, That the Foundation shall provide a report to the Committees on Appropriations after each time such waiver authority is exercised.

PEACE CORPS

For expenses necessary to carry out the provisions of the Peace Corps Act (75 Stat. 612), $230,000,000, including the purchase of not to exceed five passenger motor vehicles for administrative purposes for use outside of the United States: *Provided*, That none of the funds appropriated under this heading shall be used to pay for abortions: *Provided further*, That funds appropriated under this heading shall remain available until September 30, 2000.

DEPARTMENT OF STATE

INTERNATIONAL NARCOTICS CONTROL

For necessary expenses to carry out section 481 of the Foreign Assistance Act of 1961, $275,000,000: *Provided*, That during fiscal year 1999, the Department of State may also use the authority of section 608 of the Act, without regard to its restrictions, to receive excess property from an agency of the United States Government for the purpose of providing it to a foreign country under chapter 8 of part I of that Act subject to the regular notification procedures of the Committees on Appropriations.

MIGRATION AND REFUGEE ASSISTANCE

For expenses, not otherwise provided for, necessary to enable the Secretary of State to provide, as authorized by law, a contribution to the International Committee of the Red Cross, assistance to refugees, including contributions to the International Organization for Migration and the United Nations High Commissioner for Refugees, and other activities to meet refugee and migration needs; salaries and expenses of personnel and dependents as authorized by the Foreign Service Act of 1980; allowances as authorized by sections 5921 through 5925 of title 5, United States Code; purchase and hire of passenger motor vehicles; and services as authorized by section 3109 of title 5, United States Code, $640,000,000: *Provided*, That not more than $12,000,000 shall be available for administrative expenses.

UNITED STATES EMERGENCY REFUGEE AND MIGRATION ASSISTANCE FUND

For necessary expenses to carry out the provisions of section 2(c) of the Migration and Refugee Assistance Act of 1962, as amended (22 U.S.C. 260(c)), $30,000,000, to remain available until expended: *Provided*, That the funds made available under this heading are appropriated notwithstanding the provisions contained in section 2(c)(2) of the Migration and Refugee Assistance Act of 1962 which would limit the amount of funds which could be appropriated for this purpose.

NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND RELATED PROGRAMS

For necessary expenses for nonproliferation, anti-terrorism and related programs and activities, $152,000,000, to carry out the provisions of chapter 8 of part II of the Foreign Assistance Act of 1961 for anti-terrorism assistance, section 504 of the FREEDOM Support Act for the Nonproliferation and Disarmament Fund, section 23 of the Arms Export Control Act or the Foreign Assistance Act of 1961 for demining, the clearance of unexploded ordnance, and related activities, notwithstanding any other provision of law, including activities implemented through nongovernmental and international organizations, section 301 of the Foreign Assistance Act of 1961 for a voluntary contribution to the International Atomic Energy Agency (IAEA), and for a United States contribution to the Comprehensive Nuclear Test Ban Treaty Preparatory Commission: *Provided*, That of this amount not to exceed $15,000,000, to remain available until expended, may be made available for the Nonproliferation and Disarmament Fund, notwithstanding any other provision of law, to promote bilateral and multilateral activities relating to nonproliferation and disarmament: *Provided further*, That such funds may also be used for such countries other than the new independent states of the former Soviet Union and international organizations when it is in the national security interest of the United States to do so: *Provided further*, That such funds shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That funds appropriated under this heading may be made available for the International Atomic Energy Agency only if the Secretary of State determines (and so reports to the Congress) that Israel is not being denied its right to participate in the activities of that Agency: *Provided further*, That the Secretary of State shall submit to the appropriate congressional committees an annual report (to be submitted with the annual presentation for appropriations) providing a full and detailed accounting of the fiscal year request for the United States contribution to KEDO, the expected operating budget of KEDO, to include unpaid debt, proposed annual costs associated with heavy fuel oil purchases, and the amount of funds pledged by other donor nations and organizations to support KEDO activities on a per country basis, and other related activities.

DEPARTMENT OF THE TREASURY

DEBT RESTRUCTURING

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, of modifying direct loans and loan guarantees, as the President may determine, for which funds have been appropriated or otherwise made available for programs within the International Affairs Budget Function 150, including the cost of selling, reducing, or canceling amounts, through debt buybacks and swaps, owed to the United States as a result of concessional loans made to eligible Latin American and Caribbean countries, pursuant to part IV of the Foreign Assistance Act of 1961; of modifying concessional credit agreements with least developed countries, as authorized under section 411 of the Agricultural Trade Development and Assistance Act of 1954, as amended, and

concessional loans, guarantees and credit agreements with any country in sub-Saharan Africa, as authorized under section 572 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1989 (Public Law 100–461); and of modifying any obligation, or portion of such obligation for Latin American countries to pay for purchases of United States agricultural commodities guaranteed by the Commodity Credit Corporation under export credit guarantee programs authorized pursuant to section 5(f) of the Commodity Credit Corporation Charter Act of June 29, 1948, as amended, section 4(b) of the Food for Peace Act of 1966, as amended (Public Law 89–808), or section 202 of the Agricultural Trade Act of 1978, as amended (Public Law 95–501); $36,000,000, to remain available until expended: *Provided*, That not to exceed $2,900,000 of such funds may be used for implementation of improvements in the foreign credit reporting system of the United States Government: *Provided further*, That the authority provided by section 572 of Public Law 100–461 may be exercised only with respect to countries that are eligible to borrow from the International Development Association, but not from the International Bank for Reconstruction and Development, commonly referred to as "IDA-only" countries.

TITLE III—MILITARY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL MILITARY EDUCATION AND TRAINING

For necessary expenses to carry out the provisions of section 541 of the Foreign Assistance Act of 1961, $50,000,000 of which up to $1,000,000 may remain available until expended: *Provided*, That the civilian personnel for whom military education and training may be provided under this heading may include civilians who are not members of a government whose participation would contribute to improved civil-military relations, civilian control of the military, or respect for human rights: *Provided further*, That funds appropriated under this heading for grant financed military education and training for Indonesia and Guatemala may only be available for expanded international military education and training and funds made available for Guatemala may only be provided through the regular notification procedures of the Committees on Appropriations: *Provided further*, That none of the funds appropriated under this heading may be made available to support grant financed military education and training at the School of the Americas unless the Secretary of Defense certifies that the instruction and training provided by the School of the Americas is fully consistent with training and doctrine, particularly with respect to the observance of human rights, provided by the Department of Defense to United States military students at Department of Defense institutions whose primary purpose is to train United States military personnel: *Provided further*, That the Secretary of Defense shall submit to the Committees on Appropriations, no later than January 15, 1999, a report detailing the training activities of the School of the Americas and a general assessment regarding the performance of its graduates during 1997.

FOREIGN MILITARY FINANCING PROGRAM

For expenses necessary for grants to enable the President to carry out the provisions of section 23 of the Arms Export Control Act, $3,335,910,000: *Provided*, That of the funds appropriated under this heading, not to exceed $1,860,000,000 shall be available for grants only for Israel, and not to exceed $1,300,000,000 shall be made available for grants only for Egypt: *Provided further*, That the funds appropriated by this paragraph for Israel shall be disbursed within 30 days of enactment of this Act or by October 31, 1998, whichever is later: *Provided further*, That to the extent that the Government of Israel requests that funds be used for such purposes, grants made available for Israel by this paragraph shall, as agreed by Israel and the United States, be available for advanced weapons systems, of which not less than $490,000,000 shall be available for the procurement in Israel of defense articles and defense services, including research and development: *Provided further*, That during fiscal year 1999 the President is authorized to, and shall, direct drawdowns of defense articles from the stocks of the Department of Defense, defense services of the Department of Defense, and military education and training of an aggregate value of not less than $25,000,000 under the authority of this proviso for Jordan for the purposes of part II of the Foreign Assistance Act of 1961: *Provided further*, That section 506(c) of the Foreign Assistance Act of 1961 shall apply, and section 632(d) of the Foreign Assistance Act of 1961 shall not apply, to any such drawdown: *Provided further*, That none of the funds made available under this heading shall be available for any non-NATO country participating in the Partnership for Peace Program except through the regular notification procedures of the Committees on Appropriations: *Provided further*, That funds appropriated by this paragraph shall be nonrepayable notwithstanding any requirement in section 23 of the Arms Export Control Act: *Provided further*, That funds made available under this heading shall be obligated upon apportionment in accordance with paragraph (5)(C) of title 31, United States Code, section 1501(a).

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, of direct loans authorized by section 23 of the Arms Export Control Act as follows: cost of direct loans, $20,000,000: *Provided*, That these funds are available to subsidize gross obligations for the principal amount of direct loans of not to exceed $167,000,000.

None of the funds made available under this heading shall be available to finance the procurement of defense articles, defense services, or design and construction services that are not sold by the United States Government under the Arms Export Control Act unless the foreign country proposing to make such procurements has first signed an agreement with the United States Government specifying the conditions under which such procurements may be financed with such funds: *Provided*, That all country and funding level increases in allocations shall be submitted through the regular notification procedures of section 515 of this Act: *Provided further*, That none of the funds appropriated under this heading shall be available for Sudan and Liberia: *Provided further*, That funds made available under this heading may be used, notwithstanding any other provision of law, for demining, the clearance of unexploded ordnance, and related activities and may include activities implemented through nongovernmental and international organizations: *Provided further*, That only those countries for which assistance was justified for the "Foreign Military Sales Financing Program" in the fiscal year 1989 congressional presentation for security assistance programs may utilize funds made available under this heading for procurement of defense articles, defense services or design and construction services that are not sold by the United States Government under the Arms Export Control Act: *Provided further*, That, subject to the regular notification procedures of the Committees on Appropriations, funds made available under this heading for the cost of direct loans may also be used to supplement the funds available under this heading for grants, and funds made available under this heading for grants may also be used to supplement the funds available under this heading for the cost of direct loans: *Provided further*, That funds appropriated under this heading shall be expended at the minimum rate necessary to make timely payment for defense articles and services: *Provided further*, That not more than $29,910,000 of the funds appropriated under this heading may be obligated for necessary expenses, including the purchase of passenger motor vehicles for replacement only for use outside of the United States, for the general costs of administering military assistance and sales: *Provided further*, That none of the funds under this heading shall be available for Guatemala: *Provided further*, That not more than $340,000,000 of funds realized pursuant to section 21(e)(1)(A) of the Arms Export Control Act may be obligated for expenses incurred by the Department of Defense during fiscal year 1999 pursuant to section 43(b) of the Arms Export Control Act, except that this limitation may be exceeded only through the regular notification procedures of the Committees on Appropriations.

PEACEKEEPING OPERATIONS

For necessary expenses to carry out the provisions of section 551 of the Foreign Assistance Act of 1961, $62,250,000: *Provided*, That none of the funds appropriated under this heading shall be obligated or expended except as provided through the regular notification procedures of the Committees on Appropriations.

TITLE IV—MULTILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL FINANCIAL INSTITUTIONS

CONTRIBUTION TO THE INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT

For payment to the International Bank for Reconstruction and Development by the Secretary of the Treasury, for the United States contribution to the Global Environment Facility (GEF), $42,500,000, to remain available until September 30, 2000, which shall be available for contributions previously due.

CONTRIBUTION TO THE INTERNATIONAL DEVELOPMENT ASSOCIATION

For payment to the International Development Association by the Secretary of the Treasury, $800,000,000, to remain available until expended.

CONTRIBUTION TO THE INTER-AMERICAN DEVELOPMENT BANK

For payment to the Inter-American Development Bank by the Secretary of the Treasury, for the United States share of the paid-in share portion of the increase in capital stock, $25,610,667, and for the United States share of the increase in the resources of the Fund for Special Operations, $21,152,000, to remain available until expended, which shall be available for contributions previously due.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the Inter-American Development Bank may subscribe without fiscal year limitation to the callable

capital portion of the United States share of such capital stock in an amount not to exceed $1,503,718,910.

CONTRIBUTION TO THE ENTERPRISE FOR THE AMERICAS MULTILATERAL INVESTMENT FUND

For payment to the Enterprise for the Americas Multilateral Investment Fund by the Secretary of the Treasury, for the United States contribution to the Fund to be administered by the Inter-American Development Bank, $50,000,000 to remain available until expended, which shall be available for contributions previously due.

CONTRIBUTION TO THE ASIAN DEVELOPMENT BANK

For payment to the Asian Development Bank by the Secretary of the Treasury for the United States share of the paid-in portion of the increase in capital stock, $13,221,596, to remain available until expended.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the Asian Development Bank may subscribe without fiscal year limitation to the callable capital portion of the United States share of such capital stock in an amount not to exceed $647,858,204.

CONTRIBUTION TO THE ASIAN DEVELOPMENT FUND

For the United States contribution by the Secretary of the Treasury to the increases in resources of the Asian Development Fund, as authorized by the Asian Development Bank Act, as amended (Public Law 89-369), $210,000,000, to remain available until expended, of which $150,000,000 shall be available for contributions previously due.

CONTRIBUTION TO THE AFRICAN DEVELOPMENT FUND

For the United States contribution by the Secretary of the Treasury to the increase in resources of the African Development Fund, $128,000,000, to remain available until expended, of which $88,300,000 shall be available for contributions previously due.

CONTRIBUTION TO THE EUROPEAN BANK FOR RECONSTRUCTION AND DEVELOPMENT

For payment to the European Bank for Reconstruction and Development by the Secretary of the Treasury, $35,778,717, for the United States share of the paid-in portion of the increase in capital stock, to remain available until expended.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the European Bank for Reconstruction and Development may subscribe without fiscal year limitation to the callable capital portion of the United States share of such capital stock in an amount not to exceed $123,237,803.

INTERNATIONAL ORGANIZATIONS AND PROGRAMS

For necessary expenses to carry out the provisions of section 301 of the Foreign Assistance Act of 1961, and of section 2 of the United Nations Environment Program Participation Act of 1973, $157,250,000: *Provided*, That none of the funds appropriated under this heading may be made available for the United Nations Fund for Science and Technology: *Provided further*, That none of the funds appropriated under this heading may be made available for the United Nations Population Fund (UNFPA): *Provided further*, That none of the funds appropriated under this heading may be made available for the Korean Peninsula Energy Development Organization (KEDO) or the International Atomic Energy Agency (IAEA).

TITLE V—GENERAL PROVISIONS

OBLIGATIONS DURING LAST MONTH OF AVAILABILITY

SEC. 501. Except for the appropriations entitled "International Disaster Assistance", and "United States Emergency Refugee and Migration Assistance Fund", not more than 15 percent of any appropriation item made available by this Act shall be obligated during the last month of availability.

PROHIBITION OF BILATERAL FUNDING FOR INTERNATIONAL FINANCIAL INSTITUTIONS

SEC. 502. Notwithstanding section 614 of the Foreign Assistance Act of 1961, as amended, none of the funds contained in title II of this Act may be used to carry out the provisions of section 209(d) of the Foreign Assistance Act of 1961.

LIMITATION ON RESIDENCE EXPENSES

SEC. 503. Of the funds appropriated or made available pursuant to this Act, not to exceed $126,500 shall be for official residence expenses of the Agency for International Development during the current fiscal year: *Provided*, That appropriate steps shall be taken to assure that, to the maximum extent possible, United States-owned foreign currencies are utilized in lieu of dollars.

LIMITATION ON EXPENSES

SEC. 504. Of the funds appropriated or made available pursuant to this Act, not to exceed $5,000 shall be for entertainment expenses of the Agency for International Development during the current fiscal year.

LIMITATION ON REPRESENTATIONAL ALLOWANCES

SEC. 505. Of the funds appropriated or made available pursuant to this Act, not to exceed $95,000 shall be available for representation allowances for the Agency for International Development during the current fiscal year: *Provided*, That appropriate steps shall be taken to assure that, to the maximum extent possible, United States-owned foreign currencies are utilized in lieu of dollars: *Provided further*, That of the funds made available by this Act for general costs of administering military assistance and sales under the heading "Foreign Military Financing Program", not to exceed $2,000 shall be available for entertainment expenses and not to exceed $50,000 shall be available for representation allowances: *Provided further*, That of the funds made available by this Act under the heading "International Military Education and Training", not to exceed $50,000 shall be available for entertainment allowances: *Provided further*, That of the funds made available by this Act for the Inter-American Foundation, not to exceed $2,000 shall be available for entertainment and representation allowances: *Provided further*, That of the funds made available by this Act for the Peace Corps, not to exceed a total of $4,000 shall be available for entertainment expenses: *Provided further*, That of the funds made available by this Act under the heading "Trade and Development Agency", not to exceed $2,000 shall be available for representation and entertainment allowances.

PROHIBITION ON FINANCING NUCLEAR GOODS

SEC. 506. None of the funds appropriated or made available (other than funds for "Nonproliferation, Anti-terrorism, Demining and Related Programs") pursuant to this Act, for carrying out the Foreign Assistance Act of 1961, may be used, except for purposes of nuclear safety, to finance the export of nuclear equipment, fuel, or technology.

PROHIBITION AGAINST DIRECT FUNDING FOR CERTAIN COUNTRIES

SEC. 507. None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to finance directly any assistance or reparations to Cuba, Iraq, Libya, North Korea, Iran, Sudan, or Syria: *Provided*, That for purposes of this section, the prohibition on obligations or expenditures shall include direct loans, credits, insurance and guarantees of the Export-Import Bank or its agents.

MILITARY COUPS

SEC. 508. None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to finance directly any assistance to any country whose duly elected head of government is deposed by military coup or decree: *Provided*, That assistance may be resumed to such country if the President determines and reports to the Committees on Appropriations that subsequent to the termination of assistance a democratically elected government has taken office.

TRANSFERS BETWEEN ACCOUNTS

SEC. 509. None of the funds made available by this Act may be obligated under an appropriation account to which they were not appropriated, except for transfers specifically provided for in this Act, unless the President, prior to the exercise of any authority contained in the Foreign Assistance Act of 1961 to transfer funds, consults with and provides a written policy justification to the Committees on Appropriations of the House of Representatives and the Senate: *Provided*, That the exercise of such authority shall be subject to the regular notification procedures of the Committees on Appropriations.

DEOBLIGATION/REOBLIGATION AUTHORITY

SEC. 510. (a) Amounts certified pursuant to section 1311 of the Supplemental Appropriations Act, 1955, as having been obligated against appropriations heretofore made under the authority of the Foreign Assistance Act of 1961 for the same general purpose as any of the headings under title II of this Act are, if deobligated, hereby continued available for the same period as the respective appropriations under such headings or until September 30, 1999, whichever is later, and for the same general purpose, and for countries within the same region as originally obligated: *Provided*, That the Appropriations Committees of both Houses of the Congress are notified 15 days in advance of the reobligation of such funds in accordance with regular notification procedures of the Committees on Appropriations.

(b) Obligated balances of funds appropriated to carry out section 23 of the Arms Export Control Act as of the end of the fiscal year immediately preceding the current fiscal year are, if deobligated, hereby continued available during the current fiscal year for the same purpose under any authority applicable to such appropriations under this Act: *Provided*, That the authority of this subsection may not be used in fiscal year 1999.

AVAILABILITY OF FUNDS

SEC. 511. No part of any appropriation contained in this Act shall remain available for obligation after the expiration of the current fiscal year unless expressly so provided in this Act: *Provided*, That funds appropriated for the purposes of chapters 1, 8, and 11 of part I, section 667, and chapter 4 of part II of the Foreign Assistance Act of 1961, as amended, and funds provided under the heading "Assistance for Eastern Europe and the Baltic States", shall remain available until expended if such funds are initially obligated before the expiration of their respective periods of availability contained in this Act: *Provided further*, That, notwithstanding any

other provision of this Act, any funds made available for the purposes of chapter 1 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961 which are allocated or obligated for cash disbursements in order to address balance of payments or economic policy reform objectives, shall remain available until expended: *Provided further*, That the report required by section 653(a) of the Foreign Assistance Act of 1961 shall designate for each country, to the extent known at the time of submission of such report, those funds allocated for cash disbursement for balance of payment and economic policy reform purposes.

LIMITATION ON ASSISTANCE TO COUNTRIES IN DEFAULT

SEC. 512. No part of any appropriation contained in this Act shall be used to furnish assistance to any country which is in default during a period in excess of one calendar year in payment to the United States of principal or interest on any loan made to such country by the United States pursuant to a program for which funds are appropriated under this Act: *Provided*, That this section and section 620(q) of the Foreign Assistance Act of 1961 shall not apply to funds made available in this Act or during the current fiscal year for Nicaragua, Brazil, the Democratic Republic of Congo, and Liberia, and for any narcotics-related assistance for Colombia, Bolivia, and Peru authorized by the Foreign Assistance Act of 1961 or the Arms Export Control Act.

COMMERCE AND TRADE

SEC. 513. (a) None of the funds appropriated or made available pursuant to this Act for direct assistance and none of the funds otherwise made available pursuant to this Act to the Export-Import Bank and the Overseas Private Investment Corporation shall be obligated or expended to finance any loan, any assistance or any other financial commitments for establishing or expanding production of any commodity for export by any country other than the United States, if the commodity is likely to be in surplus on world markets at the time the resulting productive capacity is expected to become operative and if the assistance will cause substantial injury to United States producers of the same, similar, or competing commodity: *Provided*, That such prohibition shall not apply to the Export-Import Bank if in the judgment of its Board of Directors the benefits to industry and employment in the United States are likely to outweigh the injury to United States producers of the same, similar, or competing commodity, and the Chairman of the Board so notifies the Committees on Appropriations.

(b) None of the funds appropriated by this or any other Act to carry out chapter 1 of part I of the Foreign Assistance Act of 1961 shall be available for any testing or breeding feasibility study, variety improvement or introduction, consultancy, publication, conference, or training in connection with the growth or production in a foreign country of an agricultural commodity for export which would compete with a similar commodity grown or produced in the United States: *Provided*, That this subsection shall not prohibit—

(1) activities designed to increase food security in developing countries where such activities will not have a significant impact in the export of agricultural commodities of the United States; or

(2) research activities intended primarily to benefit American producers.

SURPLUS COMMODITIES

SEC. 514. The Secretary of the Treasury shall instruct the United States Executive Directors of the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Inter-American Development Bank, the International Monetary Fund, the Asian Development Bank, the Inter-American Investment Corporation, the North American Development Bank, the European Bank for Reconstruction and Development, the African Development Bank, and the African Development Fund to use the voice and vote of the United States to oppose any assistance by these institutions, using funds appropriated or made available pursuant to this Act, for the production or extraction of any commodity or mineral for export, if it is in surplus on world markets and if the assistance will cause substantial injury to United States producers of the same, similar, or competing commodity.

NOTIFICATION REQUIREMENTS

SEC. 515. (a) For the purposes of providing the executive branch with the necessary administrative flexibility, none of the funds made available under this Act for "Child Survival and Disease Programs Fund", "Development assistance", "International Organizations and Programs", "Trade and Development Agency", "International narcotics control", "Assistance for Eastern Europe and the Baltic States", "Assistance for the New Independent States of the Former Soviet Union", "Economic Support Fund", "Peacekeeping operations", "Operating expenses of the Agency for International Development", "Operating expenses of the Agency for International Development Office of Inspector General", "Nonproliferation, anti-terrorism, demining and related programs", "Foreign Military Financing Program", "International military education and training", "Peace Corps", "Migration and refugee assistance", shall be available for obligation for activities, programs, projects, type of materiel assistance, countries, or other operations not justified or in excess of the amount justified to the Appropriations Committees for obligation under any of these specific headings unless the Appropriations Committees of both Houses of Congress are previously notified 15 days in advance: *Provided*, That the President shall not enter into any commitment of funds appropriated for the purposes of section 23 of the Arms Export Control Act for the provision of major defense equipment, other than conventional ammunition, or other major defense items defined to be aircraft, ships, missiles, or combat vehicles, not previously justified to Congress or 20 percent in excess of the quantities justified to Congress unless the Committees on Appropriations are notified 15 days in advance of such commitment: *Provided further*, That this section shall not apply to any reprogramming for an activity, program, or project under chapter 1 of part I of the Foreign Assistance Act of 1961 of less than 10 percent of the amount previously justified to the Congress for obligation for such activity, program, or project for the current fiscal year: *Provided further*, That the requirements of this section or any similar provision of this Act or any other Act, including any prior Act requiring notification in accordance with the regular notification procedures of the Committees on Appropriations, may be waived if failure to do so would pose a substantial risk to human health or welfare: *Provided further*, That in case of any such waiver, notification to the Congress, or the appropriate congressional committees, shall be provided as early as practicable, but in no event later than three days after taking the action to which such notification requirement was applicable, in the context of the circumstances necessitating such waiver: *Provided further*, That any notification provided pursuant to such a waiver shall contain an explanation of the emergency circumstances.

(b) Drawdowns made pursuant to section 506(a)(2) of the Foreign Assistance Act of 1961 shall be subject to the regular notification procedures of the Committees on Appropriations.

LIMITATION ON AVAILABILITY OF FUNDS FOR INTERNATIONAL ORGANIZATIONS AND PROGRAMS

SEC. 516. Notwithstanding any other provision of law or of this Act, none of the funds provided for "International Organizations and Programs" shall be available for the United States proportionate share, in accordance with section 307(c) of the Foreign Assistance Act of 1961, for any programs identified in section 307, or for Libya, Iran, or, at the discretion of the President, Communist countries listed in section 620(f) of the Foreign Assistance Act of 1961, as amended: *Provided*, That, subject to the regular notification procedures of the Committees on Appropriations, funds appropriated under this Act or any previously enacted Act making appropriations for foreign operations, export financing, and related programs, which are returned or not made available for organizations and programs because of the implementation of this section or any similar provision of law, shall remain available for obligation through September 30, 2000.

NEW INDEPENDENT STATES OF THE FORMER SOVIET UNION

SEC. 517. (a) ECONOMIC REFORMS.—None of the funds appropriated under the heading "Assistance for the New Independent States of the Former Soviet Union" shall be made available for assistance for the Government of Russia—

(1) unless that Government is making progress in implementing comprehensive economic reforms based on market principles, private ownership, negotiating repayment of commercial debt, respect for commercial contracts, and equitable treatment of foreign private investment;

(2) if that Government applies or transfers United States assistance to any entity for the purpose of expropriating or seizing ownership or control of assets, investments, or venture.

Assistance may be furnished without regard to this subsection if the President determines that to do so is in the national interest.

(b) None of the funds appropriated under the heading "Assistance for the New Independent States of the Former Soviet Union" shall be made available to any government of the new independent states of the former Soviet Union if that government directs any action in violation of the territorial integrity or national sovereignty of any other new independent state, such as those violations included in the Helsinki Final Act: *Provided*, That such funds may be made available without regard to the restriction in this subsection if the President determines that to do so is in the national security interest of the United States: *Provided further*, That the restriction of this subsection shall not apply to the use of such funds for the provision of assistance for purposes of humanitarian and refugee relief.

(c) None of the funds appropriated under the heading "Assistance for the New Independent States of the Former Soviet Union"

shall be made available for any state to enhance its military capability: *Provided*, That this restriction shall not apply to demilitarization, demining, or nonproliferation programs.

(d) Funds appropriated under the heading "Assistance for the New Independent States of the Former Soviet Union" shall be subject to the regular notification procedures of the Committees on Appropriations.

(e) Funds made available in this Act for assistance to the new independent states of the former Soviet Union shall be subject to the provisions of section 117 (relating to environment and natural resources) of the Foreign Assistance Act of 1961.

(f) In issuing new task orders, entering into contracts, or making grants, with funds appropriated under the heading "Assistance for the New Independent States of the Former Soviet Union" in this Act or in prior appropriations Acts, for projects or activities that have as one of their primary purposes the fostering of private sector development, the Coordinator for United States Assistance to the New Independent States and the implementing agency shall encourage the participation of and give significant weight to contractors and grantees who propose investing a significant amount of their own resources (including volunteer services and in-kind contributions) in such projects and activities.

PROHIBITION ON FUNDING FOR ABORTIONS AND INVOLUNTARY STERILIZATION

SEC. 518. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for the performance of abortions as a method of family planning or to motivate or coerce any person to practice abortions. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for the performance of involuntary sterilization as a method of family planning or to coerce or provide any financial incentive to any person to undergo sterilizations. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for any biomedical research which relates in whole or in part, to methods of, or the performance of, abortions or involuntary sterilization as a means of family planning. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be obligated or expended for any country or organization if the President certifies that the use of these funds by any such country or organization would violate any of the above provisions related to abortions and involuntary sterilizations: *Provided*, That none of the funds made available under this Act may be used to lobby for or against abortion.

FOREIGN ORGANIZATIONS THAT PERFORM OR PROMOTE ABORTION OVERSEAS; FORCED ABORTION IN THE PEOPLE'S REPUBLIC OF CHINA

SEC. 518A. (a) Section 104 of the Foreign Assistance Act of 1961 is amended by adding at the end the following new subsection:

"(h) RESTRICTIONS ON ASSISTANCE TO FOREIGN ORGANIZATIONS THAT PERFORM OR ACTIVELY PROMOTE ABORTIONS.—

"(1) PERFORMANCE OF ABORTIONS.—

"(A) Notwithstanding section 614 of this Act or any other provision of law, no funds appropriated for population planning activities or other population assistance may be made available for any foreign private, nongovernmental, or multilateral organization until the organization certifies that it will not, during the period for which the funds are made available, perform abortions in any foreign country, except where the life of the mother would be endangered if the pregnancy were carried to term or in cases of forcible rape or incest.

"(B) Subparagraph (A) may not be construed to apply to the treatment of injuries or illnesses caused by legal or illegal abortions or to assistance provided directly to the government of a country.

"(2) LOBBYING ACTIVITIES.—

"(A) Notwithstanding section 614 of this Act or any other provision of law, no funds appropriated for population planning activities or other population assistance may be made available for any foreign private, nongovernmental, or multilateral organization until the organization certifies that it will not, during the period for which the funds are made available, violate the laws of any foreign country concerning the circumstances under which abortion is permitted, regulated, or prohibited, or engage in any activity or effort to alter the laws or governmental policies of any foreign country concerning the circumstances under which abortion is permitted, regulated, or prohibited.

"(B) Subparagraph (A) shall not apply to activities in opposition to coercive abortion or involuntary sterilization.

"(3) APPLICATION TO FOREIGN ORGANIZATIONS.—The prohibitions of this subsection apply to funds made available to a foreign organization either directly or as a subcontractor or subgrantee, and the certifications required by paragraphs (1) and (2) apply to activities in which the organization engages either directly or through a subcontractor or subgrantee.

"(4) DEFINITION.—As used in this section, the term 'activity or effort to alter the laws or governmental policies of any foreign country concerning the circumstances under which abortion is permitted, regulated, or prohibited' includes not only overt lobbying for such changes, but also such other activities as sponsoring, rather than merely attending, conferences and workshops on the alleged defects in the abortion laws, as well the drafting and distribution of materials or public statements calling attention to such alleged defects.".

(b) Section 301 of the Foreign Assistance Act of 1961 is amended by adding at the end the following new subsection:

"(i) LIMITATION RELATING TO FORCED ABORTIONS IN THE PEOPLE'S REPUBLIC OF CHINA.—Notwithstanding section 614 of this Act or any other provision of law, no funds may be made available for the United Nations Population Fund (UNFPA) in any fiscal year unless the President certifies that—

"(1) UNFPA has terminated all activities in the People's Republic of China, and the United States has received assurances that UNFPA will conduct no such activities during the fiscal year for which the funds are to be made available; or

"(2) during the 12 months preceding such certification there have been no abortions as the result of coercion associated with the family planning policies of the national government or other governmental entities within the People's Republic of China. As used in this section, the term 'coercion' includes physical duress or abuse, destruction or confiscation of property, loss of means of livelihood, or severe psychological pressure.".

(c) The President may waive the provisions of section 104(h)(1) of the Foreign Assistance Act of 1961, as amended, pertaining to population assistance to foreign organizations that perform abortions in foreign countries, for any fiscal year: *Provided*, That if the President exercises the waiver provided by this subsection for any fiscal year, not to exceed $356,000,000 may be made available for population planning activities or other population assistance for such fiscal year: *Provided further*, That the limitation in the previous proviso includes all funds for programs and activities designed to control fertility or to reduce or delay childbirths or pregnancies, irrespective of the heading under which such funds are made available.

EXCESS DEFENSE ARTICLES FOR CENTRAL EUROPEAN COUNTRIES

SEC. 519. Section 105 of Public Law 104-164 (110 Stat 1427) is amended by striking "1996 and 1997" and inserting "1999 and 2000".

SPECIAL NOTIFICATION REQUIREMENTS

SEC. 520. None of the funds appropriated by this Act shall be obligated or expended for Colombia, Honduras, Haiti, Liberia, Pakistan, Panama, Peru, Serbia, Sudan, or the Democratic Republic of Congo except as provided through the regular notification procedures of the Committees on Appropriations.

DEFINITION OF PROGRAM, PROJECT, AND ACTIVITY

SEC. 521. For the purpose of this Act, "program, project, and activity" shall be defined at the appropriations Act account level and shall include all appropriations and authorizations Acts earmarks, ceilings, and limitations with the exception that for the following accounts: Economic Support Fund and Foreign Military Financing Program, "program, project, and activity" shall also be considered to include country, regional, and central program level funding within each such account; for the development assistance accounts of the Agency for International Development "program, project, and activity" shall also be considered to include central program level funding, either as: (1) justified to the Congress; or (2) allocated by the executive branch in accordance with a report, to be provided to the Committees on Appropriations within 30 days of enactment of this Act, as required by section 653(a) of the Foreign Assistance Act of 1961.

CHILD SURVIVAL, AIDS, AND OTHER ACTIVITIES

SEC. 522. Up to $10,000,000 of the funds made available by this Act for assistance for family planning, health, child survival, basic education, and AIDS, may be used to reimburse United States Government agencies, agencies of State governments, institutions of higher learning, and private and voluntary organizations for the full cost of individuals (including for the personal services of such individuals) detailed or assigned to, or contracted by, as the case may be, the Agency for International Development for the purpose of carrying out family planning activities, child survival, and basic education activities, and activities relating to research on, and the treatment and control of acquired immune deficiency syndrome in developing countries: *Provided*, That funds appropriated by this Act that are made available for child survival and disease programs activities may be made available notwithstanding any provision of law that restricts assistance to foreign countries: *Provided further*, That funds appropriated under title II of this Act may be made available pursuant to section 301 of the Foreign Assistance Act of 1961 if a primary purpose of the assistance is for child survival and related programs: *Provided further*, That funds appropriated by this Act that are made available for family planning activities may be made available

notwithstanding section 512 of this Act and section 620(q) of the Foreign Assistance Act of 1961.

PROHIBITION AGAINST INDIRECT FUNDING TO CERTAIN COUNTRIES

SEC. 523. None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated to finance indirectly any assistance or reparations to Cuba, Iraq, Libya, Iran, Syria, North Korea, or the People's Republic of China, unless the President of the United States certifies that the withholding of these funds is contrary to the national interest of the United States.

RECIPROCAL LEASING

SEC. 524. Section 61(a) of the Arms Export Control Act is amended by striking out "1998" and inserting in lieu thereof "1999".

NOTIFICATION ON EXCESS DEFENSE EQUIPMENT

SEC. 525. Prior to providing excess Department of Defense articles in accordance with section 516(a) of the Foreign Assistance Act of 1961, the Department of Defense shall notify the Committees on Appropriations to the same extent and under the same conditions as are other committees pursuant to subsection (c) of that section: *Provided*, That before issuing a letter of offer to sell excess defense articles under the Arms Export Control Act, the Department of Defense shall notify the Committees on Appropriations in accordance with the regular notification procedures of such Committees: *Provided further*, That such Committees shall also be informed of the original acquisition cost of such defense articles.

AUTHORIZATION REQUIREMENT

SEC. 526. Funds appropriated by this Act may be obligated and expended notwithstanding section 10 of Public Law 91–672 and section 15 of the State Department Basic Authorities Act of 1956.

DEMOCRACY IN CHINA

SEC. 527. Notwithstanding any other provision of law that restricts assistance to foreign countries, funds appropriated by this Act for "Economic Support Fund" may be made available to provide general support for nongovernmental organizations located outside the People's Republic of China that have as their primary purpose fostering democracy in that country, and for activities of nongovernmental organizations located outside the People's Republic of China to foster democracy in that country: *Provided*, That none of the funds made available for activities to foster democracy in the People's Republic of China may be made available for assistance to the government of that country.

COMMERCIAL LEASING OF DEFENSE ARTICLES

SEC. 528. Notwithstanding any other provision of law, and subject to the regular notification procedures of the Committees on Appropriations, the authority of section 23(a) of the Arms Export Control Act may be used to provide financing to Israel, Egypt and NATO and major non-NATO allies for the procurement by leasing (including leasing with an option to purchase) of defense articles from United States commercial suppliers, not including Major Defense Equipment (other than helicopters and other types of aircraft having possible civilian application), if the President determines that there are compelling foreign policy or national security reasons for those defense articles being provided by commercial lease rather than by government-to-government sale under such Act.

COMPETITIVE INSURANCE

SEC. 529. All Agency for International Development contracts and solicitations, and subcontracts entered into under such contracts, shall include a clause requiring that United States insurance companies have a fair opportunity to bid for insurance when such insurance is necessary or appropriate.

STINGERS IN THE PERSIAN GULF REGION

SEC. 530. Except as provided in section 581 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990, the United States may not sell or otherwise make available any Stingers to any country bordering the Persian Gulf under the Arms Export Control Act or chapter 2 of part II of the Foreign Assistance Act of 1961.

DEBT-FOR-DEVELOPMENT

SEC. 531. In order to enhance the continued participation of nongovernmental organizations in economic assistance activities under the Foreign Assistance Act of 1961, including endowments, debt-for-development and debt-for-nature exchanges, a nongovernmental organization which is a grantee or contractor of the Agency for International Development may place in interest bearing accounts funds made available under this Act or prior Acts or local currencies which accrue to that organization as a result of economic assistance provided under title II of this Act and any interest earned on such investment shall be used for the purpose for which the assistance was provided to that organization.

SEPARATE ACCOUNTS

SEC. 532. (a) SEPARATE ACCOUNTS FOR LOCAL CURRENCIES.—(1) If assistance is furnished to the government of a foreign country under chapter 1 and 10 of part I or chapter 4 of part II of the Foreign Assistance Act of 1961 under agreements which result in the generation of local currencies of that country, the Administrator of the Agency for International Development shall—

(A) require that local currencies be deposited in a separate account established by that government;

(B) enter into an agreement with that government which sets forth—

(i) the amount of the local currencies to be generated; and

(ii) the terms and conditions under which the currencies so deposited may be utilized, consistent with this section; and

(C) establish by agreement with that government the responsibilities of the Agency for International Development and that government to monitor and account for deposits into and disbursements from the separate account.

(2) USES OF LOCAL CURRENCIES.—As may be agreed upon with the foreign government, local currencies deposited in a separate account pursuant to subsection (a), or an equivalent amount of local currencies, shall be used only—

(A) to carry out chapter 1 or 10 of part I or chapter 4 of part II (as the case may be), for such purposes as—

(i) project and sector assistance activities; or

(ii) debt and deficit financing; or

(B) for the administrative requirements of the United States Government.

(3) PROGRAMMING ACCOUNTABILITY.—The Agency for International Development shall take all necessary steps to ensure that the equivalent of the local currencies disbursed pursuant to subsection (a)(2)(A) from the separate account established pursuant to subsection (a)(1) are used for the purposes agreed upon pursuant to subsection (a)(2).

(4) TERMINATION OF ASSISTANCE PROGRAMS.—Upon termination of assistance to a country under chapter 1 or 10 of part I or chapter 4 of part II (as the case may be), any unencumbered balances of funds which remain in a separate account established pursuant to subsection (a) shall be disposed of for such purposes as may be agreed to by the government of that country and the United States Government.

(5) CONFORMING AMENDMENTS.—The provisions of this subsection shall supersede the tenth and eleventh provisos contained under the heading "Sub-Saharan Africa, Development Assistance" as included in the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1989 and sections 531(d) and 609 of the Foreign Assistance Act of 1961.

(6) REPORTING REQUIREMENT.—The Administrator of the Agency for International Development shall report on an annual basis as part of the justification documents submitted to the Committees on Appropriations on the use of local currencies for the administrative requirements of the United States Government as authorized in subsection (a)(2)(B), and such report shall include the amount of local currency (and United States dollar equivalent) used and/or to be used for such purpose in each applicable country.

(b) SEPARATE ACCOUNTS FOR CASH TRANSFERS.—(1) If assistance is made available to the government of a foreign country, under chapter 1 or 10 of part I or chapter 4 of part II of the Foreign Assistance Act of 1961, as cash transfer assistance or as nonproject sector assistance, that country shall be required to maintain such funds in a separate account and not commingle them with any other funds.

(2) APPLICABILITY OF OTHER PROVISIONS OF LAW.—Such funds may be obligated and expended notwithstanding provisions of law which are inconsistent with the nature of this assistance including provisions which are referenced in the Joint Explanatory Statement of the Committee of Conference accompanying House Joint Resolution 648 (H. Report No. 98–1159).

(3) NOTIFICATION.—At least 15 days prior to obligating any such cash transfer or nonproject sector assistance, the President shall submit a notification through the regular notification procedures of the Committees on Appropriations, which shall include a detailed description of how the funds proposed to be made available will be used, with a discussion of the United States interests that will be served by the assistance (including, as appropriate, a description of the economic policy reforms that will be promoted by such assistance).

(4) EXEMPTION.—Nonproject sector assistance funds may be exempt from the requirements of subsection (b)(1) only through the notification procedures of the Committees on Appropriations.

COMPENSATION FOR UNITED STATES EXECUTIVE DIRECTORS TO INTERNATIONAL FINANCIAL INSTITUTIONS

SEC. 533. (a) No funds appropriated by this Act may be made as payment to any international financial institution while the United States Executive Director to such institution is compensated by the institution at a rate which, together with whatever compensation such Director receives from the United States, is in excess of the rate provided for an individual occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, or while any alternate United States Director to such institution is compensated by the institution at a rate in excess of the rate provided for an individual occupying a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.

(b) For purposes of this section, "international financial institutions" are: the International Bank for Reconstruction and Development, the Inter-American Development Bank, the Asian Development Bank, the Asian Development Fund, the African Development Bank, the African Development Fund, the International Monetary Fund, the North American Development Bank, and the European Bank for Reconstruction and Development.

COMPLIANCE WITH UNITED NATIONS SANCTIONS AGAINST IRAQ

SEC. 534. None of the funds appropriated or otherwise made available pursuant to this Act to carry out the Foreign Assistance Act of 1961 (including title IV of chapter 2 of part I, relating to the Overseas Private Investment Corporation) or the Arms Export Control Act may be used to provide assistance to any country that is not in compliance with the United Nations Security Council sanctions against Iraq unless the President determines and so certifies to the Congress that—

(1) such assistance is in the national interest of the United States;

(2) such assistance will directly benefit the needy people in that country; or

(3) the assistance to be provided will be humanitarian assistance for foreign nationals who have fled Iraq and Kuwait.

COMPETITIVE PRICING FOR SALES OF DEFENSE ARTICLES

SEC. 535. Direct costs associated with meeting a foreign customer's additional or unique requirements will continue to be allowable under contracts under section 22(d) of the Arms Export Control Act. Loadings applicable to such direct costs shall be permitted at the same rates applicable to procurement of like items purchased by the Department of Defense for its own use.

AUTHORITIES FOR THE PEACE CORPS, THE INTER-AMERICAN FOUNDATION AND THE AFRICAN DEVELOPMENT FOUNDATION

SEC. 536. Unless expressly provided to the contrary, provisions of this or any other Act, including provisions contained in prior Acts authorizing or making appropriations for foreign operations, export financing, and related programs, shall not be construed to prohibit activities authorized by or conducted under the Peace Corps Act, the Inter-American Foundation Act, or the African Development Foundation Act. The appropriate agency shall promptly report to the Committees on Appropriations whenever it is conducting activities or is proposing to conduct activities in a country for which assistance is prohibited.

IMPACT ON JOBS IN THE UNITED STATES

SEC. 537. None of the funds appropriated by this Act may be obligated or expended to provide—

(1) any financial incentive to a business enterprise currently located in the United States for the purpose of inducing such an enterprise to relocate outside the United States if such incentive or inducement is likely to reduce the number of employees of such business enterprise in the United States because United States production is being replaced by such enterprise outside the United States;

(2) assistance for the purpose of establishing or developing in a foreign country any export processing zone or designated area in which the tax, tariff, labor, environment, and safety laws of that country do not apply, in part or in whole, to activities carried out within that zone or area, unless the President determines and certifies that such assistance is not likely to cause a loss of jobs within the United States; or

(3) assistance for any project or activity that contributes to the violation of internationally recognized workers rights, as defined in section 502(a)(4) of the Trade Act of 1974, of workers in the recipient country, including any designated zone or area in that country: *Provided*, That in recognition that the application of this subsection should be commensurate with the level of development of the recipient country and sector, the provisions of this subsection shall not preclude assistance for the informal sector in such country, micro and small-scale enterprise, and smallholder agriculture.

SPECIAL AUTHORITIES

SEC. 538. (a) Funds appropriated in titles I and II of this Act that are made available for Afghanistan, Lebanon, Montenegro, and for victims of war, displaced children, displaced Burmese, humanitarian assistance for Romania, and humanitarian assistance for the peoples of Bosnia and Herzegovina, Croatia, and Kosova, may be made available notwithstanding any other provision of law.

(b) Funds appropriated by this Act to carry out the provisions of sections 103 through 106 of the Foreign Assistance Act of 1961 may be used, notwithstanding any other provision of law, for the purpose of supporting biodiversity conservation activities: *Provided*, That such assistance shall be subject to sections 116, 502B, and 620A of the Foreign Assistance Act of 1961.

(c) The Agency for International Development may employ personal services contractors, notwithstanding any other provision of law, for the purpose of administering programs for the West Bank and Gaza.

(d)(1) WAIVER.—The President may waive the provisions of section 1003 of Public Law 100–204 if the President determines and certifies in writing to the Speaker of the House of Representatives and the President pro tempore of the Senate that it is important to the national security interests of the United States.

(2) PERIOD OF APPLICATION OF WAIVER.—Any waiver pursuant to paragraph (1) shall be effective for no more than a period of six months at a time and shall not apply beyond twelve months after enactment of this Act.

POLICY ON TERMINATING THE ARAB LEAGUE BOYCOTT OF ISRAEL

SEC. 539. It is the sense of the Congress that—

(1) the Arab League countries should immediately and publicly renounce the primary boycott of Israel and the secondary and tertiary boycott of American firms that have commercial ties with Israel;

(2) the decision by the Arab League in 1997 to reinstate the boycott against Israel was deeply troubling and disappointing;

(3) the Arab League should immediately rescind its decision on the boycott and its members should develop normal relations with their neighbor Israel; and

(4) the President should—

(A) take more concrete steps to encourage vigorously Arab League countries to renounce publicly the primary boycotts of Israel and the secondary and tertiary boycotts of American firms that have commercial relations with Israel as a confidence-building measure;

(B) take into consideration the participation of any recipient country in the primary boycott of Israel and the secondary and tertiary boycotts of American firms that have commercial relations with Israel when determining whether to sell weapons to said country;

(C) report to Congress on the specific steps being taken by the President to bring about a public renunciation of the Arab primary boycott of Israel and the secondary and tertiary boycotts of American firms that have commercial relations with Israel and to expand the process of normalizing ties between Arab League countries and Israel; and

(D) encourage the allies and trading partners of the United States to enact laws prohibiting businesses from complying with the boycott and penalizing businesses that do comply.

ANTI-NARCOTICS ACTIVITIES

SEC. 540. (a) Of the funds appropriated by this Act for "Economic Support Fund", assistance may be provided to strengthen the administration of justice in countries in Latin America and the Caribbean and in other regions consistent with the provisions of section 534(b) of the Foreign Assistance Act of 1961, except that programs to enhance protection of participants in judicial cases may be conducted notwithstanding section 660 of that Act.

(b) Funds made available pursuant to this section may be made available notwithstanding section 534(c) and the second and third sentences of section 534(e) of the Foreign Assistance Act of 1961.

ELIGIBILITY FOR ASSISTANCE

SEC. 541. (a) ASSISTANCE THROUGH NONGOVERNMENTAL ORGANIZATIONS.—Restrictions contained in this or any other Act with respect to assistance for a country shall not be construed to restrict assistance in support of programs of nongovernmental organizations from funds appropriated by this Act to carry out the provisions of chapters 1, 10, and 11 of part I, and chapter 4 of part II, of the Foreign Assistance Act of 1961: *Provided*, That the President shall take into consideration, in any case in which a restriction on assistance would be applicable but for this subsection, whether assistance in support of programs of nongovernmental organizations is in the national interest of the United States: *Provided further*, That before using the authority of this subsection to furnish assistance in support of programs of nongovernmental organizations, the President shall notify the Committees on Appropriations under the regular notification procedures of those committees, including a description of the program to be assisted, the assistance to be provided, and the reasons for furnishing such assistance: *Provided further*, That nothing in this subsection shall be construed to alter any existing statutory prohibitions against abortion or involuntary sterilizations contained in this or any other Act.

(b) PUBLIC LAW 480.—During fiscal year 1999, restrictions contained in this or any other Act with respect to assistance for a country shall not be construed to restrict assistance under the Agricultural Trade Development and Assistance Act of 1954: *Provided*, That none of the funds appropriated to carry out title I of such Act and made available pursuant to this subsection may be obligated or expended except as provided through the regular notification procedures of the Committees on Appropriations.

(c) EXCEPTION.—This section shall not apply—

(1) with respect to section 620A of the Foreign Assistance Act or any comparable provision of law prohibiting assistance to countries that support international terrorism; or

(2) with respect to section 116 of the Foreign Assistance Act of 1961 or any comparable provision of law prohibiting assistance to countries that violate internationally recognized human rights.

EARMARKS

SEC. 542. (a) Funds appropriated by this Act which are earmarked may be reprogrammed for other programs within the same account notwithstanding the earmark if compliance with the earmark is made impossible by operation of any provision of this or any other Act or, with respect to a country with which the United States has an agreement providing the United States with base rights or base access in that country, if the President determines that the recipient for which funds are earmarked has significantly reduced its military or economic cooperation with the United States since enactment of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1991; however, before exercising the authority of this subsection with regard to a base rights or base access country which has significantly reduced its military or economic cooperation with the United States, the President shall consult with, and shall provide a written policy justification to the Committees on Appropriations: *Provided*, That any such reprogramming shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That assistance that is reprogrammed pursuant to this subsection shall be made available under the same terms and conditions as originally provided.

(b) In addition to the authority contained in subsection (a), the original period of availability of funds appropriated by this Act and administered by the Agency for International Development that are earmarked for particular programs or activities by this or any other Act shall be extended for an additional fiscal year if the Administrator of such agency determines and reports promptly to the Committees on Appropriations that the termination of assistance to a country or a significant change in circumstances makes it unlikely that such earmarked funds can be obligated during the original period of availability: *Provided*, That such earmarked funds that are continued available for an additional fiscal year shall be obligated only for the purpose of such earmark.

CEILINGS AND EARMARKS

SEC. 543. Ceilings and earmarks contained in this Act shall not be applicable to funds or authorities appropriated or otherwise made available by any subsequent Act unless such Act specifically so directs.

PROHIBITION ON PUBLICITY OR PROPAGANDA

SEC. 544. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes within the United States not authorized before the date of enactment of this Act by the Congress: *Provided*, That not to exceed $950,000 may be made available to carry out the provisions of section 316 of Public Law 96–533.

PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS

SEC. 545. (a) To the maximum extent possible, assistance provided under this Act should make full use of American resources, including commodities, products, and services.

(b) It is the Sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

(c) In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (b) by the Congress.

PROHIBITION OF PAYMENTS TO UNITED NATIONS MEMBERS

SEC. 546. None of the funds appropriated or made available pursuant to this Act for carrying out the Foreign Assistance Act of 1961, may be used to pay in whole or in part any assessments, arrearages, or dues of any member of the United Nations.

CONSULTING SERVICES

SEC. 547. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order pursuant to existing law.

PRIVATE VOLUNTARY ORGANIZATIONS–DOCUMENTATION

SEC. 548. None of the funds appropriated or made available pursuant to this Act shall be available to a private voluntary organization which fails to provide upon timely request any document, file, or record necessary to the auditing requirements of the Agency for International Development.

PROHIBITION ON ASSISTANCE TO FOREIGN GOVERNMENTS THAT EXPORT LETHAL MILITARY EQUIPMENT TO COUNTRIES SUPPORTING INTERNATIONAL TERRORISM

SEC. 549. (a) None of the funds appropriated or otherwise made available by this Act may be available to any foreign government which provides lethal military equipment to a country the government of which the Secretary of State has determined is a terrorist government for purposes of section 40(d) of the Arms Export Control Act or any other comparable provision of law. The prohibition under this section with respect to a foreign government shall terminate 12 months after that government ceases to provide such military equipment. This section applies with respect to lethal military equipment provided under a contract entered into after October 1, 1997.

(b) Assistance restricted by subsection (a) or any other similar provision of law, may be furnished if the President determines that furnishing such assistance is important to the national interests of the United States.

(c) Whenever the waiver of subsection (b) is exercised, the President shall submit to the appropriate congressional committees a report with respect to the furnishing of such assistance. Any such report shall include a detailed explanation of the assistance estimated to be provided, including the estimated dollar amount of such assistance, and an explanation of how the assistance furthers United States national interests.

WITHHOLDING OF ASSISTANCE FOR PARKING FINES OWED BY FOREIGN COUNTRIES

SEC. 550. (a) IN GENERAL.—Of the funds made available for a foreign country under part I of the Foreign Assistance Act of 1961, an amount equivalent to 110 percent of the total unpaid fully adjudicated parking fines and penalties owed to the District of Columbia by such country as of the date of enactment of this Act shall be withheld from obligation for such country until the Secretary of State certifies and reports in writing to the appropriate congressional committees that such fines and penalties are fully paid to the government of the District of Columbia.

(b) DEFINITION.—For purposes of this section, the term "appropriate congressional committees" means the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on International Relations and the Committee on Appropriations of the House of Representatives.

LIMITATION ON ASSISTANCE FOR THE PLO FOR THE WEST BANK AND GAZA

SEC. 551. None of the funds appropriated by this Act may be obligated for assistance for the Palestine Liberation Organization for the West Bank and Gaza unless the President has exercised the authority under section 604(a) of the Middle East Peace Facilitation Act of 1995 (title VI of Public Law 104–107) or any other legislation to suspend or make inapplicable section 307 of the Foreign Assistance Act of 1961 and that suspension is still in effect: *Provided*, That if the President fails to make the certification under section 604(b)(2) of the Middle East Peace Facilitation Act of 1995 or to suspend the prohibition under other legislation, funds appropriated by this Act may not be obligated for assistance for the Palestine Liberation Organization for the West Bank and Gaza.

WAR CRIMES TRIBUNALS DRAWDOWN

SEC. 552. If the President determines that doing so will contribute to a just resolution of charges regarding genocide or other violations of international humanitarian law, the President may direct a drawdown pursuant to section 552(c) of the Foreign Assistance Act of 1961, as amended, of up to $25,000,000 of commodities and services for the United Nations War Crimes Tribunal established with regard to the former Yugoslavia by the United Nations Security Council or such other tribunals or commissions as the Council may establish to deal with such violations, without regard to the ceiling limitation contained in paragraph (2) thereof: *Provided*, That the determination required under this section shall be in lieu of any determinations otherwise required under section 552(c): *Provided further*, That 60 days after the date of enactment of this Act, and every 180 days thereafter, the Secretary of State shall submit a report to the Committees on Appropriations describing the steps the United States Government is taking to collect information regarding allegations of genocide or other violations of international law in the former Yugoslavia and to furnish that information to the United Nations War Crimes Tribunal for the former Yugoslavia.

LANDMINES

SEC. 553. Notwithstanding any other provision of law, demining equipment available to the Agency for International Development and the Department of State and used in support of the clearance of landmines and unexploded ordnance for humanitarian purposes may be disposed of on a grant basis in foreign countries, subject to such terms and conditions as the President may prescribe.

RESTRICTIONS CONCERNING THE PALESTINIAN AUTHORITY

SEC. 554. None of the funds appropriated by this Act may be obligated or expended to create in any part of Jerusalem a new office of any department or agency of the United States Government for the purpose of conducting official United States Government business with the Palestinian Authority over Gaza and Jericho or any successor Palestinian governing entity provided for in the

Israel-PLO Declaration of Principles: *Provided*, That this restriction shall not apply to the acquisition of additional space for the existing Consulate General in Jerusalem: *Provided further*, That meetings between officers and employees of the United States and officials of the Palestinian Authority, or any successor Palestinian governing entity provided for in the Israel-PLO Declaration of Principles, for the purpose of conducting official United States Government business with such authority should continue to take place in locations other than Jerusalem. As has been true in the past, officers and employees of the United States Government may continue to meet in Jerusalem on other subjects with Palestinians (including those who now occupy positions in the Palestinian Authority), have social contacts, and have incidental discussions.

PROHIBITION OF PAYMENT OF CERTAIN EXPENSES

SEC. 555. None of the funds appropriated or otherwise made available by this Act under the heading "International Military Education and Training" or "Foreign Military Financing Program" for Informational Program activities may be obligated or expended to pay for—

(1) alcoholic beverages;

(2) food (other than food provided at a military installation) not provided in conjunction with Informational Program trips where students do not stay at a military installation; or

(3) entertainment expenses for activities that are substantially of a recreational character, including entrance fees at sporting events and amusement parks.

EQUITABLE ALLOCATION OF FUNDS

SEC. 556. Not more than 18 percent of the funds appropriated by this Act to carry out the provisions of sections 103 through 106 and chapter 4 of part II of the Foreign Assistance Act of 1961, that are made available for Latin America and the Caribbean region may be made available, through bilateral and Latin America and the Caribbean regional programs, to provide assistance for any country in such region.

SPECIAL DEBT RELIEF FOR THE POOREST

SEC. 557. (a) AUTHORITY TO REDUCE DEBT.—The President may reduce amounts owed to the United States (or any agency of the United States) by an eligible country as a result of—

(1) guarantees issued under sections 221 and 222 of the Foreign Assistance Act of 1961;

(2) credits extended or guarantees issued under the Arms Export Control Act; or

(3) any obligation or portion of such obligation for a Latin American country, to pay for purchases of United States agricultural commodities guaranteed by the Commodity Credit Corporation under export credit guarantee programs authorized pursuant to section 5(f) of the Commodity Credit Corporation Charter Act of June 29, 1948, as amended, section 4(b) of the Food for Peace Act of 1966, as amended (Public Law 89-808), or section 202 of the Agricultural Trade Act of 1978, as amended (Public Law 95-501).

(b) LIMITATIONS.—

(1) The authority provided by subsection (a) may be exercised only to implement multilateral official debt relief ad referendum agreements, commonly referred to as "Paris Club Agreed Minutes".

(2) The authority provided by subsection (a) may be exercised only in such amounts or to such extent as is provided in advance by appropriations Acts.

(3) The authority provided by subsection (a) may be exercised only with respect to countries with heavy debt burdens that are eligible to borrow from the International Development Association, but not from the International Bank for Reconstruction and Development, commonly referred to as "IDA-only" countries.

(c) CONDITIONS.—The authority provided by subsection (a) may be exercised only with respect to a country whose government—

(1) does not have an excessive level of military expenditures;

(2) has not repeatedly provided support for acts of international terrorism;

(3) is not failing to cooperate on international narcotics control matters;

(4) (including its military or other security forces) does not engage in a consistent pattern of gross violations of internationally recognized human rights; and

(5) is not ineligible for assistance because of the application of section 527 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995.

(d) AVAILABILITY OF FUNDS.—The authority provided by subsection (a) may be used only with regard to funds appropriated by this Act under the heading "Debt restructuring".

(e) CERTAIN PROHIBITIONS INAPPLICABLE.—A reduction of debt pursuant to subsection (a) shall not be considered assistance for purposes of any provision of law limiting assistance to a country. The authority provided by subsection (a) may be exercised notwithstanding section 620(r) of the Foreign Assistance Act of 1961.

AUTHORITY TO ENGAGE IN DEBT BUYBACKS OR SALES

SEC. 558. (a) LOANS ELIGIBLE FOR SALE, REDUCTION, OR CANCELLATION.—

(1) AUTHORITY TO SELL, REDUCE, OR CANCEL CERTAIN LOANS.—Notwithstanding any other provision of law, the President may, in accordance with this section, sell to any eligible purchaser any concessional loan or portion thereof made before January 1, 1995, pursuant to the Foreign Assistance Act of 1961, to the government of any eligible country as defined in section 702(6) of that Act or on receipt of payment from an eligible purchaser, reduce or cancel such loan or portion thereof, only for the purpose of facilitating—

(A) debt-for-equity swaps, debt-for-development swaps, or debt-for-nature swaps; or

(B) a debt buyback by an eligible country of its own qualified debt, only if the eligible country uses an additional amount of the local currency of the eligible country, equal to not less than 40 percent of the price paid for such debt by such eligible country, or the difference between the price paid for such debt and the face value of such debt, to support activities that link conservation and sustainable use of natural resources with local community development, and child survival and other child development, in a manner consistent with sections 707 through 710 of the Foreign Assistance Act of 1961, if the sale, reduction, or cancellation would not contravene any term or condition of any prior agreement relating to such loan.

(2) TERMS AND CONDITIONS.—Notwithstanding any other provision of law, the President shall, in accordance with this section, establish the terms and conditions under which loans may be sold, reduced, or canceled pursuant to this section.

(3) ADMINISTRATION.—The Facility, as defined in section 702(8) of the Foreign Assistance Act of 1961, shall notify the administrator of the agency primarily responsible for administering part I of the Foreign Assistance Act of 1961 of purchasers that the President has determined to be eligible, and shall direct such agency to carry out the sale, reduction, or cancellation of a loan pursuant to this section. Such agency shall make an adjustment in its accounts to reflect the sale, reduction, or cancellation.

(4) LIMITATION.—The authorities of this subsection shall be available only to the extent that appropriations for the cost of the modification, as defined in section 502 of the Congressional Budget Act of 1974, are made in advance.

(b) DEPOSIT OF PROCEEDS.—The proceeds from the sale, reduction, or cancellation of any loan sold, reduced, or canceled pursuant to this section shall be deposited in the United States Government account or accounts established for the repayment of such loan.

(c) ELIGIBLE PURCHASERS.—A loan may be sold pursuant to subsection (a)(1)(A) only to a purchaser who presents plans satisfactory to the President for using the loan for the purpose of engaging in debt-for-equity swaps, debt-for-development swaps, or debt-for-nature swaps.

(d) DEBTOR CONSULTATIONS.—Before the sale to any eligible purchaser, or any reduction or cancellation pursuant to this section, of any loan made to an eligible country, the President should consult with the country concerning the amount of loans to be sold, reduced, or canceled and their uses for debt-for-equity swaps, debt-for-development swaps, or debt-for-nature swaps.

(e) AVAILABILITY OF FUNDS.—The authority provided by subsection (a) may be used only with regard to funds appropriated by this Act under the heading "Debt restructuring".

SANCTIONS AGAINST COUNTRIES HARBORING WAR CRIMINALS

SEC. 559. (a) BILATERAL ASSISTANCE.—The President is authorized to withhold funds appropriated by this Act under the Foreign Assistance Act of 1961 or the Arms Export Control Act for any country described in subsection (c).

(b) MULTILATERAL ASSISTANCE.—The Secretary of the Treasury should instruct the United States executive directors of the international financial institutions to work in opposition to, and vote against, any extension by such institutions of financing or financial or technical assistance to any country described in subsection (c).

(c) SANCTIONED COUNTRIES.—A country described in this subsection is a country the government of which knowingly grants sanctuary to persons in its territory for the purpose of evading prosecution, where such persons—

(1) have been indicted by the International Criminal Tribunal for Rwanda, or any other international tribunal with similar standing under international law; or

(2) have been indicted for war crimes or crimes against humanity committed during the period beginning March 23, 1933 and ending on May 8, 1945 under the direction of, or in association with—

(A) the Nazi government of Germany;

(B) any government in any area occupied by the military forces of the Nazi government of Germany;

(C) any government which was established with the assistance or cooperation of the Nazi government; or

(D) any government which was an ally of the Nazi government of Germany.

LIMITATION ON ASSISTANCE FOR HAITI

SEC. 560. (a) LIMITATION.—Funds appropriated by this Act may be made available for assistance for the Government of Haiti only if the President reports to the Committee on Appropriations and the Committee

on International Relations of the House of Representatives and the Committee on Appropriations and the Committee on Foreign Relations of the Senate that the Government of Haiti—

(1) has completed privatization of (or placed under long-term private management or concession) three major public entities including the completion of all required incorporating documents, the transfer of assets, and the eviction of unauthorized occupants of the land or facility;

(2) is cooperating with the United States in halting illegal emigration from Haiti;

(3) is conducting thorough investigations of extrajudicial and political killings and has made substantial progress in bringing to justice a person or persons responsible for one or more extrajudicial or political killings in Haiti, and is cooperating with United States authorities and with United States-funded technical advisors to the Haitian National Police in such investigations;

(4) has taken action to remove from the Haitian National Police, national palace and residential guard, ministerial guard, and any other public security entity or unit of Haiti those individuals who are credibly alleged to have engaged in or conspired to conceal gross violations of internationally recognized human rights or credibly alleged to have engaged in or conspired to engage in narcotics trafficking; and

(5) is implementing the maritime counter-narcotics agreements signed in October 1997.

(b) AVAILABILITY OF ELECTORAL ASSISTANCE.—Funds appropriated by this Act may be made available to support elections in Haiti only if the President reports to the Congress that the Government of Haiti:

(1) has achieved a transparent settlement of the contested April 1997 elections; and

(2) has made concrete progress on the constitution of a credible and competent provisional electoral council with the agreement of a broad spectrum of diverse political parties.

(c) EXCEPTIONS.—The limitations in subsections (a) and (b) shall not apply to the provision of—

(1) counter-narcotics assistance, support for the Haitian National Police's Special Investigations Unit and anti-corruption programs, the International Criminal Investigative Assistance Program, and assistance in support of Haitian customs and maritime officials;

(2) food assistance management and support;

(3) assistance for urgent humanitarian needs, such as medical and other supplies and services in support of community health services, schools, and orphanages; and

(4) not more than $3,000,000 for the development and support of political parties.

(d) WAIVER.—At any time after 150 days from the date of enactment of this Act, the Secretary of State may waive the requirements contained in subsection (a)(1) if she reports to the Committees specified in subsection (a) that the Government of Haiti has satisfied the requirements of subsection (a)(1) with regard to one major public entity.

(e) REPORTS.—The Secretary of State shall provide to the Committees specified in subsection (a) on a quarterly basis—

(1) in consultation with the Secretary of Defense and the Administrator of the Drug Enforcement Administration, a report on the status and number of United States personnel deployed in and around Haiti on Department of Defense, Drug Enforcement Administration, and United Nations missions, including displays by functional or operational assignment for such personnel and the cost to the United States of these operations; and

(2) the monthly reports, prepared during the previous quarter, of the Organization of American States/United Nations International Civilian Mission to Haiti (MICIVIH).

REQUIREMENT FOR DISCLOSURE OF FOREIGN AID IN REPORT OF SECRETARY OF STATE

SEC. 561. (a) FOREIGN AID REPORTING REQUIREMENT.—In addition to the voting practices of a foreign country, the report required to be submitted to Congress under section 406(a) of the Foreign Relations Authorization Act, fiscal years 1990 and 1991 (22 U.S.C. 2414a), shall include a side-by-side comparison of individual countries' overall support for the United States at the United Nations and the amount of United States assistance provided to such country in fiscal year 1998.

(b) UNITED STATES ASSISTANCE.—For purposes of this section, the term "United States assistance" has the meaning given the term in section 481(e)(4) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291(e)(4)).

RESTRICTIONS ON VOLUNTARY CONTRIBUTIONS TO UNITED NATIONS AGENCIES

SEC. 562. (a) PROHIBITION ON VOLUNTARY CONTRIBUTIONS FOR THE UNITED NATIONS.—None of the funds appropriated by this Act may be made available to pay any voluntary contribution of the United States to the United Nations (including the United Nations Development Program) if the United Nations implements or imposes any taxation on any United States persons.

(b) CERTIFICATION REQUIRED FOR DISBURSEMENT OF FUNDS.—None of the funds appropriated by this Act may be made available to pay any voluntary contribution of the United States to the United Nations (including the United Nations Development Program) unless the President certifies to the Congress 15 days in advance of such payment that the United Nations is not engaged in any effort to implement or impose any taxation on United States persons in order to raise revenue for the United Nations or any of its specialized agencies.

(c) DEFINITIONS.—As used in this section the term "United States person" refers to—

(1) a natural person who is a citizen or national of the United States; or

(2) a corporation, partnership, or other legal entity organized under the United States or any State, territory, possession, or district of the United States.

LIMITATION ON ASSISTANCE TO THE PALESTINIAN AUTHORITY

SEC. 563. (a) PROHIBITION OF FUNDS.—None of the funds appropriated by this Act to carry out the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961 may be obligated or expended with respect to providing funds to the Palestinian Authority.

(b) WAIVER.—The prohibition included in subsection (a) shall not apply if the President certifies in writing to the Speaker of the House of Representatives and the President pro tempore of the Senate that waiving such prohibition is important to the national security interests of the United States.

(c) PERIOD OF APPLICATION OF WAIVER.—Any waiver pursuant to subsection (b) shall be effective for no more than a period of six months at a time and shall not apply beyond twelve months after enactment of this Act.

LIMITATION ON ASSISTANCE TO THE GOVERNMENT OF CROATIA

SEC. 564. None of the funds appropriated by title II of this Act may be made available to the Government of Croatia to relocate the remains of Croatian Ustashe soldiers, at the site of the World War II concentration camp at Jasenovac, Croatia.

LIMITATION ON ASSISTANCE TO SECURITY FORCES

SEC. 565. None of the funds made available by this Act may be provided to any unit of the security forces of a foreign country if the Secretary of State has credible evidence that such unit has committed gross violations of human rights, unless the Secretary determines and reports to the Committees on Appropriations that the government of such country is taking effective measures to bring the responsible members of the security forces unit to justice: *Provided*, That nothing in this section shall be construed to withhold funds made available by this Act from any unit of the security forces of a foreign country not credibly alleged to be involved in gross violations of human rights: *Provided further*, That in the event that funds are withheld from any unit pursuant to this section, the Secretary of State shall promptly inform the foreign government of the basis for such action and shall, to the maximum extent practicable, assist the foreign government in taking effective measures to bring the responsible members of the security forces to justice.

LIMITATIONS ON TRANSFER OF MILITARY EQUIPMENT TO EAST TIMOR

SEC. 566. In any agreement for the sale, transfer, or licensing of any lethal equipment or helicopter for Indonesia entered into by the United States pursuant to the authority of this Act or any other Act, the agreement shall state that the United States expects that the items will not be used in East Timor: *Provided*, That nothing in this section shall be construed to limit Indonesia's inherent right to legitimate national self-defense as recognized under the United Nations Charter and international law.

RESTRICTIONS ON ASSISTANCE TO COUNTRIES PROVIDING SANCTUARY TO INDICTED WAR CRIMINALS

SEC. 567. (a) BILATERAL ASSISTANCE.—None of the funds made available by this or any prior Act making appropriations for foreign operations, export financing and related programs, may be provided for any country, entity or canton described in subsection (d).

(b) MULTILATERAL ASSISTANCE.—

(1) PROHIBITION.—The Secretary of the Treasury shall instruct the United States executive directors of the international financial institutions to work in opposition to, and vote against, any extension by such institutions of any financial or technical assistance or grants of any kind to any country or entity described in subsection (d).

(2) NOTIFICATION.—Not less than 15 days before any vote in an international financial institution regarding the extension of financial or technical assistance or grants to any country or entity described in subsection (d), the Secretary of the Treasury, in consultation with the Secretary of State, shall provide to the Committee on Appropriations and the Committee on Foreign Relations of the Senate and the Committee on Appropriations and the Committee on Banking and Financial Services of the House of Representatives a written justification for the proposed assistance, including an explanation of the United States position regarding any such vote, as well as a description of the location of the proposed assistance by municipality, its purpose, and its intended beneficiaries.

(3) DEFINITION.—The term "international financial institution" includes the International Monetary Fund, the International

Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Multilateral Investment Guaranty Agency, and the European Bank for Reconstruction and Development.

(c) EXCEPTIONS.—

(1) IN GENERAL.—Subject to paragraph (2), subsections (a) and (b) shall not apply to the provision of—

(A) humanitarian assistance;

(B) democratization assistance;

(C) assistance for cross border physical infrastructure projects involving activities in both a sanctioned country, entity, or canton and a nonsanctioned contiguous country, entity, or canton, if the project is primarily located in and primarily benefits the nonsanctioned country, entity, or canton and if the portion of the project located in the sanctioned country, entity, or canton is necessary only to complete the project;

(D) small-scale assistance projects or activities requested by United States Armed Forces that promote good relations between such forces and the officials and citizens of the areas in the United States SFOR sector of Bosnia;

(E) implementation of the Brcko Arbitral Decision;

(F) lending by the international financial institutions to a country or entity to support common monetary and fiscal policies at the national level as contemplated by the Dayton Agreement; or

(G) direct lending to a non-sanctioned entity, or lending passed on by the national government to a non-sanctioned entity.

(2) FURTHER LIMITATIONS.—Notwithstanding paragraph (1)—

(A) no assistance may be made available by this Act, or any prior Act making appropriations for foreign operations, export financing and related programs, in any country, entity, or canton described in subsection (d), for a program, project, or activity in which a publicly indicted war criminal is known to have any financial or material interest; and

(B) no assistance (other than emergency foods or medical assistance or demining assistance) may be made available by this Act, or any prior Act making appropriations for foreign operations, export financing and related programs for any program, project, or activity in a community within any country, entity or canton described in subsection (d) if competent authorities within that community are not complying with the provisions of Article IX and Annex 4, Article II, paragraph 8 of the Dayton Agreement relating to war crimes and the Tribunal.

(d) SANCTIONED COUNTRY, ENTITY, OR CANTON.—A sanctioned country, entity, or canton described in this section is one whose competent authorities have failed, as determined by the Secretary of State, to take necessary and significant steps to apprehend and transfer to the Tribunal all persons who have been publicly indicted by the Tribunal.

(e) WAIVER.—

(1) IN GENERAL.—The Secretary of State may waive the application of subsection (a) or subsection (b) with respect to specified bilateral programs or international financial institution projects or programs in a sanctioned country, entity, or canton upon providing a written determination to the Committee on Appropriations and the Committee on Foreign Relations of the Senate and the Committee on Appropriations and the Committee on International Relations of the House of Representatives that such assistance directly supports the implementation of the Dayton Agreement and its Annexes, which include the obligation to apprehend and transfer indicted war criminals to the Tribunal.

(2) REPORT.—Not later than 15 days after the date of any written determination under paragraph (e)(1), the Secretary of State shall submit a report to the Committee on Appropriations and the Committee on Foreign Relations of the Senate and the Committee on Appropriations and the Committee on International Relations of the House of Representatives regarding the status of efforts to secure the voluntary surrender or apprehension and transfer of persons indicted by the Tribunal, in accordance with the Dayton Agreement, and outlining obstacles to achieving this goal.

(3) ASSISTANCE PROGRAMS AND PROJECTS AFFECTED.—Any waiver made pursuant to this subsection shall be effective only with respect to a specified bilateral program or multilateral assistance project or program identified in the determination of the Secretary of State to Congress.

(f) TERMINATION OF SANCTIONS.—The sanctions imposed pursuant to subsections (a) and (b) with respect to a country or entity shall cease to apply only if the Secretary of State determines and certifies to Congress that the authorities of that country, entity, or canton have apprehended and transferred to the Tribunal all persons who have been publicly indicted by the Tribunal.

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

(1) COUNTRY.—The term "country" means Bosnia-Herzegovina, Croatia, Serbia, and Montenegro.

(2) ENTITY.—The term "entity" refers to the Federation of Bosnia and Herzegovina and the Republika Srpska.

(3) CANTON.—The term "canton" means the administrative units in Bosnia and Herzegovina.

(4) DAYTON AGREEMENT.—The term "Dayton Agreement" means the General Framework Agreement for Peace in Bosnia and Herzegovina, together with annexes relating thereto, done at Dayton, November 10 through 16, 1995.

(5) TRIBUNAL.—The term "Tribunal" means the International Criminal Tribunal for the Former Yugoslavia.

(h) ROLE OF HUMAN RIGHTS ORGANIZATIONS AND GOVERNMENT AGENCIES.—In carrying out this section, the Secretary of State, the Administrator of the Agency for International Development, and the executive directors of the international financial institutions shall consult with representatives of human rights organizations and all government agencies with relevant information to help prevent publicly indicted war criminals from benefitting from any financial or technical assistance or grants provided to any country or entity described in subsection (d).

ADDITIONAL REQUIREMENTS RELATING TO STOCKPILING OF DEFENSE ARTICLES FOR FOREIGN COUNTRIES

SEC. 568. (a) VALUE OF ADDITIONS TO STOCKPILES.—Section 514(b)(2)(A) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321h(b)(2)(A)) is amended by inserting before the period at the end the following: "and $340,000,000 for fiscal year 1999".

(b) REQUIREMENTS RELATING TO THE REPUBLIC OF KOREA AND THAILAND.—Section 514(b)(2)(B) of such Act (22 U.S.C. 2321h(b)(2)(B)) is amended by adding at the end the following: "Of the amount specified in subparagraph (A) for fiscal year 1999, not more than $320,000,000 may be made available for stockpiles in the Republic of Korea and not more than $20,000,000 may be made available for stockpiles in Thailand.".

REQUIREMENTS FOR THE REPORTING TO CONGRESS OF THE COSTS TO THE FEDERAL GOVERNMENT ASSOCIATED WITH THE PROPOSED AGREEMENT TO REDUCE GREENHOUSE GAS EMISSIONS

SEC. 569. The President shall provide to the Congress a detailed account of all Federal agency obligations and expenditures for climate change programs and activities, domestic and international, for fiscal year 1998, planned obligations for such activities in fiscal year 1999, and any plan for programs thereafter in the context of negotiations to amend the Framework Convention on Climate Change (FCCC) to be provided to the appropriate congressional committees no later than November 15, 1998.

WITHHOLDING ASSISTANCE TO COUNTRIES VIOLATING UNITED NATIONS SANCTIONS AGAINST LIBYA

SEC. 570. (a) WITHHOLDING OF ASSISTANCE.—Except as provided in subsection (b), whenever the President determines and certifies to Congress that the government of any country is violating any sanction against Libya imposed pursuant to United Nations Security Council Resolution 731, 748, or 883, then not less than 5 percent of the funds allocated for the country under section 653(a) of the Foreign Assistance Act of 1961 out of appropriations in this Act shall be withheld from obligation and expenditure for that country.

(b) EXCEPTION.—The requirement to withhold funds under subsection (a) shall not apply to funds appropriated in this Act for allocation under section 653(a) of the Foreign Assistance Act of 1961 for development assistance or for humanitarian assistance.

(c) WAIVER.—Funds may be provided for a country without regard to subsection (a) if the President determines that to do so is in the national security interest of the United States.

AID TO THE GOVERNMENT OF THE DEMOCRATIC REPUBLIC OF CONGO

SEC. 571. None of the funds appropriated by this Act may be provided for assistance for the central Government of the Democratic Republic of Congo until such time as the President reports in writing to the Congress that the central Government of the Democratic Republic of Congo is cooperating fully with investigators from the United Nations in accounting for human rights violations committed in the Democratic Republic of Congo or adjacent countries.

ASSISTANCE FOR THE MIDDLE EAST

SEC. 572. Of the funds appropriated by this Act under the headings "Economic Support Fund", "Foreign Military Financing", "International Military Education and Training", "Peacekeeping Operations", for refugees resettling in Israel under the heading "Migration and Refugee Assistance", and for assistance for Israel to carry out provisions of chapter 8 of part II of the Foreign Assistance Act of 1961 under the heading "Nonproliferation, Anti-Terrorism, Demining, and Related Programs", not more than a total of $5,402,850,000 may be made available for Israel, Egypt, Jordan, Lebanon, the West Bank and Gaza, the Israel-Lebanon Monitoring Group, the Multinational Force and Observers, the Middle East Regional Democracy Fund, Middle East Regional Cooperation, and Middle East Multilateral Working Groups: *Provided*, That any funds that were appropriated under such headings in prior fiscal years and that were at the time of enactment of this Act obligated or allocated for other recipients may not during fiscal year 1999 be made available for activities that, if funded under this Act, would be

required to count against this ceiling: *Provided further*, That funds may be made available notwithstanding the requirements of this section if the President determines and certifies to the Committees on Appropriations that it is important to the national security interest of the United States to do so and any such additional funds shall only be provided through the regular notification procedures of the Committees on Appropriations.

ENTERPRISE FUND RESTRICTIONS

SEC. 573. Prior to the distribution of any assets resulting from any liquidation, dissolution, or winding up of an Enterprise Fund, in whole or in part, the President shall submit to the Committees on Appropriations, in accordance with the regular notification procedures of the Committees on Appropriations, a plan for the distribution of the assets of the Enterprise Fund.

CAMBODIA

SEC. 574. (a) None of the funds appropriated in this Act may be made available for assistance for the Government of Cambodia: *Provided*, That the restrictions under this heading shall not apply to humanitarian, demining or election-related programs or activities: *Provided further*, That the provision of such assistance shall be made available subject to the regular notification procedures of the Committees on Appropriations.

(b) The Secretary of the Treasury should instruct the United States executive directors of the international financial institutions to use the voice and vote of the United States to oppose loans to the Government of Cambodia, except loans to support basic human needs.

EXPORT FINANCING TRANSFER AUTHORITIES

SEC. 575. Not to exceed 5 percent of any appropriation other than for administrative expenses made available for fiscal year 1999 for programs under title I of this Act may be transferred between such appropriations for use for any of the purposes, programs and activities for which the funds in such receiving account may be used, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 25 percent by any such transfer: *Provided*, That the exercise of such authority shall be subject to the regular notification procedures of the Committees on Appropriations.

AUTHORIZATION FOR POPULATION PLANNING

SEC. 576. Not to exceed $385,000,000 of the funds appropriated in title II of this Act may be available for population planning activities or other population assistance.

REPORT ON FOREIGN MILITARY TRAINING

SEC. 577. The Secretary of Defense and the Secretary of State shall jointly provide to the Congress by January 31, 1999, a report on all overseas military training provided to foreign military personnel under programs administered by the Department of Defense and the Department of State during fiscal years 1998 and 1999, including those proposed for fiscal year 1999. This report shall include, for each such military training activity, the foreign policy justification and purpose for the training activity, the cost of the training activity, the number of foreign students trained and their units of operation, and the location of the training. In addition, this report shall also include, with respect to United States personnel, the operational benefits to United States forces derived from each such training activity and the United States military units involved in each such training activity. This report may include a classified annex if deemed necessary and appropriate.

KOREAN PENINSULA ENERGY DEVELOPMENT ORGANIZATION

SEC. 578. Notwithstanding sections 614 and 451 of the Foreign Assistance Act of 1961, as amended, or any other provision of law, none of the funds appropriated by this Act may be used for a voluntary contribution to, or assistance for, the Korean Peninsula Energy Development Organization.

REPEAL OF RESTRICTIONS ON ASSISTANCE

SEC. 579. Section 907 of the FREEDOM Support Act is hereby repealed.

TITLE VI

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL MONETARY PROGRAMS

LOANS TO THE INTERNATIONAL MONETARY FUND

For loans to the International Monetary Fund under section 17 of the Bretton Woods Agreements Act pursuant to the New Arrangements to Borrow, the dollar equivalent of 2,462,000,000 Special Drawing Rights, to remain available until expended. In addition, the amounts appropriated by title III of the Foreign Aid and Related Agencies Appropriations Act, 1963 (Public Law 87–872) and section 1101(b) of the Supplemental Appropriations Act, 1984 (Public Law 98–181) may also be used under section 17 of the Bretton Woods Agreements Act pursuant to the New Arrangements to Borrow.

GENERAL PROVISIONS—THIS TITLE

CONDITIONS FOR THE USE OF APPROPRIATED FUNDS

SEC. 601. (a) CONDITION FOR THE USE OF APPROPRIATED FUNDS FOR QUOTA INCREASE.—None of the funds appropriated after July 15, 1998, under the heading "United States Quota in the International Monetary Fund" may be obligated or made available to the International Monetary Fund until 15 days after the Secretary of the Treasury and the Chairman of the Board of Governors of the Federal Reserve System jointly provide written notification to the appropriate committees that the major shareholders of the International Monetary Fund have publicly agreed to, and will act to implement in the Fund policies providing that for conditions in standby agreements or other arrangements regarding the use of Fund resources include requirements that the recipient country—

(1) liberalize restrictions on trade in goods and services and on investment, at a minimum consistent with the terms of all international trade agreements of which the borrowing country is a signatory;

(2) eliminate the pervasive practice or policy of government directed lending on noncommercial terms or provision of market distorting subsidies to favored industries, enterprises, parties, or institutions; and

(3) guarantee nondiscriminatory treatment in insolvency proceedings between domestic and foreign creditors, and for debtors and other concerned persons.

(b) CONDITION FOR THE USE OF APPROPRIATED FUNDS FOR LOANS TO THE IMF.—

(1) IN GENERAL.—None of the funds appropriated in this title under the heading "Loans to the International Monetary Fund" may be obligated or made available to the International Monetary Fund unless—

(A) there is in effect a written certification, made by the Secretary of the Treasury, to the appropriate committees that the International Monetary Fund has met the requirements of paragraph (2); and

(B) the Congress has enacted legislation approving the certification.

(2) REQUIREMENTS.—The requirements of this paragraph are that the International Monetary Fund has in effect policies that are designed to ensure the following:

(A) Within 3 months after any meeting of the Executive Board of the International Monetary Fund at which a Letter of Intent, a Policy Framework Paper, an Article IV economic review consultation with a member country, or a change in a general policy of the International Monetary Fund is discussed, a full written summary of the meeting shall be made available for public inspection, with the following information redacted:

(i) Information which, if released, would adversely affect the national security of a country, and which is of the type that would be classified by United States Government.

(ii) Market-sensitive information.

(iii) Proprietary information.

(B) Within 3 months after the Executive Board of the International Monetary Fund at which a Letter of Intent or a Policy Framework Paper is discussed, a copy of the Letter of Intent or Policy Framework Paper shall be made available for public inspection with the following information redacted:

(i) Information which, if released, would adversely affect the national security of a country, and which is of the type that would be classified by United States Government.

(ii) Market-sensitive information.

(iii) Proprietary information.

(C) Interest charges on loans to member countries shall be based on the International Monetary Fund's market-determined cost of financing, adjusted weekly, and loans from any facility established to address circumstances of exceptional balance of payments difficulties and impaired access to capital due to a sudden loss of market confidence should carry a substantial surcharge that serves to provide an incentive for early repayment and encourage private market refinancing, and that reflects risk.

REPORTS ON FINANCIAL STABILIZATION PROGRAMS LED BY THE INTERNATIONAL MONETARY FUND IN CONNECTION WITH FINANCING FROM THE EXCHANGE STABILIZATION FUND

SEC. 602. (a) IN GENERAL.—The Secretary of the Treasury shall submit to the appropriate committees 2 reports on the implementation of financial stabilization programs led by the International Monetary Fund in any country in connection with which the United States has made a commitment to provide or has provided financing from the stabilization fund established under section 5302 of title 31, United States Code. A report shall include the following with respect to each such country:

(1) The extent that the country has made progress in making conglomerate business practices more transparent through the application of internationally accepted accounting practices, independent external audits, full disclosure, and provision of consolidated statements.

(2) The success of measures undertaken by the United States Government and the International Monetary Fund to ensure that the country will not provide Government-subsidized support or tax privileges to bail out individual corporations, particularly in the semiconductor, steel, plywood, paper, and glassware industries.

(3) Whether International Monetary Fund involvement in labor market flexibility measures has had a negative effect on worker rights in the country, and the nature of any such negative effects.

(b) TIMING OF REPORTS.—The first report required by subsection (a) shall be due by December 1, 1998, and the second such report shall be due by May 1, 1999.

(c) NOTIFICATION OF IMPENDING DISBURSEMENTS.—Not later than 36 hours before the

disbursement to a country with respect to which a report is required by subsection (a) of any resources from the stabilization fund referred to in subsection (a) in connection with the implementation of a financial stabilization program described in subsection (a), the Secretary of the Treasury shall notify the appropriate committees of the impending disbursement.

ADVISORY COMMISSION

SEC. 603. (a) IN GENERAL.—The Secretary of the Treasury shall establish an International Financial Institution Advisory Commission (in this section referred to as the "Commission").

(b) MEMBERSHIP.—The Commission shall include—

(1) 6 individuals appointed by the Congress, including at least 2 former Secretaries of the Treasury, 1 of whom shall serve as the chairman of the Commission; and

(2) not to exceed 2 members as designated by the Secretary.

(c) RECOMMENDATIONS.—Within 180 days after the appointment of Commission members, the Commission shall submit to the appropriate committees a report that contains the recommendations of the Commission regarding the future role and responsibilities of the International Monetary Fund and the International Bank for Reconstruction and Development, including changes to the policy goals set forth for the International Monetary Fund and the International Bank for Reconstruction and Development in the Bretton Woods Agreements Act and the International Financial Institutions Act.

(d) INTERNATIONAL ADVISORY COMMITTEE.—The Secretary of the Treasury shall instruct the United States Executive Director at the International Monetary Fund to use the voice and vote of the United States to seek the establishment of a permanent advisory committee to the Interim Committee of the Board of Governors of the International Monetary Fund, that is to consist of elected members of the national legislatures of the member countries directly represented by appointed members of the Executive Board of the International Monetary Fund.

DEFINITIONS

SEC. 604. For purposes of sections 601 through 603 of this chapter, the term "appropriate committees" means the Committees on Appropriations, Foreign Relations, and Banking, Housing, and Urban Affairs of the Senate and the Committees on Appropriations and Banking and Financial Services of the House of Representatives.

PARTICIPATION IN QUOTA INCREASE

SEC. 605. (a) IN GENERAL.—The Bretton Woods Agreements Act (22 U.S.C. 286–286mm) is amended by adding at the end the following:

"SEC. 61. QUOTA INCREASE.

"(a) IN GENERAL.—The United States Governor of the Fund may consent to an increase in the quota of the United States in the Fund equivalent to 10,622,500,000 Special Drawing Rights.

"(b) SUBJECT TO APPROPRIATIONS.—The authority provided by subsection (a) shall be effective only to such extent or in such amounts as are provided in advance in appropriations Acts.".

(b) EFFECTIVENESS SUBJECT TO CERTIFICATION.—The amendment made by subsection (a) shall not take effect until the Secretary of the Treasury certifies to the Committee on Banking and Financial Services of the House of Representatives and the Committee on Foreign Relations of the Senate that the investors and banks have made a significant contribution in conjunction with a financing package that, in the context of an international financial crisis, might include taxpayer supported official financing.

NEW ARRANGEMENTS TO BORROW

SEC. 606. Section 17 of the Bretton Woods Agreements Act (22 U.S.C. 286e–2 et seq.) is amended—

(1) in subsection (a)—

(A) by striking "and February 24, 1983" and inserting "February 24, 1983, and January 27, 1997"; and

(B) by striking "4,250,000,000" and inserting "6,712,000,000";

(2) in subsection (b), by striking "4,250,000,000" and inserting "6,712,000,000"; and

(3) in subsection (d)—

(A) by inserting "or the Decision of January 27, 1997," after "February 24, 1983,"; and

(B) by inserting "or the New Arrangements to Borrow, as applicable" before the period at the end.

ADVOCACY OF POLICIES TO ENHANCE THE GENERAL EFFECTIVENESS OF THE INTERNATIONAL MONETARY FUND

SEC. 607. (a) IN GENERAL.—Title XV of the International Financial Institutions Act (22 U.S.C. 262o–262o-1) is amended by adding at the end the following:

"SEC. 1503. ADVOCACY OF POLICIES TO ENHANCE THE GENERAL EFFECTIVENESS OF THE INTERNATIONAL MONETARY FUND.

"(a) IN GENERAL.—The Secretary of the Treasury shall instruct the United States Executive Director of the International Monetary Fund to use aggressively the voice and vote of the Executive Director to do the following:

"(1) Vigorously promote policies to increase the effectiveness of the International Monetary Fund in structuring programs and assistance so as to promote policies and actions that will contribute to exchange rate stability and avoid competitive devaluations that will further destabilize the international financial and trading systems.

"(2) Vigorously promote policies to increase the effectiveness of the International Monetary Fund in promoting market-oriented reform, trade liberalization, economic growth, democratic governance, and social stability through—

"(A) appropriate liberalization of pricing, trade, investment, and exchange rate regimes of countries to open countries to the competitive forces of the global economy;

"(B) opening domestic markets to fair and open internal competition among domestic enterprises by eliminating inappropriate favoritism for small or large businesses, eliminating elite monopolies, creating and effectively implementing anti-trust and anti-monopoly laws to protect free competition, and establishing fair and accessible legal procedures for dispute settlement among domestic enterprises;

"(C) privatizing industry in a fair and equitable manner that provides economic opportunities to a broad spectrum of the population, eliminating government and elite monopolies, closing loss-making enterprises, and reducing government control over the factors of production;

"(D) economic deregulation by eliminating inefficient and overly burdensome regulations and strengthening the legal framework supporting private contract and intellectual property rights;

"(E) establishing or strengthening key elements of a social safety net to cushion the effects on workers of unemployment and dislocation; and

"(F) encouraging the opening of markets for agricultural commodities and products by requiring recipient countries to make efforts to reduce trade barriers.

"(3) Vigorously promote policies to increase the effectiveness of the International Monetary Fund, in concert with appropriate international authorities and other international financial institutions (as defined in section 1701(c)(2)), in strengthening financial systems in developing countries, and encouraging the adoption of sound banking principles and practices, including the development of laws and regulations that will help to ensure that domestic financial institutions meet strong standards regarding capital reserves, regulatory oversight, and transparency.

"(4) Vigorously promote policies to increase the effectiveness of the International Monetary Fund, in concert with appropriate international authorities and other international financial institutions (as defined in section 1701(c)(2)), in facilitating the development and implementation of internationally acceptable domestic bankruptcy laws and regulations in developing countries, including the provision of technical assistance as appropriate.

"(5) Vigorously promote policies that aim at appropriate burden-sharing by the private sector so that investors and creditors bear more fully the consequences of their decisions, and accordingly advocate policies which include—

"(A) strengthening crisis prevention and early warning signals through improved and more effective surveillance of the national economic policies and financial market development of countries (including monitoring of the structure and volume of capital flows to identify problematic imbalances in the inflow of short and medium term investment capital, potentially destabilizing inflows of offshore lending and foreign investment, or problems with the maturity profiles of capital to provide warnings of imminent economic instability), and fuller disclosure of such information to market participants;

"(B) accelerating work on strengthening financial systems in emerging market economies so as to reduce the risk of financial crises;

"(C) consideration of provisions in debt contracts that would foster dialogue and consultation between a sovereign debtor and its private creditors, and among those creditors;

"(D) consideration of extending the scope of the International Monetary Fund's policy on lending to members in arrears and of other policies so as to foster the dialogue and consultation referred to in subparagraph (C);

"(E) intensified consideration of mechanisms to facilitate orderly workout mechanisms for countries experiencing debt or liquidity crises;

"(F) consideration of establishing ad hoc or formal linkages between the provision of official financing to countries experiencing a financial crisis and the willingness of market participants to meaningfully participate in any stabilization effort led by the International Monetary Fund;

"(G) using the International Monetary Fund to facilitate discussions between debtors and private creditors to help ensure that financial difficulties are resolved without inappropriate resort to public resources; and

"(H) the International Monetary Fund accompanying the provision of funding to

countries experiencing a financial crisis resulting from imprudent borrowing with efforts to achieve a significant contribution by the private creditors, investors, and banks which had extended such credits.

"(6) Vigorously promote policies that would make the International Monetary Fund a more effective mechanism, in concert with appropriate international authorities and other international financial institutions (as defined in section 1701(c)(2)), for promoting good governance principles within recipient countries by fostering structural reforms, including procurement reform, that reduce opportunities for corruption and bribery, and drug-related money laundering.

"(7) Vigorously promote the design of International Monetary Fund programs and assistance so that governments that draw on the International Monetary Fund channel public funds away from unproductive purposes, including large 'show case' projects and excessive military spending, and toward investment in human and physical capital as well as social programs to protect the neediest and promote social equity.

"(8) Work with the International Monetary Fund to foster economic prescriptions that are appropriate to the individual economic circumstances of each recipient country, recognizing that inappropriate stabilization programs may only serve to further destabilize the economy and create unnecessary economic, social, and political dislocation.

"(9) Structure International Monetary Fund programs and assistance so that the maintenance and improvement of core labor standards are routinely incorporated as an integral goal in the policy dialogue with recipient countries, so that—

"(A) recipient governments commit to affording workers the right to exercise internationally recognized core worker rights, including the right of free association and collective bargaining through unions of their own choosing;

"(B) measures designed to facilitate labor market flexibility are consistent with such core worker rights; and

"(C) the staff of the International Monetary Fund surveys the labor market policies and practices of recipient countries and recommends policy initiatives that will help to ensure the maintenance or improvement of core labor standards.

"(10) Vigorously promote International Monetary Fund programs and assistance that are structured to the maximum extent feasible to discourage practices which may promote ethnic or social strife in a recipient country.

"(11) Vigorously promote recognition by the International Monetary Fund that macroeconomic developments and policies can affect and be affected by environmental conditions and policies, and urge the International Monetary Fund to encourage member countries to pursue macroeconomic stability while promoting environmental protection.

"(12) Facilitate greater International Monetary Fund transparency, including by enhancing accessibility of the International Monetary Fund and its staff, fostering a more open release policy toward working papers, past evaluations, and other International Monetary Fund documents, seeking to publish all Letters of Intent to the International Monetary Fund and Policy Framework Papers, and establishing a more open release policy regarding Article IV consultations.

"(13) Facilitate greater International Monetary Fund accountability and enhance International Monetary Fund self-evaluation by vigorously promoting review of the effectiveness of the Office of Internal Audit and Inspection and the Executive Board's external evaluation pilot program and, if necessary, the establishment of an operations evaluation department modeled on the experience of the International Bank for Reconstruction and Development, guided by such key principles as usefulness, credibility, transparency, and independence.

"(14) Vigorously promote coordination with the International Bank for Reconstruction and Development and other international financial institutions (as defined in section 1701(c)(2)) in promoting structural reforms which facilitate the provision of credit to small businesses, including microenterprise lending, especially in the world's poorest, heavily indebted countries.

"(b) COORDINATION WITH OTHER EXECUTIVE DEPARTMENTS.—To the extent that it would assist in achieving the goals described in subsection (a), the Secretary of the Treasury shall pursue the goals in coordination with the Secretary of State, the Secretary of Labor, the Secretary of Commerce, the Administrator of the Environmental Protection Agency, the Administrator of the Agency for International Development, and the United States Trade Representative.".

(b) ADVISORY COMMITTEE ON IMF POLICY.—Section 1701 of such Act (22 U.S.C. 262p–5) is amended by adding at the end the following:

"(e) ADVISORY COMMITTEE ON IMF POLICY.—

"(1) IN GENERAL.—The Secretary of the Treasury shall establish an International Monetary Fund Advisory Committee (in this subsection referred to as the 'Advisory Committee').

"(2) MEMBERSHIP.—The Advisory Committee shall consist of 9 members appointed by the Secretary of the Treasury, after appropriate consultations with the relevant organizations, as follows:

"(A) 1 member shall be a former Secretary or Deputy Secretary of the Treasury, who shall serve as the chairman of the Advisory Committee.

"(B) 2 members shall be representatives from organized labor.

"(C) 2 members shall be representatives from banking and financial services.

"(D) 2 members shall be representatives from industry and agriculture.

"(E) 2 members shall be representatives from nongovernmental environmental and human rights organizations.

"(3) DUTIES.—Not less frequently than every 6 months, the Advisory Committee shall meet with the Secretary of the Treasury or the Deputy Secretary of the Treasury to review, and provide advice on, the extent to which individual country International Monetary Fund programs meet the policy goals set forth in this Act regarding the International Monetary Fund.

"(4) INAPPLICABILITY OF TERMINATION PROVISION OF THE FEDERAL ADVISORY COMMITTEE ACT.—Section 14(a)(2) of the Federal Advisory Committee Act shall not apply to the Advisory Committee.".

SENSE OF THE CONGRESS ON THE ROLE OF JAPAN IN RESTORING REGIONAL AND GLOBAL ECONOMIC GROWTH

SEC. 608. It is the sense of the Congress that Japan should assume a greater regional leadership role, which would coincide with Japan's goal of promoting strong domestic demand-led growth and avoiding a significant increase in its external surplus with the United States and the countries of the Asia-Pacific region.

SEMIANNUAL REPORTS ON FINANCIAL STABILIZATION PROGRAMS LED BY THE INTERNATIONAL MONETARY FUND IN CONNECTION WITH FINANCING FROM THE EXCHANGE STABILIZATION FUND

SEC. 609. Title XVII of the International Financial Institutions Act (22 U.S.C. 262r–262r-2) is amended by adding at the end the following:

"SEC. 1704. REPORTS ON FINANCIAL STABILIZATION PROGRAMS LED BY THE INTERNATIONAL MONETARY FUND IN CONNECTION WITH FINANCING FROM THE EXCHANGE STABILIZATION FUND.

"(a) IN GENERAL.—The Secretary of the Treasury, in consultation with the Secretary of Commerce and other appropriate Federal agencies, shall prepare reports on the implementation of financial stabilization programs (and any material terms and conditions thereof) led by the International Monetary Fund in countries in connection with which the United States has made a commitment to provide, or has provided financing from the stabilization fund established under section 5302 of title 31, United States Code. The reports shall include the following:

"(1) A description of the condition of the economies of countries requiring the financial stabilization programs, including the monetary, fiscal, and exchange rate policies of the countries.

"(2) A description of the degree to which the countries requiring the financial stabilization programs have fully implemented financial sector restructuring and reform measures required by the International Monetary Fund, including—

"(A) ensuring full respect for the commercial orientation of commercial bank lending;

"(B) ensuring that governments will not intervene in bank management and lending decisions (except in regard to prudential supervision);

"(C) the enactment and implementation of appropriate financial reform legislation;

"(D) strengthening the domestic financial system and improving transparency and supervision; and

"(E) the opening of domestic capital markets.

"(3) A description of the degree to which the countries requiring the financial stabilization programs have fully implemented reforms required by the International Monetary Fund that are directed at corporate governance and corporate structure, including—

"(A) making nontransparent conglomerate practices more transparent through the application of internationally accepted accounting practices, independent external audits, full disclosure, and provision of consolidated statements; and

"(B) ensuring that no government subsidized support or tax privileges will be provided to bail out individual corporations, particularly in the semiconductor, steel, and paper industries.

"(4) A description of the implementation of reform measures required by the International Monetary Fund to deregulate and privatize economic activity by ending domestic monopolies, undertaking trade liberalization, and opening up restricted areas of the economy to foreign investment and competition.

"(5) A detailed description of the trade policies of the countries, including any unfair trade practices or adverse effects of the trade policies on the United States.

"(6) A description of the extent to which the financial stabilization programs have resulted in appropriate burden-sharing among

private sector creditors, including rescheduling of outstanding loans by lengthening maturities, agreements on debt reduction, and the extension of new credit.

"(7) A description of the extent to which the economic adjustment policies of the International Monetary Fund and the policies of the government of the country adequately balance the need for financial stabilization, economic growth, environmental protection, social stability, and equity for all elements of the society.

"(8) Whether International Monetary Fund involvement in labor market flexibility measures has had a negative effect on core worker rights, particularly the rights of free association and collective bargaining.

"(9) A description of any pattern of abuses of core worker rights in recipient countries.

"(10) The amount, rate of interest, and disbursement and repayment schedules of any funds disbursed from the stabilization fund established under section 5302 of title 31, United States Code, in the form of loans, credits, guarantees, or swaps, in support of the financial stabilization programs.

"(11) The amount, rate of interest, and disbursement and repayment schedules of any funds disbursed by the International Monetary Fund to the countries in support of the financial stabilization programs.

"(b) TIMING.—Not later than October 1, 1998, and semiannually thereafter, the Secretary of the Treasury shall submit to the Committees on Banking and Financial Services and International Relations of the House of Representatives and the Committees on Foreign Relations, and Banking, Housing, and Urban Affairs of the Senate a report on the matters described in subsection (a).".

REPORTS ON REFORMING THE ARCHITECTURE OF THE INTERNATIONAL FINANCIAL SYSTEM

SEC. 610. (a) FINDINGS.—The Congress finds that, in order to ensure that the International Monetary Fund does not become the global lender of last resort to private sector corporations and financial institutions, and in order to help prevent future threats to the international financial system, the Secretary of the Treasury and the Chairman of the Board of Governors of the Federal Reserve System, working with their counterparts in other countries and with international organizations as appropriate, should—

(1) seek to establish a broad set of international transparency principles on accounting and disclosure policies and practices covering, in particular, private sector financial organizations;

(2) promote improvements in the provision by both borrowers and lenders of timely and comprehensive aggregate information on cross-border financial stocks and flows;

(3) seek an international accord establishing uniform minimum standards with respect to robust banking and supervisory systems, which individual countries should be required to meet as a condition for the establishment of subsidiaries, branches, or other offices of banking institutions from their countries in the jurisdictions of the countries participating in the accord;

(4) immediately initiate with appropriate representatives of the countries that are members of the International Monetary Fund discussions aimed at securing national treatment for United States investors in such countries; and

(5) seek to establish internationally acceptable bankruptcy standards and should work particularly to have International Monetary Fund recipient countries adopt such standards.

(b) REPORTS.—

(1) IN GENERAL.—The Secretary of the Treasury shall prepare 3 reports on progress made toward achieving the objectives outlined in subsection (a), which shall describe the steps taken by the United States, other members of the world community, and the international financial institutions to strengthen safeguards in the global financial system, including measures to promote more efficient functioning of global markets, by—

(A) helping to develop effective legal and regulatory frameworks, including appropriate bankruptcy and foreclosure mechanisms;

(B) increasing transparency and disclosure by both the private and public sectors;

(C) strengthening prudential standards, both globally and in individual economies;

(D) improving domestic policy management;

(E) strengthening the role of the international financial institutions in financial crisis prevention and management; and

(F) ensuring appropriate burden-sharing by the private sector, particularly commercial banks and financial institutions, in the resolution of crises.

(2) TIMING.—The Secretary of the Treasury shall submit to the Committees on Banking and Financial Services and International Relations of the House of Representatives and the Committees on Foreign Relations and Banking, Housing, and Urban Affairs of the Senate 2 interim reports on the matters described in paragraph (1), the first of which is due by October 1, 1998, and the second of which is due on April 1, 1999, and a final report on such matters, which is due on October 1, 1999.

ANNUAL REPORT AND TESTIMONY ON THE STATE OF THE INTERNATIONAL FINANCIAL SYSTEM, IMF REFORM, AND COMPLIANCE WITH IMF AGREEMENTS

SEC. 611. Title XVII of the International Financial Institutions Act (22 U.S.C. 262r–262r-2) is further amended by adding at the end the following:

"SEC. 1705. ANNUAL REPORT AND TESTIMONY ON THE STATE OF THE INTERNATIONAL FINANCIAL SYSTEM, IMF REFORM, AND COMPLIANCE WITH IMF AGREEMENTS.

"(a) REPORTS.—Not later than October 1 of each year, the Secretary of the Treasury shall submit to the Committee on Banking and Financial Services of the House of Representatives and the Committee on Foreign Relations of the Senate a written report on the progress (if any) made by the United States Executive Director at the International Monetary Fund in influencing the International Monetary Fund to adopt the policies and reform its internal procedures in the manner described in section 1503.

"(b) TESTIMONY.—After submitting the report required by subsection (a) but not later than October 31 of each year, the Secretary of the Treasury shall appear before the Committee on Banking and Financial Services of the House of Representatives and the Committee on Foreign Relations of the Senate and present testimony on—

"(1) any progress made in reforming the International Monetary Fund;

"(2) the status of efforts to reform the international financial system; and

"(3) the compliance of countries which have received assistance from the International Monetary Fund with agreements made as a condition of receiving the assistance.".

AUDITS OF THE INTERNATIONAL MONETARY FUND

SEC. 612. Title XVII of the International Financial Institutions Act (22 U.S.C. 262r–262r-2) is further amended by adding at the end the following:

"SEC. 1706. AUDITS OF THE INTERNATIONAL MONETARY FUND.

"(a) ACCESS TO MATERIALS.—Not later than 30 days after the date of the enactment of this section, the Secretary of the Treasury shall certify to the Committee on Banking and Financial Services of the House of Representatives and the Committee on Foreign Relations of the Senate that the Secretary has instructed the United States Executive Director at the International Monetary Fund to facilitate timely access by the General Accounting Office to information and documents of the International Monetary Fund needed by the Office to perform financial reviews of the International Monetary Fund that will facilitate the conduct of United States policy with respect to the Fund.

"(b) REPORTS.—Not later than June 30, 1999, and annually thereafter, the Comptroller General of the United States shall prepare and submit to the committees specified in subsection (a) a report on the financial operations of the Fund during the preceding year, which shall include—

"(1) the current financial condition of the International Monetary Fund;

"(2) the amount, rate of interest, disbursement schedule, and repayment schedule for any loans that were initiated or outstanding during the preceding calendar year, and with respect to disbursement schedules, the report shall identify and discuss in detail any conditions required to be fulfilled by a borrower country before a disbursement is made;

"(3) a detailed description of whether the trade policies of borrower countries permit free and open trade by the United States and other foreign countries in the borrower countries;

"(4) a detailed description of the export policies of borrower countries and whether the policies may result in increased export of their products, goods, or services to the United States which may have significant adverse effects on, or result in unfair trade practices against or affecting United States companies, farmers, or communities;

"(5) a detailed description of any conditions of International Monetary Fund loans which have not been met by borrower countries, including a discussion of the reasons why such conditions were not met, and the actions taken by the International Monetary Fund due to the borrower country's noncompliance;

"(6) an identification of any borrower country and loan on which any loan terms or conditions were renegotiated in the preceding calendar year, including a discussion of the reasons for the renegotiation and any new loan terms and conditions; and

"(7) a specification of the total number of loans made by the International Monetary Fund from its inception through the end of the period covered by the report, the number and percentage (by number) of such loans that are in default or arrears, and the identity of the countries in default or arrears, and the number of such loans that are outstanding as of the end of period covered by the report and the aggregate amount of the outstanding loans and the average yield (weighted by loan principal) of the historical and outstanding loan portfolios of the International Monetary Fund.".

SHORT TITLE

SEC. 613. Sections 605 through 613 of this title may be cited as the "International Monetary Fund Reform and Authorization Act of 1998".

The CHAIRMAN. No amendment to the bill shall be in order except pro forma amendments for the purpose of debate, amendments printed in the CONGRESSIONAL RECORD, and amendments printed in House Report 105-725.

The amendments printed in the report may be offered only by a Member designated in the report, shall be considered read, 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 except as specified in the report, and shall not be subject to a demand for division of the question.

The Chairman of the Committee of the Whole may postpone a request for a recorded vote on any amendment and may reduce to a minimum of 5 minutes the time for voting on any postponed question that immediately follows another vote, provided that the time for voting on the first question shall be a minimum of 15 minutes.

AMENDMENT NO. 5 OFFERED BY MR. WOLF

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 printed in House Report 105-725 offered by Mr. WOLF:

At the end of the bill, insert after the last section (preceding the short title) the following:

TITLE VII—ADDITIONAL GENERAL PROVISIONS

NATIONAL COMMISSION ON TERRORISM

SEC. 701. (a) ESTABLISHMENT OF NATIONAL COMMISSION ON TERRORISM.—

(1) ESTABLISHMENT.—There is established a national commission on terrorism to review counter-terrorism policies regarding the prevention and punishment of international acts of terrorism directed at the United States. The commission shall be known as "The National Commission on Terrorism".

(2) COMPOSITION.—The commission shall be composed of 15 members appointed as follows:

(A) Five members shall be appointed by the President from among officers or employees of the executive branch, private citizens of the United States, or both. Not more than 3 members selected by the President shall be members of the same political party.

(B) Five members shall be appointed by the Majority Leader of the Senate, in consultation with the Minority Leader of the Senate, from among members of the Senate, private citizens of the United States, or both. Not more than 3 of the members selected by the Majority Leader shall be members of the same political party and 3 members shall be members of the Senate.

(C) Five members shall be appointed by the Speaker of the House of Representatives, in consultation with the Minority Leader of the House of Representatives, from among members of the House of Representatives, private citizens of the United States, or both. Not more than 3 of the members selected by the Speaker shall be members of the same political party and 3 members shall be members of the House of Representatives.

(D) The appointments of the members of the commission should be made no later than 3 months after the date of the enactment of this Act.

(3) QUALIFICATIONS.—The members should have a knowledge and expertise in matters to be studied by the commission.

(4) CHAIRMAN.—The chairman of the commission shall be elected by the members of the commission.

(b) DUTIES.—

(1) IN GENERAL.—The commission shall consider issues relating to international terrorism directed at the United States as follows:

(A) Review the laws, regulations, policies, directives, and practices relating to counterterrorism in the prevention and punishment of international terrorism directed towards the United States.

(B) Assess the extent to which laws, regulations, policies, directives, and practices relating to counterterrorism have been effective in preventing or punishing international terrorism directed towards the United States. At a minimum, the assessment should include a review of the following:

(i) Evidence that terrorist organizations have established an infrastructure in the western hemisphere for the support and conduct of terrorist activities.

(ii) Executive branch efforts to coordinate counterterrorism activities among Federal, State, and local agencies and with other nations to determine the effectiveness of such coordination efforts.

(iii) Executive branch efforts to prevent the use of nuclear, biological, and chemical weapons by terrorists.

(C) Recommend changes to counterterrorism policy in preventing and punishing international terrorism directed toward the United States.

(2) REPORT.—Not later than 6 months after the date on which the Commission first meets, the Commission shall submit to the President and the Congress a final report of the findings and conclusions of the commission, together with any recommendations.

(c) ADMINISTRATIVE MATTERS.—

(1) MEETINGS.—

(A) The commission shall hold its first meeting on a date designated by the Speaker of the House which is not later than 30 days after the date on which all members have been appointed.

(B) After the first meeting, the commission shall meet upon the call of the chairman.

(C) A majority of the members of the commission shall constitute a quorum, but a lesser number may hold meetings.

(2) AUTHORITY OF INDIVIDUALS TO ACT FOR COMMISSION.—Any member or agent of the commission may, if authorized by the commission, take any action which the commission is authorized to take under this section.

(3) POWERS.—

(A) The commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the commission considers advisable to carry out its duties.

(B) The commission may secure directly from any agency of the Federal Government such information as the commission considers necessary to carry out its duties. Upon the request of the chairman of the commission, the head of a department or agency shall furnish the requested information expeditiously to the commission.

(C) The commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(4) PAY AND EXPENSES OF COMMISSION MEMBERS.—

(A) Subject to appropriations, each member of the commission who is not an employee of the government shall be paid at a rate not to exceed the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in performing the duties of the commission.

(B) Members and personnel for the commission may travel on aircraft, vehicles, or other conveyances of the Armed Forces of the United States when travel is necessary in the performance of a duty of the commission except when the cost of commercial transportation is less expensive.

(C) The members of the commission may be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the commission.

(D)(i) A member of the commission who is an annuitant otherwise covered by section 8344 of 8468 of title 5, United States Code, by reason of membership on the commission shall not be subject to the provisions of such section with respect to membership on the commission.

(ii) A member of the commission who is a member or former member of a uniformed service shall not be subject to the provisions of subsections (b) and (c) of section 5532 of such title with respect to membership on the commission.

(5) STAFF AND ADMINISTRATIVE SUPPORT.—

(A) The chairman of the commission may, without regard to civil service laws and regulations, appoint and terminate an executive director and up to 3 additional staff members as necessary to enable the commission to perform its duties. The chairman of the commission may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51, and subchapter III of chapter 53, of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay may not exceed the maximum rate of pay for GS-15 under the General Schedule.

(B) Upon the request of the chairman of the commission, the head of any department or agency of the Federal Government may detail, without reimbursement, any personnel of the department or agency to the commission to assist in carrying out its duties. The detail of an employee shall be without interruption or loss of civil service status or privilege.

(d) TERMINATION OF COMMISSION.—The commission shall terminate 30 days after the date on which the commission submits a final report.

(e) FUNDING.—There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this section.

The CHAIRMAN. Pursuant to House Resolution 542, the gentleman from Virginia (Mr. WOLF) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Virginia (Mr. WOLF).

Mr. WOLF. Mr. Chairman, I will not use that time. I want to thank first of all the gentleman from Alabama (Mr.

CALLAHAN), chairman, and the gentleman from New York (Mr. GILMAN), chairman, for their help and support. Also, I want to thank the staff for their help and support in shaping this amendment.

It would set up a national commission of 15 members on tourism to take a close look at the national counterterrorism policies and recommend if anything more should be done to deal with this issue, particularly nuclear, chemical, and biological.

This would be a bipartisan effort with the efforts that have taken place in the bombings that have taken place both in Tanzania and Kenya, going all the way back to the Beirut Embassy in 1983 and the marine barracks of that year.

I think this would be a very healthy positive thing to do. It would take 6 months. By the time Congress was back early next year, hopefully this commission will have finished its work.

So I will not take any more time, but I know there are many other amendments that people want to offer and would just ask for support of this bill.

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

The CHAIRMAN. Does the gentlewoman from California (Ms. PELOSI) rise to claim the time in opposition to the gentleman's amendment?

Ms. PELOSI. Mr. Chairman, I would like to speak in favor of the amendment and I ask unanimous consent to claim the time in opposition.

The CHAIRMAN. Is there objection to the request of the gentlewoman from California?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentlewoman from California (Ms. PELOSI) for 10 minutes.

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

Mr. Chairman, I am not opposed to the gentleman's resolution. I thank him for his leadership on this and am pleased to support the gentleman's legislation.

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

Ms. PELOSI. I am pleased to yield to the gentleman from Alabama.

Mr. CALLAHAN. Mr. Chairman, I rise in strong support of the amendment of the gentleman from Virginia to create this bipartisan commission on terrorism.

The idea is right on target and I am prepared to accept his amendment.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia (Mr. WOLF).

The amendment was agreed to.

AMENDMENT NO. 28 OFFERED BY MS. PELOSI

Ms. PELOSI. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment No. 28 offered by Ms. PELOSI:

On page 110, after line 15, insert:

UNITED STATES QUOTA IN THE INTERNATIONAL MONETARY FUND

For an increase in the United States quota in the International Monetary Fund, the dollar equivalent of 10,622,500,000 Special Drawing Rights, to remain available until expended.

Mr. CALLAHAN. Mr. Chairman, I reserve a point of order on the amendment of the gentlewoman from California (Ms. PELOSI).

The CHAIRMAN. The gentleman from Alabama (Mr. CALLAHAN) reserves a point of order.

Ms. PELOSI. Mr. Chairman, as I have said before, I believe that it is important for this body to have an opportunity to discuss the funding for the International Monetary Fund. I believe that the timing on it is appropriate.

It was one year ago that we stood here to talk about the IMF. The matter was tied to the international family planning issue, and, therefore, the funding did not occur but we were assured that this would probably take place in February. Then it was going to be in the spring and here we are one full year later.

Secretary Rubin wrote in July to Congress indicating that the IMF has only $7 billion to $12 billion in usable quota resources and its available credit lines have been reduced to $14.2 billion.

Recent GAO reports on this confirm the validity of the secretary's statement, and since Mr. Rubin's July letter, the matters have gotten worse.

I would remind Members again that we have needed this replenishment for one year. Since that time, the condition of the world markets has deteriorated drastically and we have recently seen the effects that are now being felt in our own financial markets.

That is my view. I also know that many of my colleagues have a different view about the IMF and I believe that as the world is being impacted by the Asian economic crisis, that it is appropriate for our House of Representatives to have a debate on this issue.

Replenishment of the IMF, in my view, has been critical to protecting our own economy. The fundamentals of our economy remain strong but I would point out to Members that U.S. exports to Asia have already declined by 20 percent, which amounts to a $22 billion loss to our economy on an annualized basis. Farmers have been especially hard hit.

The trade deficit is expected to skyrocket to the $250 billion to $300 billion range this year. We must not leave town without giving the administration the tools it needs to protect American workers, businesses and farmers.

The debate on IMF is focused primarily on the reforms necessary within the institution, the mistakes made in certain countries and blaming the institution for not anticipating the global crisis we are now in. I believe, as I said earlier, that we must subject the IMF practices to the harshest scrutiny: Moral hazard, conditionality, need for more transparency.

But as I said also before, the issue of contagion to our economy trumps all other concerns. We have a responsibility to the American worker.

With respect to individual countries, I would say that certainly in the case of Thailand and Korea, progress has been made and reforms continue to take place in their economies. Russia, of course, is a special case and we know that Indonesia is still suffering and trying to democratize. Whether each of these countries is included in the IMF replenishment funding, again should be a subject for debate for this floor.

Essentially, the IMF was taking a risk on the government and its reformist agenda in Russia and that subject is probably the most important issue we could be discussing here, with the possible exception of the legislation regarding North Korea that is in this bill.

In conclusion, I would say that I hope that the chairman will not sustain the point of order if indeed it is offered, because the effects to the American crisis have been felt, as I said before, by the American farmer and that should demonstrate to all of us that this is not a foreign give-away.

I remind my colleagues that this is not scored, this is not money that is an opportunity cost for us in the budget. This is money for which we receive a credit and a reserve when we put forth our funding.

It is a loan. This is not a grant in aid. It is not an opportunity cost. It is an opportunity for us. In any event, I am not speaking to persuade anyone one way or the other on the IMF. My point is that this issue should appropriately be debated on this floor, and I would hope that the point of order, if offered, would not be sustained.

The CHAIRMAN. Does the gentleman from Alabama (Mr. CALLAHAN) insist on his point of order?

Mr. CALLAHAN. Mr. Chairman, I still reserve my point of order.

The CHAIRMAN. The gentleman continues to reserve his point of order.

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

Mr. Chairman, I would like at this time to speak and explain the situation we are in today.

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Mr. Chairman, the comments that the gentlewoman from California (Ms. PELOSI) made certainly make a lot of sense. The complexity of the International Monetary Fund and the complexity of international finance, quite frankly, is far above the pay grade of the average Member of the U.S. House of Representatives. Yes, we try to learn as much as we possibly can about

international finance. We have to rely upon the administrative branch of government to give us information to justify whether or not we will give the experts on foreign policy and the experts on the international monetary system the necessary monies.

Mr. Chairman, I would say to the gentlewoman from California, very likely they are correct. It is far above my pay grade, because my intellect level compared with the average Member of Congress is below average.

Ms. PELOSI. Mr. Chairman, I object.

Mr. CALLAHAN. I will first of all say that it is a very complex.

Mr. OBEY. Mr. Chairman, I demand the gentleman's words be taken down.

Ms. PELOSI. Mr. Chairman, the gentleman should not forget, he is my leader. He should not say those things about himself.

Mr. CALLAHAN. Mr. Chairman, very seriously, there are people on both sides of this issue that I greatly respect. I respect George Shultz. I respect the gentlewoman from California. I respect a lot of people. But George Shultz says do not give them anything. I respect Bob Rubin and he says give them the entire 18 billion. And I respect Alan Greenspan. He says give them the 18 billion.

But I also respect the views of the people I represent and the Members of the U.S. House of Representatives who are questioning this. They are questioning whether or not we are doing the right thing under the circumstances in past history.

IMF has a good historical record with respect to monies being paid back. But we are reaching a stage of no return, a different type of global economy that is causing concerns to our constituents and they want to know why there is not more transparency. They want to know why we do not have more control over the activities of the International Monetary Fund, since we are putting in nearly 18 percent of their revenues. And they have requested that we instruct the International Monetary Fund to change directions of the past.

We are not sufficiently prepared today to address these very serious concerns. Maybe sometime during this process we will be, but there is not going to be any money appropriated by this House in addition to the $3.5 billion we have already given until such time as serious reforms are attached or serious assurances of reforms have indeed passed this body and through the conference.

I am willing to work with the gentlewoman from California. I know the importance of it. I do not want to do anything to disrupt our economy. I know that it does create some peril. I know that Russia is not a good example of what we do with International Monetary Fund financing. I know that Brazil might be in need in the next few weeks, whereby it will be justifiable. But at this time, I am not prepared to accept it and I am going to insist in a few minutes on my point of order.

The CHAIRMAN. The gentleman from Alabama (Mr. CALLAHAN) continues to reserve his point of order.

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

Mr. Chairman, I am truly sorry that Members were not allowed to offer amendments dealing with the IMF. I think the points made both by the gentleman from Alabama (Mr. CALLAHAN), chairman of the subcommittee, and by the gentlewoman from California (Ms. PELOSI), the ranking member, are absolutely the reasons why we should have had an opportunity to debate the funding level for the IMF.

Mr. Chairman, I also find myself in a lot of agreement with what the gentleman from Alabama has said. I also wanted to offer an amendment to deal with the questions of the IMF funding policies with respect to their negative impacts that they have had on environmental resources and protection. My amendment would have required the International Monetary Fund to review proposed loans for their environmental impact.

In 1989 and 1992, Congress passed laws telling the IMF to consider the environmental impacts of its policy. Unfortunately, IMF has not done so and the results have been disastrous in Indonesia and many other countries.

In many cases with the IMF, one of the solutions that they pose to these countries is to export their way out of their difficulties. Not only does this provide severe competition to American jobs and manufacturing, but in many instances it enhances the environmental degradation that takes place in many of these countries, because much of what they have to export are resources that are extractive in nature.

We have seen the disasters of the fires in Indonesia. We have seen the disasters in Guyana and other countries where they have rushed to export these materials without regard to the environmental impacts, and the same countries have later suffered environmental disasters as a result of those policies.

Specifically, my amendment would have required the IMF to establish an environmental review process on all proposed loans before implementation; require the IMF to take into account the cost of unsustainable natural resource use; require that IMF loan agreements do not reduce or undermine the country's environmental standards; and, require that environmental reviews be made available to the public.

This is consistent what this committee has done with respect to other international lending institutions. The gentlewoman from San Francisco (Ms. PELOSI) has been a very strong proponent of making sure that environmental impacts are part of the policies of the World Bank and other multilateral lending institutions, and the same ought to be true of the IMF.

There are many, many other reforms that the gentleman from Alabama has referred to that have caused our constituents a great deal of concern, and that is why I wish the Committee on Rules had made in order some 12 or 14 amendments that were being offered by individuals on both sides of this debate. Our constituents are watching this debate. They are concerned about the use of these resources, and they are concerned about the international economy as it affects the United States. We should be debating that on the floor of the House.

Unfortunately, we will not have that opportunity. I want to thank the gentleman from Alabama (Mr. CALLAHAN), the subcommittee chairman, for withholding on insisting upon his point of order, and I thank him for the opportunity to raise this issue to our colleagues.

The CHAIRMAN. Does the gentleman from Alabama (Mr. CALLAHAN) wish to make his point of order at this time?

Mr. CALLAHAN. Mr. Chairman, I continue to reserve my point of order.

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

Mr. Chairman, I was prepared to offer an amendment, but because I have sought the cooperation of the distinguished gentleman from Alabama (Chairman CALLAHAN) of the subcommittee, as well as the chairman of the full committee on this issue, I am pleased to stand today in the hopes of engaging in a colloquy regarding IMF funding to Russia.

Mr. Chairman, I stand in support of IMF funding replenishment for Russia. And I know that is not a popular decision to make. I do so with the same concerns that members of the Russian Duma, their Parliament, have in also at this time opposing IMF funding. Their concerns are that much of the dollars going into Russia through the World Bank and IMF, and in some cases U.S. funding, have gone into the black hole of some of the oligarchs in Moscow who have not used the money properly. In fact, the people in Russia are very concerned about having to pay back many of these loans.

But just 2 weeks ago, in fact the day the President left Moscow, I arrived. And as the chairman of the Inter-Parliamentary Commission on our side, along with the gentleman from Maryland (Mr. HOYER), I negotiated with the factions in the Russian Duma and came away with a set of eight principles. These eight principles, I think, are historic.

What they say that the Duma will pass, according to Speaker Seleznyov, are reforms that say reforms must

come first. Besides reforms coming first, the regions that have made significant progress in terms of private property issues and stabilization of tax bases should be given consideration for international funding.

All programs should be aimed at developing a middle class. There should be a bilateral commission formed between the Congress and the Parliament to monitor every dollar of money going into Russia. The IMF should establish a blue ribbon international task force that should make recommendations to the IMF about reforming itself.

There should be a program designed by the Congress and the Duma to bring American corporate leaders to Russia to assist and advise Russian companies that are currently on the brink of bankruptcy.

Finally, that within 3 years we establish an initiative to bring up the 15,000 Russian students to American business schools to learn the ways of free market systems.

The Duma, in fact, will pass this. I am asking my colleagues on the conference to agree with this.

And I would like to at this time yield to the distinguished gentleman from Alabama (Mr. CALLAHAN) the chairman of the subcommittee, to ask if he in fact would work with me in the conference process.

Mr. CALLAHAN. Mr. Chairman, I thank the gentleman for yielding to me. I do agree that the direction that he has taken is correct. I have reviewed the eight platforms of his suggested reform and certainly think this is the exact correct direction to move in. I certainly will do everything I can to instruct the committee, or to request the committee when we reach that stage, to implement many of the decisions.

I must forewarn the gentleman that the corrections and reforms that the gentleman has only deal with Russia, and there are serious concerns in this Congress and on the part of this Member about reforms for the entire International Monetary Fund program.

But, Mr. Chairman, the gentleman is moving in the right direction. I think this is exactly the right thing to do, and I am going to suggest that we review the eight platforms of his agreement with the Russian Duma and that we try to implement or to urge the International Monetary Fund, or at least urge the Secretary of the Treasury to insist that the International Monetary Fund recognize how important it is to include these two bodies.

Mr. WELDON of Pennsylvania. Mr. Chairman, reclaiming my time, I thank my friend and colleague and I also thank the distinguished gentleman from Louisiana (Mr. LIVINGSTON), chairman of the full Committee on Appropriations for the past advice and counsel he has given me in this area. And I thank the gentlewoman from California (Ms. PELOSI) for her cooperation and I look forward to working with her as well.

Ms. PELOSI. Mr. Chairman, if the gentleman would yield, I thank him and look forward to working with him.

The CHAIRMAN. The gentleman from Alabama (Mr. CALLAHAN) continues to reserve his point of order.

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

Mr. Chairman, I thank the gentleman from Alabama (Mr. CALLAHAN) for indulging another 5 minutes to give a little different perspective to this discussion today.

Before the Fourth of July recess, I stood behind the Speaker of the House and many other of my colleagues, including the chairman of the Committee on Agriculture, when we endorsed what we called a Square Deal for Agriculture, recognizing that one of the promises of the Freedom to Farm Act was to provide that we would do everything within our power in the House of Representatives to make sure that foreign markets would, in fact, be open.

We were promised that we would have a vote on the Square Deal and we have had two of those. The sanctions vote, and the normal trade relations with China have passed. We lack IMF and fast track.

Part of the deal was that we were going to vote on the floor of the House on both of these very controversial issues. Both of them; not one of them. It is my considered judgment today that this action on the part of the leadership of the House to deny a free up-or-down vote on the IMF is the death knell to the fast track vote next week. The fault will lie right squarely here in the House, because we once again have refused to have an open and honest debate on issues on which we have some disagreement.

The last colloquy made good, eminent sense to me. I think that is the kind of reasoned approach to many of these issues that we should be following, but it should not be misinterpreted to say that we can pick and choose these discussions in debate and pick and choose what we shall have debated openly and honestly, and still have the other decision that is so vital to agriculture, and that is fast track.

That is very controversial on my side of the aisle. There are just a few of us on this side that do support it, but there are enough of us that do support it. In fact, I have said with my one vote alone is enough to pass fast track next week if we bring it up.

But let me say this: By delaying IMF funding, we are playing with fire. We know this. Specifically speaking to agriculture, 40 percent of our agricultural exports now go to emerging markets. What is happening in those emerging markets is seriously affecting agriculture in the United States.

We have the worst economic conditions in rural America since the Depression. I ask every one of my colleagues here, if they take their average wage and that of their constituents for the last 5 years and reduce it by 30 percent this year, what would the economic conditions be in their family? That is what we are, in fact, facing.

IMF is critical for so many agricultural programs. Sure, there are warts, and I really appreciate and I sincerely accept what the gentleman from Alabama has said, as well as the chairman of the full committee, regarding this question. But when the House is burning, it is not the time to debate what color the fire truck shall be.

The financial crisis could spread. We have been eminently warned by no less than Alan Greenspan, chairman of the Federal Reserve; by the Treasurer of the United States, Mr. Rubin, who I believe has great confidence on both sides of the aisle. And yet, once again, we are playing politics with two extremely important issues.

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IMF is critical to USDA export credit programs, liberalization of agricultural markets. There are a lot of successes. There have been some problems with IMF. I readily agree to that. But there have also been some successes.

IMF has helped U.S. farmers and ranchers by using the IMF rescue packages to reach agreements requiring the countries receiving aid to liberalize trade to the benefit of US agriculture.

Korea has streamlined import certification and just last week announced further reductions in trade barriers on 32 imported products, including wheat and fertilizer. Indonesia is reforming its State Trading Enterprise. Thailand is adopting harmonized import licensing procedures and establishing more transparent customs valuation procedures.

Yes, there are problems but, yes, there are also good things happening. What I am worried about now is we have once again reneged, that is the word we use back home in Texas, we reneged on an agreement. That is troubling because that is not what the House Committee on Agriculture, both sides of the aisle, understood. We understood that we were, in fact, going to have an open and honest debate on IMF and let the will of the House speak and then have an open and honest debate on fast track and let the will of the House speak. And by this action today of denying an opportunity for this free and open debate, we have, in my opinion, served a giant nail in the coffin of not only IMF but also fast track next week.

The CHAIRMAN. The gentleman from Alabama (Mr. CALLAHAN) continues to reserve his point of order.

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

Mr. Chairman, I heard the somewhat vitriolic outcry from my friend from Texas about the failure of including the entire amount of IMF in this bill, but the fact is, I do not think he quite understands what is in this bill. There is funding of $3.4 billion for IMF in this bill. There are conditions to make the IMF more responsive in this bill. There is authorization for the full $18 billion in this bill. The Senate, the other body, has included the entire funding.

Before this process is over, either all of IMF could be in, part of IMF could be in, or some of IMF could be in. The process is not over.

I am curious about the gentleman's statement that the failure to include the entire amount of IMF in this bill means that fast track is dead. It occurs to me that fast track was on this floor one year ago and the minority party voted overwhelmingly against fast track.

If the gentleman would like me to yield to him, I would be happy to yield to him, I would like him to tell me why the minority, if it is so important that we pass IMF in order to get to fast track, why most of the minority Members voted against fast track last time and, when we bring it up next week, is likely to vote against it again?

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

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

Mr. STENHOLM. If memory serves me correctly, Mr. Chairman, we did not vote last year. I have expressed publicly and I will say again to the gentleman in all sincerity, had the leadership of the House chosen to bring it to a vote, we would have passed it with the required number of votes on both sides of the aisle to get 218 votes, but, once again, for some reason, we chose not to allow the will of the people's elective body to express themselves. We did not vote, Mr. Chairman.

Mr. LIVINGSTON. Reclaiming my time, Mr. Chairman, the gentleman is correct, we did not vote for fear that there were not sufficient votes and it was deemed to be an embarrassment to the President for his own party to vote against it. So he is right.

If we bring up fast track next week, and it is my sincere hope that we will, I hope that the gentleman will work with Members of his party so that we will have sufficient votes to vote for fast track and that that will cease to be an issue.

With respect to IMF, I am sure that the gentleman will have an opportunity to vote on IMF beyond what that which is already in this bill.

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

Mr. Chairman, I think the remarks of our distinguished committee chairman have really revealed what the situation is here today, because he has granted that these funds are authorized. And I would simply say that the only thing that is holding this up, in my view, is that the majority party continues to try to exercise political leverage on the White House to obtain certain things they want, running the risk that our position in the world economy is going to become a whole lot shakier than it is today.

We have heard many criticisms about the IMF and certainly many Members on this side of the aisle have made many criticisms, including myself. I recognize that the IMF is not sufficient today to deal with our international economic challenges. The IMF was created in a world of fixed exchange rates. Today we do not have fixed exchange rates. The IMF was created at a time when we had much smaller private capital flows than we have today. Today private capital flows when somebody punches a computer button that can overwhelm the IMF in many, many parts of the world.

But we have seen the world when we did not have the IMF. We did not have the IMF in the 1930s. And in the 1930s, when we had first an Austrian banking collapse, followed in turn by a collapse of the currency in Germany. And when the markets were then in turn destroyed in Britain, and that chaos came across the water and engulfed the United States, we had the greatest depression in modern history.

All that happened because of that is that Adolf Hitler came to power, over 50 million people died in the world, and that is why the "Wise Men," as they were known after the end of World War II, created institutions such as the international financial institutions and the IMF so that we would have some ability to stabilize economic relationships between countries, so we would not have the conditions repeat themselves that led to the political instability that led to the military actions that led to the human devastation that we saw in that period in our history.

At this point, imperfect though the IMF is, it is the only instrument we have to try to recognize the fact that currencies have collapsed in Asia, that our export markets for agriculture and other products have collapsed. That has, in turn, helped create greater instability in the Soviet Union. We have seen great uncertainty in Latin American markets. How long do Members of this House think we can survive as an island of economic success in a world of economic chaos? The answer is, not very long.

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

Mr. OBEY. I yield to the gentleman from Louisiana.

Mr. LIVINGSTON. Mr. Chairman, I appreciate my friend yielding to me. I want to tell him that I concede most of the points that he has made. I agree with him and for many of the same reasons. I may ultimately support the IMF. But the question is, which comes first, the chicken or the egg?

The fact is world instability was not created because this last tranche of U.S. participation in the IMF has been withheld this last year. And as the gentleman well knows, the day we reported this bill in full committee, the Los Angeles Times had a front page article about Anatoly Chubais, former economic guru of Russia, who said, we conned the IMF and the United States out of $20 billion. He used the words, we conned, we managed to scam them to give us the money so that we could sustain our failing system.

It is not the IMF's fault that Russia system is failing. I think we, as stewards of the American taxpayers' money, owe it to them not to allow anybody to con us and throw our money down a rat hole.

Mr. Chairman, I include for the RECORD the article to which I referred:

[From the Los Angeles Times, 1998]

RUSSIA LIED TO OBTAIN LOANS, A CHIEF AIDE TO YELTSIN SAYS

(By Richard C. Paddock)

MOSCOW—A key architect of Russia's economic transformation said in a published interview Tuesday that Russia "conned" the international community out of nearly $20 billion in loans by lying about the severity of the country's fiscal problems.

Anatoly B. Chubais, who in July negotiated a $4.8-billion loan from the International Monetary Fund, said in an interview in Kommersant Daily that it was necessary and appropriate for Russia to lie in order to obtain infusions of cash.

If the government had told the truth, the longtime advisor to President Boris N. Yeltsin said in the interview, Russia's economy would have collapsed last spring and global lenders "would have stopped dealing with us forever."

Asked if the Russian government has the right to lie about the country's fiscal instability, Chubais replied: "In such situations, the authorities have to do it. We ought to. The financial institutions understand, despite the fact that we conned them out of $20 billion, that we had no other way out."

Chubais' comments came as Russia is searching for a solution to the economic crisis that has paralyzed commerce, pushed banks to the verge of bankruptcy and sent the currency, the ruble, plunging in value almost daily to record lows.

Triggered by the devaluation of the ruble on Aug. 17, the economic collapse has sparked a political crisis that has left the country without a functioning government for more than two weeks. Yeltsin, twice unable to win parliamentary confirmation of his nominee for prime minister, Viktor S. Chernomyrdin, met with advisors Tuesday but did not name a candidate for the post.

Some Russian officials say that obtaining more foreign aid would be the best way to halt the economic slide. The IMF is scheduled to release another $4.3-billion loan next week, but the payment is in doubt because of Russia's inability to enact austerity measures and its decision to devalue the ruble and freeze payments on short-term government debt.

Chubais' statements to the respected business newspaper were especially startling because he has been widely viewed as one of

Russia's "young reformers," who could be trusted by the West because he favored establishing a market economy.

He has served Yeltsin in numerous capacities, including privatization chief, presidential chief of staff, deputy prime minister, campaign manager and, most recently, special envoy to Western lending institutions.

During the years Chubias and his fellow free-market advocates have been in power, privatization has resulted in a handful of tycoons seizing control of the country's major industries while millions of workers and pensioners go for months at a time without being paid.

Chubais is chief executive of the state-owned electricity monopoly Unified Energy Systems.

This summer, as Russia's economic woes mounted, Chubais played a crucial role in winning a pledge of $22.6-billion in loans from the IMF, the World Bank and Japan.

The lenders insisted that Russia make serious changes in the management of its government and the economy, including improving tax collection and slashing spending.

But Russia's desperate need for cash led the IMF in July to release the $4.8-billion loan negotiated by Chubais, although Russia had not met the loan conditions. Earlier, the IMF had loaned Russia $14.3 billion.

In Washington, spokesmen for the IMF and the World Bank declined Tuesday to discuss Chubais' statements because they had not read the interview, "I haven't seen the article, so it would be irresponsible for me to comment." World Bank spokesman Klas Bergman said.

Andrei V. Trapeznikov, a spokesman for Chubais, tried to put the best spin on the Kommersant interview but did not contest any of the quotations. In fact, he said, Chubais was given a copy of the text before it was published and did not question they way in which he was quoted.

"I think this passage should not be interpreted as malicious intent," Trapeznikov said. "There was no ill intent on the part of Russia to cheat the IMF out of its money."

In the interview, Chubais used the Russian slang word kinuli, which means "we cheated," Trapeznikov said it was a harsher word than what Chubais really meant.

"What works for a Russian audience sounds very rough in English," he said. "I think that Antoly Borisovich [Chubais] used a wrong word in this context and did not express himself very clearly."

At another point in the Kommersant interview, Chubais defended Yeltsin's statement just days before the government devalued the ruble that it would never do so.

"One can keep lashing out at the president to one's heart's content for having said there would be no devaluation, but this was the very thing that should have been said," Chubais told the newspaper. "Any politician in sound mind will tell you this is the only way, unfortunately, that authorities should behave in such extreme situations."

Mr. OBEY. Reclaiming my time, I would simply make one observation. Obviously, I agree with the gentleman's concern about that. I am extremely unhappy about that. But I ask the gentleman to remember the advice that we have had from Alan Greenspan and from virtually every other person with major responsibilities in running our economy. They have all urged us to pass this.

The CHAIRMAN. The time of the gentleman from Wisconsin (Mr. OBEY) has expired.

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

Mr. OBEY. Mr. Chairman, I will make one additional point. In Russia, within a period of three months, people have lost 85 percent of the value of their investments, 85 percent of the value of the stock market. If that had happened in this country today, we would be in the midst of a revolution. It is a minor miracle that they are not. They have a few thousand nuclear weapons which can very easily be pointed at us. I would suggest to everyone who cares about the subject that the very fact that we have such chaos in Russia is an argument for strengthening, not denying, resources to the only instrument we have left to prevent that kind of chaos.

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

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

Mr. HINCHEY. Mr. Chairman, I thank the gentleman for yielding to me. I think that he has made the points extremely well. I would just add that it is becoming increasingly clear, in spite of all the work that has gone into this bill, and we appreciate the difficulty in balancing all of the things that have to be done, the bill remains an inadequate instrument to deal with the economic problems confronting us in the global community.

If we fail to recognize that, we do so at our peril. We are already beginning to see the impacts of the economic crisis in East Asia in the deflation that is sweeping across that part of the world. Just a week ago, representatives from the steel industry were here in the Capitol pleading with this government and the White House to do something about the fact that steel was being dumped on our marketplace from East Asia at prices below production cost.

We heard just a few moments ago about the tragedy that is beginning to unfold in the agricultural community of this country. All across the farm belt agriculturalists lists are in dire circumstances. Why? For a number of reasons, principal among them is the fact that their markets are beginning to dry up. Not that we have that many markets in the Far East, but the Australians do and the Australian market for grain has dried up in the Far East. And they are now moving into our markets, as are the Canadians.

And the result of that is that prices are dropping all around the world for agricultural commodities and our farmers are suffering. They are going to continue to suffer. If we fail to fund the IMF at the appropriate level so that that agency is able to step in and begin to stabilize the currencies and economies of these countries, the repercussions are going to redound on this North American continent next year. We will reap the whirlwind for our failure to act.

We need to get this bill out on the floor. We need a full and comprehensive debate on the International Monetary Fund. Yes, we recognize it is an inadequate instrument itself, but it is the only one we have, as the minority leader of the Committee on Appropriations said so many times.

The CHAIRMAN. The time of the gentleman from Wisconsin (Mr. OBEY) has again expired.

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

Mr. HINCHEY. Mr. Chairman, if the gentleman will continue to yield, I thank the chairman of the subcommittee for his forbearance in allowing this discussion to take place. I this he does so because he recognizes the importance of it. He may not be yet convinced of the arguments that are being presented on this side of the aisle, but to his credit and to the credit of the chairman of the committee, they recognize that there is validity to these arguments.

We are in now a very perilous period in our history. So I just beg my colleagues, please give reconsideration to this decision to prevent an adequate discussion of this. Please give reconsideration to the decision not to fund the IMF. It is desperately essential that we do so.

Mr. OBEY. Mr. Chairman, I would simply like to say that we just heard the committee chairman say, "Look, I may vote with you at some point." In fact, I have heard them say, "We probably will vote with you at some point."

The problem is, that is what we have been hearing for a year. Every time we bring this up, we are in essence told, well, you may be right, but this is not the right time.

It is long since past the right time. We need to end the leverage or the efforts at seeking political leverage. We need to end the debate. We need to end the delay. We need to get about the business of doing the best we can to stabilize the world's economic system before it costs our constituents jobs.

The CHAIRMAN. The time of the gentleman from Wisconsin (Mr. OBEY) has again expired.

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

Mr. CALLAHAN. Mr. Chairman, I continue to reserve my point of order.

Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Alabama.

□ 1515

Mr. CALLAHAN. I thank the gentleman for yielding to me, and I just want to say that we can debate this all afternoon, and I have been as tolerant as I possibly can be, but we have a lot

of other important issues that we need to talk about today. Ultimately, I am very optimistic that the Chair is going to rule favorably upon my point of order.

What the gentleman is saying is not taken lightly. The gentleman does have validity to his argument, as we have validity to ours. To just give them the keys to the car at this time, without some instruction, is a very serious mistake.

We are entering a different global economy. Global economy is something relatively new. It is relatively poorly understood. But when we look at the future and see the problems that are going to be taking place in Brazil, and in our own hemisphere that could more directly impact our economy, and when we look at the new Eurodollar and we try to look into the future to see what happens if the Eurodollar fails and then the IMF has to bail out the entire European Community, we are talking about $50 billion possibly in new needs.

So, yes, the gentleman's arguments are right. I think that we should possibly look at it. I do not think we ought to look at it at this time. And, as a result, I have not been pressured by leadership to do anything. This is my bill. It was a bill written by myself and my staff, confirmed by the gentleman and his staff, confirmed by the entire full committee, and, as a result, it is the best we are going to do today.

Mr. OBEY. If the gentleman would let me reclaim my time to make one observation, I would point out today that the stock market is down again by a huge amount. We are in the midst of incredible political and economic uncertainty around the world. This Congress should not do anything that adds to that uncertainty, creates additional shakiness in the markets and creates more opportunity for people to lose their hard-earned investments because we have lagged in meeting our responsibilities. That is what has happened.

Mr. CALLAHAN. If the gentleman will continue to yield, we can use all types of comparisons, but while we were debating this in committee, the stock market was down, tremendously down, and during the period of time we debated it in committee, the stock market actually came up about 70 points.

Mr. OBEY. It still dropped a huge amount that day. And I would simply say this Congress has a responsibility to take any action necessary to try to stabilize the situation rather than continuing to contribute to its destabilization.

Mr. CALLAHAN. I agree.

Mr. Chairman, I reserve my point of order. I insist on my point of order which I have made against the amendment.

The CHAIRMAN. The gentleman from Alabama continues to reserve his point order or insists on his point of order?

Mr. CALLAHAN. I will continue to reserve for a few more minutes.

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

This is a bit ironic. This issue is of such import that we could debate it for about an hour, but under the reservation of a right to object rather than debate it for an hour via an amendment that would actually appropriate the monies. We should have been proceeding in that fashion, with an amendment, so that this body could have taken a vote on the issue.

I am in my 12th term in Congress, and in my entire adult lifetime I do not recall an occasion when the world economy has been more fragile. It seems to be falling apart in Asia. That should have been a signal, as it was to the administration, as it was to our central bank, for the United States to step in with the other nations of the world and authorize and appropriate our fair share of the IMF contribution. But the House of Representatives' leadership opted to play Russian roulette with the situation and see what would happen.

Well, I do not know that we could say that, because of that fact alone, we saw the difficulties in Russia, but we certainly saw the Asian contagion spread to Russia, and it has now spread to Latin America. We have had considerable difficulties in Brazilia. And we do not know where it is going to end, or if it is going to end.

We do not know what would happen if the Chinese were to devalue their currency and the repercussions that that would create, not just in Asia but globally.

We do know this: that Alan Greenspan has said the United States cannot long stand as an oasis of prosperity; that this fragile global economic situation can have, in the very near future, a profound impact on the United States.

We also know this: that this body, this Congress, is scheduled to recess October 9. It would be unthinkable if we were to recess on October 9 and not have in place the only international architecture, the only international financial mechanism that exists in the world to deal with this situation, without adequate resources and with the United States having defaulted on its leadership.

The executive branch has stepped up to the plate. The United States Senate, our other body, has stepped up to the plate and they have passed authorization and appropriations legislation twice in an overwhelming bipartisan fashion. The House Committee on Banking and Financial Services has stepped up to the plate. In a bipartisan manner, we began consideration of this in January and in a matter of weeks reported out a bill, with every Democrat supporting the authorization and a considerable majority of the Republicans. So we reported it out by a vote of 40 to 9. Forty to 9.

How shameful, therefore, that the present House leadership has not even permitted us the opportunity to bring this issue to the floor so that we can appropriate the full amount that the United States has committed itself to.

The United States defaulted by not joining the League of Nations. I think that was a huge mistake. If the United States did not participate in the United Nations, that would be a huge mistake, particularly because of the military requirements of the United Nations. We now have not a military situation but an economic difficulty, and it would be calamitous if the United States withdrew, in effect, in fact, from the only international mechanism that exists today to deal with this global economic crisis.

I implore this House leadership to let us consider and vote on full authorization and full appropriations before we recess.

Mr. CALLAHAN. Mr. Chairman, I continue to reserve a point of order. I will allow some rebuttal, with one speaker on our side, before I insist on my point of order.

Mr. SANFORD. Mr. Chairman, I move to strike the requisite number of words, and I would just rise in support of what the chairman has been saying here.

I think what he is talking about in his point of order is something that ultimately watches out for the American taxpayer. And lest we forget, this body is designed and built for ultimately watching out for the taxpayer of the United States of America. I think that is exactly what his point of order does.

I would just make this one point, and that is, I have here a rate sheet from Goldman Sachs, which is the place where Robert Rubin, our Secretary of the Treasury, used to work and used to head, and this could be found not just at Goldman Sachs, it could be found at Merrill Lynch or any of the investment banks, looking at the rates which the private markets are charging for government debt in Russia.

I have here rates looking at 2001 paper yielding 32.31 percent. I would look at 2005 paper yielding 52.63 percent. I would look at 2015 paper yielding 65.43 percent.

And what those high rates are basically saying is that the marketplace out there asks for a risk premium, in this case a very substantial risk premium, because the private markets think that they ultimately might not get paid back.

So what this point of order is simply doing is saying since we might not get paid back, we ought to watch out for the taxpayer rather than just handing out the IMF money.

The July piece of debt that was issued by the IMF was at 4.5 percent.

Can my colleagues imagine how giant that spread is, between 30, 40 or 50 percent interest rate, and where the IMF was? If we want to help shore up Russia and say we ought to just issue grants, issue aid to Russia, that is one thing. But do not call a loan a loan when, in essence, it is not a loan, because that is exactly what we are talking about. And that is what that point of order is all about.

Mr. CALLAHAN. Mr. Chairman, I hate to do this. I have tried to be extremely fair to all Members on all issues, but we have a limited amount of time to debate this entire bill and, unless the gentlewoman, the ranking member of our subcommittee, is requesting time before my insisting on the point of order, I am going to now insist.

PARLIAMENTARY INQUIRY

Ms. PELOSI. Mr. Chairman, I have a point of parliamentary inquiry.

It is my understanding, Mr. Chairman, that if the chairman insists on his point of order, then I will, as the maker of the amendment, have the opportunity to address the point of order, as will my colleagues?

The CHAIRMAN. The Chair has discretion to hear discussion and argument on the point of order and intends to limit debate on the point of order.

Ms. PELOSI. I thank the Chair.

Mr. CALLAHAN. Mr. Chairman, I ask unanimous consent that the gentlewoman from California (Ms. PELOSI) be granted 10 minutes of time, which she can allocate to any person she deems fit.

The CHAIRMAN. The gentleman continues to reserve his point of order, and the gentleman is asking unanimous consent that the gentlewoman from California (Ms. PELOSI) shall be allowed to speak for 10 additional minutes.

Is there objection to the request of the gentleman from Alabama?

There was no objection.

The CHAIRMAN. The gentlewoman from California (Ms. PELOSI) is recognized for 10 additional minutes.

Ms. PELOSI. Mr. Chairman, I yield myself such time as I may consume to thank the distinguished chairman of the committee for his courtesy, which seems to be boundless.

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

Mr. BENTSEN. Mr. Chairman, I thank the gentlewoman for yielding me this time, and I look forward to the day when I grow up and can speak for 5 minutes in the full House.

Mr. Chairman, I appreciate the position of the gentleman from Alabama on this. I do not think, quite frankly, his party has a position or our party has a position. I think there are several positions floating around, which is one of the reasons this should be debated. There are Members on the gentleman's side who realize recapitalizing the IMF is the right thing, and there are Members on our side who are totally against it.

The fact is, the same arguments that apply to the IMF apply to fast track. And the reason is that we live in a world economy and we cannot isolate ourselves. For those of us, like myself, who believe in fast track and who believe in free trade, we also believe we need to deal with the economic crisis.

Now, like my colleague from South Carolina who spoke before, who worked on Wall Street at one point in time, as I did, I think we both understand that markets operate based on both fundamentals and confidence. And the problem that exists today, and has grown more prevalent, is that confidence in the world markets has been lost, and that is what we are seeing. That is why we are seeing the contagion spread.

If we do not step in and address this problem with the IMF, and, yes, it is not perfect, there is no perfect world body to deal with this, but it is the only one we have at the time. We cannot allow the situation to get out of control.

I think it is important that Members understand that what we are talking about here are loans, because this is the lender of last resort, not grants.

□ 1530

I think it is also important that we understand what is going on. In our own area of the world, we are seeing an oil crisis occur because of the lack of demand for oil in the Asian market, and that is spreading throughout Latin America.

Finally, I would just say this. We have had a year to look at this since this debate first started, and the leadership on the other side who I know is split on this question said, "We're going to look at this. We're going to come up with a better way to do it." The time is up. It is time to deal with this problem. We have lost all the gains in the stock exchange for the year. We are starting to see a decline in the American economy as a result and in the growth rate of the U.S. economy and an increase of imports over the last year because we have not done our work. We have not done a whole lot in this Congress this year and now we are running out of time and we are going to let everything go away because of it. That is a mistake.

I think we ought to bring this issue to the floor for the debate. It will be a bipartisan group for it and a bipartisan group against it, but in my opinion, just like fast track, it is the right thing to do. Members should be ashamed of themselves for not allowing this to come to the floor. I appreciate the gentlewoman from California for having the courage to bring this up.

Ms. PELOSI. I thank the gentleman for his leadership and for his fine statement.

Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Ms. ESHOO) who has been a leader on this issue in the Congress.

Ms. ESHOO. Mr. Chairman, I thank my distinguished colleague, the ranking member of the committee, for her leadership on this issue. I rise today in the hope that the gentleman, the distinguished subcommittee chairman, will not insist on his point of order and also, of course, in support of the Pelosi amendment to add the $14.5 billion to the foreign ops appropriations bill and fully fund the IMF.

I think that together we can inoculate the global economic system with the infusion of the $14.5 billion in this bill. I say that because, number one, America's economic interests are tied to this. When we talk about the American taxpayer, we are also talking about the American investor. The American investor through its 401(k)s and many other vehicles invests in foreign economies. We see not only an Asia flu but something that is becoming contagious in many places around the world. We speak with pride about a global economy, but when it comes to the crisis, we are not willing to fill the needle and give the inoculation that is needed.

I plead with my colleagues on both sides of the aisle to support this, because this is not only in America's interest, in the taxpayers' interests, in the investors' interests, but in the interest of stabilizing a global economy which America the great has a huge investment and interest in.

Ms. PELOSI. Mr. Chairman, I yield 1 minute to the gentlewoman from New York (Mrs. MALONEY) who again represents a great financial center of commerce in our country and understands this issue full well.

Mrs. MALONEY of New York. Mr. Chairman, I rise in support of the Pelosi amendment and funding for the International Monetary Fund. With the world situation the way it is, this is no time for the United States to abandon and pull out of international organizations. I fully support Chairman Greenspan, Secretary Rubin and the Administration, all of whom support funding for the International Monetary Fund because it is in the economic interest of the United States. We live in a world economy. It would be a terrible signal to the world if we suddenly decided we wanted to destroy this international organization by withholding funding. The signal we should be sending from the United States is that we support this international organization and that we do not want to abandon ship during a time of crisis that is important not only to the world economic situation but to the economy of the United States. We should debate it and vote on it.

I support the Pelosi amendment.

Ms. PELOSI. I thank the gentlewoman for her remarks.

Mr. Chairman, I yield 1 minute to the gentleman from Illinois (Mr. JACKSON) a person who has been a leader for us on these issues and has a balanced view.

Mr. JACKSON of Illinois. Mr. Chairman, I thank the gentlewoman for yielding time, and I want to thank the chairman of the full committee for his indulgence. I rise in strong support of the Pelosi amendment. I would encourage this Congress to move as quickly as it possibly can to fully replenish the International Monetary Fund.

I was here when the chairman of the full committee the gentleman from Louisiana (Mr. LIVINGSTON) indicated that indeed the Russians had suggested, or a Russian had suggested that they conned the International Monetary Fund out of $20 billion. But we now know that when Mr. Greenspan came before the full Banking Committee yesterday and asked for this Congress to replenish the International Monetary Fund to the tune of $18 billion that the chairman of the Federal Reserve Board was not conning us yesterday. He recognizes that there are indeed turbulent roads in our economy on the horizon and it is very important that this Congress react with due haste and due speed to make indeed the necessary appropriations. Let us not just measure what is taking place in financial terms. Let us also measure what is taking place in human terms.

Indonesia was on the brink of Civil War because, in part, of this Congress' inability to act. We need to save our own economy but the world as well.

Ms. PELOSI. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia (Mr. MORAN) who is a true internationalist and understands the interrelationship of our economies.

Mr. MORAN of Virginia. Mr. Chairman, I am very grateful to the very distinguished ranking member of the Subcommittee on Foreign Operations of the Committee on Appropriations as I am to the generosity of the chair of that committee. I rise in support of the Pelosi amendment.

Our economy is doing well right now, but as Alan Greenspan said, we cannot forever be an oasis of prosperity. A full 30 percent of our economy is tied to international trade. For better or worse, we are the leader of the world economy. Much of that economy, particularly Russia, Asia and now Latin America is in trouble. If the IMF lacks the funds to stabilize foreign currencies and markets, there will be no market for that one-third of our products and services, we sell overseas and they will be in such a desperate position they are going to be dumping their products on our market, causing serious economic disruption. Our inventories will build, grain elevators will fill and factories will go idle as workers are furloughed or laid off. These economic and strategic concerns are of paramount importance for the Congress to debate. And so it is wrong for the leadership to refuse to permit the full House to consider the IMF bill that passed the House Banking Committee by a vote of 40–9.

The IMF is not some part of a rogue international conspiracy. It is an institution born of the ashes of World War II, born by the United States and the people who formed this strong economy throughout the civilized world. The reason why the international economy is as strong today is because we started things like the International Monetary Fund after World War II to make sure we did not go through another Great Depression that formed the basis of World War II. We can never repeat these mistakes. We have to learn from these mistakes.

The IMF is critically important. Sure there are reforms that need to be made, but that does not mean that the IMF is not essential to the productivity and to the economic stability, to the jobs and to the well-being of all American citizens.

We ought to be debating it. We ought to pass it. We ought to restore funding immediately to the International Monetary Fund.

Ms. PELOSI. Mr. Chairman, I yield 1 minute to the gentlewoman from New York (Mrs. LOWEY) a member of the Subcommittee on Foreign Operations of the Committee on Appropriations and a person who understands this issue full well. She, too, represents a center of commerce and understands the IMF.

Mrs. LOWEY. Mr. Chairman, I rise in strong support of funding for the International Monetary Fund. This is one of the most important issues facing this body. The ongoing economic turmoil in Asia and Russia is having a very serious impact on Wall Street and other markets around the world. We must provide the IMF with the resources it needs to respond to the economic insecurity in Asia and Russia as it promotes badly needed reforms in those economies.

The leadership in my judgment is playing a very dangerous political game by not allowing a vote on this issue today. The global economic crisis demands immediate leadership, not political gamesmanship.

The IMF's resources are at a dangerously low level, jeopardizing its ability to perform its basic mission and respond effectively if the economic crisis deepens or spreads to even more markets.

The $18 billion requested for U.S. commitments can leverage about $75 billion in usable global commitments from the IMF's 181 members. This degree of burdensharing would provide the IMF with sufficient resources to sustain its operations well into the next decade and would reduce the possibility that the United States will be forced to bear a disproportionate share of the financing in any future financial crisis.

Ms. PELOSI. I thank the gentlewoman for her leadership on this issue and for her fine statement.

Mr. Chairman, I yield myself the balance of my time. I urge the gentleman not to insist on his point of order. I call this action of not allowing us to have a full debate on the IMF and a vote on the IMF the stop-the-world-I-want-to-get-off approach. We have to understand the interrelationship of our economies. We have to debate pro and con the approaches we would take. This House should take responsibility for the $14.5 billion we wanted added.

The gentleman from Louisiana (Mr. LIVINGSTON) has stated that IMF is authorized in this bill so the point of order on the basis of authorization is not legitimate. The reforms that the gentleman from Alabama suggested, were a part of an amendment that I offered in committee which failed and which the Committee on Rules rejected last night.

POINT OF ORDER

Mr. CALLAHAN. Mr. Chairman, I make a point of order against the amendment because it provides an appropriation for an unauthorized program and therefore violates clause 2(a) of rule XXI.

Clause 2(a) of rule XXI states in pertinent part:

"No appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law."

Mr. Chairman, the authorization for this program has not been signed into law. The amendment, therefore, violates clause 2(a) of rule XXI.

I ask for a ruling from the Chair.

The CHAIRMAN. Does the gentlewoman from California wish to be heard on the point of order?

Ms. PELOSI. Yes, Mr. Chairman, I do, and because of the generosity of the chairman's time earlier, in the interest of time, I will be brief.

Mr. Chairman, I reject the notion that was put forth by our distinguished chairman that the point of order should be insisted upon and agreed to because this $18 billion is not authorized. The gentleman from Louisiana (Mr. LIVINGSTON) the chairman of the full committee, said on this floor earlier that the authorization is contained in this bill and, indeed, $3.5 billion for the new arrangements to borrow for the International Monetary Fund is included in this bill. If the $14.5 billion is not authorized, then neither is the $3.5 billion. So I think there is a real inconsistency here and I think that we have to be consistent. It would follow, I think, that if the point of order is agreed to, then we must strip the $3.5 billion for the new arrangements to borrow from this legislation.

The CHAIRMAN. The Chair is prepared to rule. The Chair is advised that there is no current authorization in law for the appropriation proposed in the amendment offered by the gentlewoman from California. The amendment is not merely perfecting to what has been permitted to remain in the bill by a waiver of points of order.

The Chair therefore sustains the point of order under clause 2(a) of rule XXI.

AMENDMENT NO. 32 OFFERED BY MR. PORTER

Mr. PORTER. Mr. Chairman, I offer, with the permission of the gentlewoman from California, the Radanovich amendment No. 32 as printed in the RECORD.

The Clerk read as follows:

Amendment No. 32 offered by Mr. PORTER: In title V, strike the section relating to the repeal of section 907 of the FREEDOM Support Act.

Mr. PORTER. Mr. Chairman, I ask unanimous consent to yield my entire time to the gentleman from California (Mr. RADANOVICH).

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

Without objection, the gentleman from California (Mr. RADANOVICH) is recognized for 5 minutes.

There was no objection.

Mr. RADANOVICH. I thank the generous gentleman from the State of Illinois for yielding me the time.

Mr. Chairman, I rise today in support of a bipartisan amendment to maintain section 907 of the Freedom Support Act, a provision which, since its adoption by Congress in 1992, has placed reasonable conditions on direct U.S. foreign aid to the government of Azerbaijan.

Before voting today on this important matter, I think it is useful to review why this restriction was originally enacted and to consider carefully whether Azerbaijan has taken any steps at all over the past six years to meet the terms set forth in this law. Finally, we should examine the negative impact on American interests which will result from its repeal.

□ 1545

First of all, as my colleagues know, section 907 was enacted as a stand by Congress against Azerbaijan's illegal economic blockades. It represents both an effective check against renewed Azerbaijani aggression and a principal expression of American support for peace in the strategically important Caspian region.

Azerbaijan, however, has steadfastly refused to comply with the terms set forth in section 907, maintaining its blockades of Armenia and Nagorno Karabagh. As recently as 2 weeks ago, during the first ever visit of America's Prime Minister to the Azerbaijani capital of Baku, the Azerbaijani Government again refused to lift its blockades, flatly rejecting Armenia's offers of economic cooperation.

Yet, despite the fact that Azerbaijan continues to violate section 907, the Azerbaijani Government, through its allies in the oil industry and elsewhere, continues to press for its repeal. Rather than comply with its terms by respecting international laws against blockades, Azerbaijan has undertaken an extensive media and lobbying campaign to change U.S. law. Section 907's repeal under this pressure would represent a victory of shortsighted thinking at the expense of our Nation's long-term interests.

On the eve of the upcoming Azerbaijani elections, such a move would be viewed as an American endorsement of the policies and candidacy of former KGB General Geidar Aliyev. Section 907's repeal would represent both an unsound foreign policy decision and an irresponsible misuse of taxpayers' funds.

Please also keep in mind when considering this matter, that the U.S. restrictions placed on Azerbaijan do not allow for humanitarian aid through NGOs. Since 1992 Azerbaijan has received over $130 million from the United States in humanitarian aid. I understand, however, that large amounts of this aid have been siphoned off and ended up in the hands of the political elite of Azerbaijan. I can only estimate the amount of aid that will be claimed by corrupt political leaders if we send aid directly to this undemocratic government.

Human Rights Watch has reported in its annual report that the international community largely glossed over Azerbaijan's poor human rights record in order to protect oil interests. The State Department, in its human rights survey of Azerbaijan, concluded that the Azerbaijani Government's human rights record continued to be poor and the government continued to commit serious abuses. The government restricts citizens' ability to change the government peacefully. The government restricted freedom of speech, press, assembly, association, religion and privacy when it deemed it in its interest to do so.

At this time, the Nagorno Karabagh/Azeri peace process is at a pivotal situation. The U.S., by reaffirming its opposition to Azerbaijan's illegal blockades, can play a critical role in pressing upon the Azeris that they should come to the table and actively seek a peaceful resolution to the conflict.

Rewarding Azerbaijan with American tax dollars would harm the peace process leading to increased instability and a less secure environment for American investors. Section 907's repeal would only encourage Azerbaijan's leadership to keep its blockades in place and to continue refusing direct peace talks with Karabagh, both to the detriment of America's interests.

We should not underestimate the significance of our actions today. Repealing 907 would fundamentally harm the peace process, dramatically affecting the stability of the region, and so undermine rather than advance U.S. interests.

So, in conclusion, I respectfully ask that my colleagues vote for peace, stability and American interests by voting for the Radanovich-Pallone-Rogan-Sherman amendment, and I again thank the gentleman from Illinois.

Mr. KENNEDY of Rhode Island. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise today in support of the Radanovich-Pallone amendment to strike the language in this bill that eliminates Section 907, the sanctions for the blockade that Azerbaijan has placed around the democratic country of Armenia and the area of Nagorno Karabagh which is the area that has been subject to so much warfare over the years.

Let me say, Mr. Chairman, that I had the opportunity to visit, with the gentleman from New Jersey (Mr. PALLONE), Armenia about 2 months ago and I had a chance to see firsthand the devastating impact of this blockade that we are talking about repealing, in essence, because of the fact that we are not going to allow this country to say unequivocally that we are going to condemn any country that puts such a blockade against a neighboring country like Armenia, forcing it to contend with the ravages of natural disasters, as Armenia has over the last decade, forcing it to contend with the fact that it is interdependent in the Caucasus on its neighbors, but is yet to be able to get the kind of trade that is necessary for that struggling democracy to survive because of the intransigence of countries like Azerbaijan in their inability to deal with their neighbor of Armenia.

The fact of the matter is Armenia is the closest country to the American values of any single country in the Caucasus. Armenia shares the values of the United States like no other country in the former Soviet Union. Like no other country.

And any Member of this House who would have an opportunity to go to Armenia and meet, as the gentleman from New Jersey (Mr. PALLONE) and I have had an opportunity to do, to meet with President Kocharian, to meet with that fantastic new President of Armenia, to see how dedicated he is to the principles that we hold dear in this country, they would not have a single doubt in their mind why it should be United States policy to continue to support section 907, which condemns Armenia and Turkey for their creating this blockade around the democratic country of Armenia.

We know that Armenians in Armenia share our values, and the fact is this

United States Congress should stand in solidarity with our friends in Armenia and say enough is enough for Azerbaijan to continue that brutal, brutal blockade on that island locked country.

Keep in mind that Armenia is locked in the Caspian area in the Caucasus region. It does not have anything but a land route for its trade. And when every country around it blocks its ability to have free trade, it is held hostage to these regimes.

Now, let us think about what these regimes are. Azerbaijan is a dictatorship. They are a regime that has been cited by the Department of State for human rights' abuses. And let us understand what we are saying if we support this bill without passing the Radanovich-Pallone amendment. We are, in essence, saying that we are going to stand by a dictatorship, we are going to stand by a dictatorship in their effort to put their thumb on the democratically elected regime of Armenia. We are going to side with the dictatorship over a democratically elected government of Armenia. To me, that does not sound like the kind of country and principles that we should support as American citizens.

That is why I call on my colleagues to support the Pallone-Radanovich amendment, because that is the amendment that is going to strike out the effort to repeal section 907, which calls on sanctioning those countries which blockade our democratically-elected friends like Armenia.

Let us understand what we are talking about here. Armenia and Nagorno Karabagh are ravaged economically. They are ravaged economically because of the natural disasters like earthquakes, the wars that have gone on in that area, and on top of it they have their neighboring countries put this blockade through. And what is happening is a tragedy of human dimensions that none of us should be proud to support if we vote against this Radanovich-Pallone amendment because, in essence, that is what we will be doing. We will be continuing to perpetuate an intolerable situation for the Armenians in that area.

Mr. Chairman, my colleagues in this House need to support our friends and democratically-elected Government of Armenia. If Azerbaijan wants to end this blockade and wants to end the sanctions against it, they can just end the blockade; that is what they should do. They should end the blockade if they want us to end the sanctions against them because of the blockade.

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

Mr. Chairman, I visited Nagorno Karabagh in August of 1994. It was one of the grimmest places that I had ever, ever been. The Russian ground missiles have been thrown in there daily for year after year after year. Many people were living down in the basement, people that had lost arms and legs and everything else.

This is a difficult issue, and I heard the gentleman from Louisiana (Mr. LIVINGSTON) in the committee. I agreed. And just let me say to my colleague, I agree with all of his rationale up until getting away with 907.

I also want to say that I want the western oil companies to have this opportunity. But to remove 907 now would send the wrong message and take the pressure off the Azeri Government to come to the peace table.

Now, we can lift the blockade and get 907 to go away today by doing one thing: Let the Azeris lift the blockade, and 907 goes.

The poor people in Nagorno Karabagh have suffered too much, and the message that this would send would be, I believe, to keep this issue going on longer and longer.

Secondly, the administration has failed that had a low level person dealing with this issue. It goes through the Minsk treaty agreement, and we have Russia, and Russia does not want to end this.

So what should we do? We should call the Azeris together, call the Armenians together, and have a representative on Nagorno Karabagh come, bring them to Washington, go over to the Eastern Shore, sit down, break bread together. Reconciliation. And I tell my colleagues this problem can be solved.

But I also believe from the bottom of my heart that if we lift 907 today, the problem will not be resolved.

Now, neither side is perfect. The head of the Azeri Government is the former head of the KGB. Clearly there are problems in Armenia because there are Russian troops in Armenia. Neither side is absolutely perfect. But for the people of Nagorno Karabagh to bring in a spirit of reconciliation, the Azeris together and the Armenians together with Nagorno Karabagh there, do not lift 907, because by lifting 907 I think we will say there is no pressure on the Azeris, there is no pressure on anybody.

So I strongly support, at least for another year, maybe, I say to the gentleman from Louisiana (Mr. LIVINGSTON), next year or maybe something like that, but hopefully we will support the Radanovich amendment, and then Secretary Albright will pick up the phone, get the Azeris in, get the Armenians in, bring the Nagorno Karabaghs together, and I believe that both parties stand so much to gain, and then everything the chairman wants, which I agree with, will take place, whereby the oil will flow in the appropriate place.

So I, just for this time and for the interests of the pain and the suffering of those in Nagorno Karabagh, I strongly urge my colleagues to support the Radanovich amendment.

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

Mr. Chairman, I join my friend from Virginia, the last speaker who has spoken on behalf of the Radanovich-Pallone amendment.

We should not have done, in my opinion, in subcommittee and full committee what was done. We ought to restore this amendment. We ought to restore America's position on behalf not of Armenia, not of Nagorno Karabagh, but on behalf of justice, on behalf of humanitarian concerns, on behalf of the principles for which this Nation stands around the world.

I am deeply saddened by the fact, Mr. Chairman, that since the termination of hostilities in 1994, no demonstrable progress has been made in the negotiations regarding the status of Nagorno Karabagh.

The gentleman from Louisiana (Mr. LIVINGSTON) mentioned earlier today in debate that there had been some progress. I did not see that story, I am pleased to hear it, but I do not believe it yet. I hope that the parties will continue to negotiate to achieve a lasting solution which will benefit all the peoples of the region. In fact, talks are ongoing at this time.

However I do not believe, and I hope this House does not believe that weakening or eliminating section 907 will further this process. In fact, my colleagues, I am of the opinion it will move us in exactly the opposite direction because it will send the message to the Azeris that they are winning. And why are they winning? On principle? No. Because of economic concerns and profits. That is why they are winning. That is where we are.

□ 1600

Now, I want to see the oil in that region benefit all the peoples of that region, and I am not against the economic development of Azerbaijan or Armenia or Nagorno Karabagh, but I am for proceeding in a principled way.

Section 907 of the Freedom Support Act prohibits direct U.S. aid to Azerbaijan in an effort to pressure Baku to lift its blockade of Armenia and Karabagh. However, section 907 does allow, very importantly and correctly, the delivery of humanitarian and democracy building assistance through nongovernmental organizations, as well as activities by the Overseas Private Investment Council, OPIC, the Trade and Development Administration, and Eximbank. In fact, the United States has provided, even with 907 in being, $130 million-plus in humanitarian exchange assistance to the people of Azerbaijan.

The United States is not closing its eyes to the pain that may exist in Azerbaijan. We are sensitive. This is not against the people, this is against a government policy in Baku that undermines the welfare of citizens in Armenia and Nagorno Karabagh.

The Government of Azerbaijan has enforced a blockade against Armenia and Nagorno Karabagh for 9 years. The blockade has cut off the transport of food, fuel, medicine and other vital goods and commodities.

Because of the blockade, Mr. Chairman, Armenia has experienced a humanitarian crisis during which the United States sent emergency lifesaving assistance, as we should have. The blockade has virtually isolated Armenia from the rest of the world.

As the gentleman from Massachusetts said, and I am sure others have before I spoke, Armenia is landlocked, isolated, in need of the attention of the rest of the world for humanitarian reasons as well as democracy-building reasons.

Mr. Chairman, in contrast to what the Azeris have done, Armenia has repeatedly offered to allow transshipment, repeatedly offered to allow transshipment of humanitarian assistance to Azerbaijan, only to be repeatedly rebuffed.

Mr. Speaker, Azerbaijan has the power, as the gentleman from Virginia (Mr. WOLF), said, Azerbaijan has the power this minute, this very hour, to end the consequences of section 907. All it has to do is end the blockade. That is all it has to do, a simple act.

Mr. Chairman, I urge my colleagues to support the Radanovich-Pallone amendment.

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

Mr. Chairman, I rise in strong support of the Radanovich-Pallone amendment that would restore section 907.

Section 907 was originally included in the Freedom Support Act to deny assistance to Azerbaijan until it takes, quote, "demonstrable steps to cease all blockades and other offensive uses of forces against Armenia and Nagorno Karabagh." Azerbaijan has blockaded Armenia and Nagorno Karabagh for 9 years. Azerbaijan has made no demonstrable steps to end the blockade. Shipments of food, fuel, medicine and other vital supplies have been held up. And the Azeri policy has fomented Armenia's humanitarian crises in Armenia. Together with Turkey's blockade, Armenia's efforts to develop markets and to strengthen its economy have been damaged.

The timing of striking 907 is also a concern. Azerbaijan is on the verge of presidential elections which are being boycotted by the major opposition parties because of Baku's authoritarian policies. The government is plagued with corruption, human rights violations, and crooked elections.

Striking 907 will send the wrong message, and it sends it at the wrong time.

Maintaining section 907 will have no effect on humanitarian assistance to Azerbaijan or aid for promoting and strengthening Democratic institutions, but it will send a message to Baku that it must move to address the blockade, and it will reassert our solidarity with democratic Armenia.

Mr. Chairman, I urge passage of this amendment. I urge my colleagues to so vote.

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

I rise today in support of the Radanovich-Pallone amendment to the foreign operations bill.

Section 907, as so many of my colleagues have stated already, of the Freedom Support Act, places restrictions on the aid that the United States gives to the Government of Azerbaijan until that country ends its aggression and lifts its illegal blockades against Armenia and Nagorno Karabagh.

The government of Azerbaijan has blockaded Armenia and Nagorno Karabagh for 9 years. Day by day, 9 years. That is a very, very long time. Cutting off the transport of food, fuel, medicine and other vital supplies, creating a humanitarian crisis requiring the United States to send emergency assistance to Armenia.

Now, for those Members who may not be joining in on this effort, who may be willing to reconsider their positions in prior years, just think of the irony of what it is costing the United States taxpayer in this situation. Because of the blockade that many Members allow to keep on the books, we then spend even more money to send emergency assistance to Armenia.

Strictly on a fiscal basis, if one does not want to deal with this on a humanitarian basis, on the issues relative to a democracy, consider that at a time when Armenia is introducing market reforms and integrating its economy with the West, the blockade has virtually isolated Armenia from the rest of the world.

Azerbaijan controls the majority of the access to Armenia, a country that is landlocked. We should not repeal section 907, because Azerbaijan has taken no demonstrable steps to lift these illegal blockades.

Direct assistance should not be provided to a government with fundamental human rights and corruption flaws.

Mr. Chairman, I think that I am the only member of the entire Congress of Armenian descent, of both Azerian and Armenian descent. The Armenian people fled and suffered and came to this land, as so many others did, not to take anything from this country, but to contribute, to enlarge on its democracy, to contribute to its economic growth, and to uphold the principles that they found so attractive that they would travel around the world and come to this beacon of light and hope.

Armenia represents and upholds democratic principles. That is why we should join with her and we should support her today. And when we do, we will harken back to all of the peoples that have come from around the world to this land, the United States of America, and its democracy. That is really what this vote is about.

How proud I am to join with my colleagues that are offering this amendment. And, for anyone that even has a twinge of rethinking this, please join us. It is the right place to be, for all of the right reasons.

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

Mr. Chairman, I come and join my friends from California to ask my colleagues to join the debt of history here. This is a people, the Armenians, who have suffered through history. Their lands had been taken; they had faced the first modern genocide. They were oppressed by the Soviet Union. And now, as we see the hope for opportunity and democracy, their neighbor, besides that economic strangulation, is the solution for their own internal problems.

In the post-Soviet era, we all have to develop systems for resolving disputes which do not heighten tensions with our neighbors but, indeed, those that reduce the tensions with our neighbors.

The facts are clear here. The Congress has spoken repeatedly, recognizing history, recognizing the failure of nations of this planet to speak out, when Armenian men, women and children face genocide, that we cannot allow ourselves today to have the Armenian Government strangled by a blockade because we treasure oil more than human beings.

The battle lines are fairly clear here. The economic interests of powerful oil companies would have us abandon the people of Armenia once again. I do not know what responsibility we have here as Members of Congress to all of the world and its causes, but I know as people who believe in human rights, people who believe in history and the responsibility of a great Nation, that this Congress dare not turn its back on the Armenians once more.

Mr. Chairman, we have to use our voices here to make sure that these small and evolving democracies have the time to develop real Democratic institutions, and we had better be careful, putting aside those fundamental values of America in favor of short-term economic advantages in the oil fields.

Additionally, it would be very simple for us to end this conflict. All they have to do is stop the embargo, stop the blockade; take away their provocative actions which have led to their isolation. It is not the Armenians that continue, frankly, the very low level of restrictions on their opposition in this conflict. The Armenians simply are the victims.

And the question for those of us in this Chamber today is, will we stand for the victims, or will we stand with

those who attempt to victimize them? Will we determine that access to oil and oil leases is more important than the principles this Nation was founded on?

Mr. Chairman, this is the right thing to do. Support the Armenians, support freedom, and we will build democracy in the former Soviet Union nations.

If, on the other hand, we abandon the Armenians, we will send a signal that wealth is more important than righteousness in our actions.

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

Mr. Chairman, I was upstairs in the Committee on Rules, trying to get our work out for the rest of the week, and began to listen to this debate. The previous speaker mentioned oil leases and oil. Are they more important than human rights? And the answer would be no to that. Are oil leases and situations like that, are they more important than American lives, American military lives?

Mr. Chairman, I do not think many people in this Chamber understand the strategic importance of the Caspian Sea area, whether we are talking about the Caucasus, whether we are talking about central Asia. But the truth of the matter is, sometimes I am confused because I hear the same people that are arguing for lifting sanctions on Cuba standing here saying now, we cannot repeal section 907. Those two things just do not go together. But the situation is such that that is a very, very important part of the world, and if we are ever, ever, ever going to become less dependent or nondependent on the Mideast area for oil, the only way we are going to do it is to open up these oil fields which are only second to the Mideast in the entire world. It is terribly, terribly important.

Now, what is going on in Armenia? I have to say that some of my closest friends are Armenians, one of my closest friends is. So it is not a question of sticking up for a special interest group in America, it is a question of doing what is right. What are the Russians doing in Armenia?

□ 1615

Do my colleagues know that the Russians, who are no friends of ours, are getting IMF money? It is going in the front door and out the back door so fast into the Mafia's pocket that we do not even know what is happening with that money.

But the truth is that the Russians are in Armenia. They have bases there. They will not even allow our military observers to go in and see how they are plotting to undermine those new sovereign nations, those people that are so proud of their new sovereignty, whether we are talking about Azerbaijan or Kazakhstan or Turkmenistan or any of those countries, even Georgia, which are having their problems now.

But there is a hell of a fight going on. Right now, the Russians are trying to throw us out. They are trying to bring down those sovereign nations of Azerbaijan and Kazakhstan and Turkmenistan. They want to have all that oil going north to Russia.

We have got another problem with the Chinese. The Chinese are to the east of there. The Russians are to the north. The Chinese are doing everything they can in Mongolia to stir things up so they can grab the influence and they can have all the oil going east.

Now who do my colleagues think sits to the south? Does anybody know? Have my colleagues been down there? Have my colleagues been to the Mideast? Have my colleagues been to Central Asia?

To the south is Iran. Iran is doing everything they can, in other words, to drag everything down there so the pipelines will have to go through it. And then the Iranians can continue to control and continue to blackmail the world, trying to bring down Israel and all of the other countries over there.

So this is not just a very, very simple thing. If we were to say to the Russians and to the Armenian government, what I have said, tell those Russians to get out, and then let us sit down and let us negotiate, then we could accomplish something.

But to simply say, no, we are going to side with the Armenians, and we are going to let the Russians continue to undermine everything there, that is just absolutely wrong.

That is why we should repeal 907, and then we should have an all-out effort by our State Department and Members of this Congress to go over there, bring these people together, and solve the problem. That is the only resolution.

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

Mr. Chairman, I rise in strong support of the Radanovich amendment to strike the repeal of section 907 from the bill.

During committee consideration of this bill, a provision was added to repeal section 907 of the Freedom Support Act, which prohibits direct economic assistance to the government of Azerbaijan until that country ends its blockade of Armenia and Nagorno-Karabagh. This amendment was misguided and, in my judgment, it should be overturned.

For almost a decade, Azerbaijan has imposed a cruel and illegal blockade of Armenia and Nagorno-Karabagh. This blockade has cut off the people of Armenia and Nagorno-Karabagh from food, fuel, medicine, and other vital goods and commodities. It has stopped United Nations humanitarian assistance to the people of Nagorno-Karabagh and has created a humanitarian crisis in the region.

I had the opportunity with my colleagues on our subcommittee, including the gentleman from Michigan (Mr. KNOLLENBERG) and others to visit Nagorno-Karabagh, to visit Armenia, to visit Azerbaijan. It was very clear when we visited Nagorno-Karabagh to see the suffering. The life of these people made us come back even more committed in trying to bring the parties together to work out a settlement. We feel that lifting this blockade does not work towards that end.

Currently, the process to bring a lasting peace to the Caucasus is at a very critical stage. The United States, as one of the cochairs of the Minsk Group, has been trying to bring the parties to the table for direct talks. Now, in my judgment, is not the time to change the United States policy in the Caucasus toward any one of the parties.

Repealing section 907 at this critical juncture would only encourage the Azerbaijani government to dig in its heels in the peace process. It would remove what little leverage the United States has over the government in Baku to move it along toward an agreeable solution to this protracted conflict.

Mr. Chairman, it seems to me that opponents of this amendment have grossly exaggerated the scope of section 907. Let us be perfectly clear. Section 907 does not, does not prohibit the delivery of humanitarian and democracy building assistance to Azerbaijan. In fact, the United States has provided over $130 million in assistance to Azerbaijan through NGO's and PVO's since 1992.

Section 907 also does not prohibit U.S. export financing assistance to Azerbaijan. OPIC, TDA, the Export-Import Bank are free to participate in projects in Azerbaijan. Section 907 does not prohibit oil companies from developing and investing in projects in Azerbaijan.

In fact, during our visit, I dare to say, the oil companies were alive and well. At our meetings with the business community in Azerbaijan, I do not think there was one oil company that I ever heard of that was not there. So this is not prohibiting any action from the oil companies to operate in that region.

Section 907 does give the United States leverage over a government that has not shown respect for human rights and the principles of democracy. Maintenance of section 907 will give the United States stronger footing in its attempts to bring the Azerbaijani government to the table and direct peace talks over Nagorno-Karabagh.

Mr. Chairman, this, in my judgment, is a good amendment that deserves our support. I urge my colleagues to support peace in the Caucasus by voting "yes" on the amendment.

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

Mr. Chairman, I will not take 5 minutes. I reluctantly resist and oppose the amendment of my dear friend and colleague, the gentleman from California (Mr. RADANOVICH). But I am convinced that, if we allow the section 907 to continue, that it will prevent us from working toward a peaceful solution in Central Asia.

I want to commend the gentleman from Louisiana (Chairman LIVINGSTON) on his leadership on this issue. There is few people that have understood this issue better than he, and I support his efforts to facilitate the peace and stability that we are seeking between Armenia and Azerbaijan.

Section 907 is an outdated provision which hamstrings our foreign policy options in the Caucasus.

Azerbaijan remains the only former Soviet Republic barred from receiving broad-based U.S. assistance based upon conditions that no longer apply. Repealing section 907 sends a signal that will encourage investment and competence in Azerbaijan and thus will contribute to the stability of this strategical and vital region.

Lifting section 907 is an important component of the comprehensive U.S. strategy for the region and will help facilitate our involvement in Central Asia. For 10 years, we have looked for peace there. The current system is not working. It is time that we change.

Section 907 continues to undermine our neutrality in the negotiations between Armenia and Azerbaijan to promote peace. We need a balanced approach for the Caucasus, and this is why the administration also supports lifting section 907. The Caucasus could account for nearly 75 percent of the world's known energy resources, and we stand to benefit greatly from stability in that region.

Mr. Chairman, it is in our national interest to support repeal of this section. I urge my colleagues to reject the pending amendment and support the fundamental language of the bill.

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

Mr. Chairman, I rise in strong support of this amendment because two wrongs do not make a right. In fact, our actions today regarding section 907 will be a message to Russia and other countries regarding U.S. foreign policy and what we mean and that we do what we say and what we mean.

Mr. Chairman, I am outraged that Azerbaijan continues to block distribution of much-needed American aid and assistance to the Republic of Armenia, and to the break-away Republic of Nagorno-Karabakh.

Meanwhile, thousands of Armenians are still without adequate housing as a result of the 1998 earthquake. This is unacceptable. Not only is this blockade clearly immoral, it is illegal, according to U.S. law.

The time has come that we stop making excuses for Azerbaijan. The time has come to quit playing politics with humanitarian aid destined for Armenia. Human rights must be protected. No one has the right to flaunt the Humanitarian Aid Corridor Act, no one, period.

There should be no business as usual with Azerbaijan until their illegal, life-threatening blockade is lifted.

I urge my colleagues, vote yes on the Pallone-Radanovich amendment. This is a vote for the people of Armenia. This is a vote for peace. This is a vote for solidarity.

Mr. KENNEDY of Massachusetts. Mr. Chairman, will the gentlewoman yield?

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

Mr. KENNEDY of Massachusetts. Mr. Chairman, I thank the gentlewoman from California (Ms. WOOLSEY) for yielding.

Mr. Chairman, I rise today in strong support of this amendment. I think it is very, very important that we recognize that if we want peace in this world, we have to have justice. If we want justice, we cannot stand idly by while one country simply says, we are not going to provide any humanitarian aid, no matter where it comes from, to another country that it happens to have a conflict with.

I appreciate the fact that this is an enormously complicated and difficult political issue involving Armenian and Nagorno-Karabakh and Azerbaijan but for Azerbaijan to be able to stand by and say that no amount of human aid is going to get through Armenia, when I have visited Armenia and I have seen children going cold in the wintertime, I have seen elderly people in hospital rooms where the temperature in the hospital room was below freezing, and that is the kind of situation that occurred because of the fact that we have interests that would just as soon see us repeal section 907.

What I say is if we want to see peace, if we want to see these issues solved over a period of time, then we cannot do it with just economics in mind. We have to do it with justice in mind. If we want justice, repeal the attempt to get rid of section 907; stand up to the Armenian people; stand up for peace and stand up for poor people around the world who are hurt far too often because economics comes before politics.

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

Mr. Chairman, I respectfully rise to support the amendment by my colleague from California. As we all know too well, the countries of the Caucasus have been crippled by violence and conflict since the collapse of the Soviet Union. If one were to Nagorno-Karabakh or to Armenia or Azerbaijan, and many in this body have, one would know something about the geography. That, in turn, gives some glimpse of what the conflict is all about.

For Armenia and Nagorno-Karabakh, this reality is worsened by Azerbaijan's devastating blockade of its neighbor. It is especially painful to see a country with the potential of Armenia recede into an economic stone-age at the hands of its neighbors.

This is why, in the first place, we adopted section 907 of the Freedom Support Act with overwhelming bipartisan support. It prohibits the delivery of U.S. Government economic or military assistance to the government of Azerbaijan, unless it takes demonstrable steps to cease its blockade. They have not. They have not taken any steps.

Section 907 sets reasonable conditions on the use of U.S. foreign aid. We struggled in last year's bill to ensure that it could not prevent vital humanitarian and democracy building assistance or export finance assistance to U.S. business. That took a tremendous amount of struggling, but it did come to completion.

However, we cannot repeal section 907 until the conditions for its lifting are met. Unfortunately, Azerbaijan continues its crippling blockade of its neighbors. In addition, the negotiations over the resolution of the Nagorno-Karabakh conflict remain uncertain.

Given these facts, these circumstances, now is not the time to reward the government of Azerbaijan. Hopefully, that time will come.

I urge my colleagues to oppose this amendment.

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

Mr. Chairman, I am going to support this amendment, but I hope that it is the last time that I or any of us have to do this. This provision has been the Congress' response to a difficult complex issue year after year, and yet we see no real progress.

□ 1630

We cannot only blame Azerbaijan. Armenia has to accept some of the blame for insufficient progress as well.

One of the realities that we have to understand is that Azerbaijan is going to be one of the wealthiest countries in the world. It is not landlocked, as Armenia. It is not nearly as economically and militarily vulnerable as Armenia. In fact, it is going to be a major role player in the Caucasus in that part of the world.

So it behooves us in the future to, in fact, be an ally of Azerbaijan. The reality is that we cannot under these current circumstances. But if we want peace in the Caucasus and protection of Armenia's sovereign borders and prosperity for the Armenian people, then we need to establish economic trade between Armenia and its neighbors on

all sides. The situation today is untenable. In fact, there are people suffering in Armenia. There are people suffering in Yerevan, there are people suffering in Nagorno-Karabakh. But we must be part of the solution, not part of the problem. And part of the problem is that we have not moved forward. We have not been able to take sufficient initiatives. We have not been able to bring together the people in a sufficiently constructive attitude.

I understand the frustration of the people in the State Department. They really feel that this amendment is counterproductive, that we have got to be able to assure the Azeris that there is a level playing field, that we are not playing favorites because of domestic politics. There is reason for them to believe that and to make that charge. But it is also true that they eventually will be holding the upper hand.

They do have it in their means to find a way to relieve much of the economic suffering that the Armenians are encountering. They do have it in their means to move the Minsk peace process forward. I would hope that this is the last year that this is the only approach that this Congress can take, which is to continue essentially an embargo that, in fact, is hurting Armenians as well as Azeris and that is not consistent with the way we have resolved past conflicts.

Mr. Chairman, I very much respect the people who want to lift 907, but I also respect not only the insight but the compassion of those who feel that this is not the time. I am just saying for the record that if this comes up again, I do not think it is the responsible decision for the Congress to simply stick with the same old response to a problem that continues to fester and is not getting any better, without initiative on the part of this Congress and those who understand the situation and who believe that peace and prosperity is possible and will only occur if we are willing to take the necessary political and diplomatic risks for that peace and prosperity to overcome the age-old animosities that have precluded it in the past.

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

Mr. Chairman, I would like to commend the gentleman from Virginia (Mr. MORAN), my colleague, for those words. I have reached a different conclusion, but many of the things that the gentleman stated in his talk were right on target.

I rise in support of the repeal of 907, which means I must oppose this amendment of my dear friend, the gentleman from California (Mr. RADANOVICH). Let us note this, that this war, as the gentleman from Virginia has suggested, is going on and on and on.

Mr. Chairman, I have visited Armenia and I have visited Azerbaijan. I have come to the conclusion, the honest conclusion, that the reason the war continues is because there is a perceived tilt in American policy towards Armenia in that part of the world and the Armenians thus are totally inflexible when it comes to negotiations with the Azerbaijanis, the Azerbaijanis who are desperate to make some kind of an agreement.

But the Armenians, because it is perceived that the United States will do anything for them because of political pressure because, and let us face it, there are many Armenians that live in the United States, there are many Armenians that live in California, many of them are supporters of mine, they are fine people. But American foreign policy cannot be based on that political consideration. We should consider the cause of peace, the cause of freedom, and we have to consider also the national security interests of the United States of America.

In this particular case, our unwillingness to try to be evenhanded in our approach in that area because of our fear of political repercussions from the Armenian community has prevented a peace agreement from being reached. Thus, both sides are suffering.

Yes, as we hear about the suffering of the Armenian people in Nagorno-Karabakh, that is exactly correct. Those people are suffering. And equally suffering are the Azeris. Almost a million Azeris, 15 percent of the population, are now displaced and refugees. They are suffering as well.

What is preventing the peace from coming about? What is preventing the peace from coming about is the Armenians really believe that they can hold out because America is going to be on their side and we are not going to force them to make any kind of compromise and they are going to get the whole ball of wax.

We should be instead trying to be evenhanded, trying to reach a compromise. Now, in both instances when I went to Armenia and Azerbaijan and talked to the leaders of both of these countries, again I find the Azeris anxious to try to discuss and find some solution. And I find the Armenians unwilling to give up an inch. One inch.

There is an easy answer to this and it is very recognizable on the map. There is an Armenian enclave in Azerbaijan. We know about that. Nagorno-Karabakh. But also there is an Azeri enclave in Armenia. The Azerbaijanis are open to talking about some kind of a land swap where they would swap the entire Nagorno-Karabakh region which used to be part of their territory, which is major Armenian and should be part of Armenia, they would swap that and give their legitimacy for that in exchange for a corridor to that enclave of Azeri population in Armenia.

Mr. Chairman, that deal that is so obvious to those of us on the outside is not being seriously considered because the Armenians believe the United States is on their side, Russia is on their side, all the big boys are on their side, so they do not really have to give up a thing. That attitude is what has prevented peace.

If we really love Armenia and love people and are trying to help end suffering, and we love Azeris and Armenians on an equal level, because that is what we are supposed to be, evenhanded in trying to bring about peace and freedom in this world, then we will have the courage to tell our Armenian friends back home that we are going to have to reach a compromise here and they are not going to get every single thing that they want; that there is going to have to be a compromise to reach peace.

If there is that kind of compromise, both sides will be better. Let us have the courage to call it as it is here. Let us meet our responsibility as the world's leading power and at the very least not be forced into positions by strong minority groups within our own country to take positions that are contrary to the interest of world peace, contrary to freedom, and contrary to our own long-term national security interests.

So, I rise in strong support of the repeal of 907 and thus oppose this amendment.

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

Mr. Chairman, I rise in opposition to removing Section 907 from our bill. Let me just bring this debate down to a more reasonable level that at least I understand. I am sure it is very confusing to any television audience that might be listening to this debate or any Members of Congress who might be back in their office.

First of all, we are not talking about money. We are not talking about giving money to Azerbaijan. We met with President Aliyev when we were in Azerbaijan. I took our subcommittee there specifically for this reason, to see if indeed this country was sincere in its indications that they want to move towards a democracy. Mr. Aliyev did not ask us for money, nor is he asking us for money in this bill, nor do we give him any except for refugees. We give money to Armenia. We give more money to Armenia per capita than any other nation in the entire world, other than Israel. We are not talking about what kind of assistance we are giving to these countries. We are talking about a slowly emerging democracy.

Mr. Chairman, when we met with President Aliyev, we talked about what he wanted. And I will admit, it was difficult for me to believe, sitting there talking to one of the top leaders of the former Soviet Union telling us sincerely that he wanted to democratize, he wanted to move his country up.

They are blessed with the resource of oil that a lot of emerging countries do not have. They want to send this oil to the West rather than through China. So we are not talking about money.

We are talking about his plea to let the United States people help him with his educational process. Mr. Chairman, with 907, it cannot be done. We are talking about assistance and help and care for the people, the sick people of Azerbaijan. With Section 907, it cannot be done. We are talking about lifting that. We are not talking about giving them money. We are not talking about anything that has to do with foreign assistance monetarily.

We are talking about a confused region of this world that has been warring for centuries. We are talking about a country that has had differences with Azerbaijan and has a tremendous advantage in any peace settlement as long as this thing is in place. Let us not talk about whether or not this is going to permit the United States to dump millions of dollars into Azerbaijan, because it is not.

I know a lot of these people that have spoken today are very compassionate. Many of them have been to Azerbaijan. Many of them may even be able to point it out on the globe. Some of them, probably, cannot. But let me tell my colleagues, the Constitution of the United States of America says that the administrative branch of government will determine foreign policy, the Congress of the United States shall be the check and balance.

The people of this country elected President Clinton. He, in turn, has appointed Secretary Albright as Secretary of State. Secretary Albright called me and said this is one of the most important things that this Congress can do for this administration to have an effective foreign policy.

Now we have all of these Members of Congress who may have been to Azerbaijan, like me only once, who now have become pseudo-Secretaries of State. They are trying to impose their will against the direction of the professionals we have hired.

The administration is pushing for this. It is not the gentleman from Louisiana (Mr. LIVINGSTON) nor I. We recognize how important it is. Azerbaijan has another alternative with respect to that oil. They can send it through China. That would probably be the easiest route to go. But if we deny our American businesspeople, and we talk about oil companies, the right to participate, not with giving them money but with giving them OPIC assistance and Eximbank assistance, then we do not stand a chance to compete with the French and the German and the British and the Japanese and the Chinese who are all there trying to keep this section 907 in place because it is disadvantageous to American oil companies.

So let us not talk about money. This has nothing to do with money to Azerbaijan. It has to do with a policy that the foreign policy professionals of that this country have hired to have foreign policy ability, and this is one of the top priorities that Madeleine Albright has requested and that is that we remove 907.

This committee has taken a good look at it. I think we probably looked at this area of the world more than any other area of the world. We have been there. We have seen the needs. Some on the committee still disagree. But to those who have never been there, to those who have not had the opportunity to discuss this intelligently with the Secretary of State, I remind them that they are not Secretaries of State; they are Members of the House. They have a responsibility to the administration to give them the latitude they need to have an effective foreign policy.

□ 1645

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

Mr. Chairman, as a member of the House Committee on International Relations, I rise in strong support of this amendment. I object to the bill's striking of section 907 of the Freedom Support Act both on the substance and the procedure.

I do not think that many of us consider ourselves, with all due respect, to be secretaries of State, and I have heard many colleagues on both sides of the aisle suggest that they do not have the full abdication to the administration of what the United States role is in the world or a blank checkbook for that regard.

For 9 years, 9 years the government of Azerbaijan has blockaded, not embargoed, but blockaded, meaning using force to blockade Armenia and Nagorno-Karabagh cutting off the transport of food, fuel, medicine and other vital supplies, creating a humanitarian crisis requiring the United States to send emergency life saving assistance to Armenia.

By contrast, section 907 does not prevent the delivery of humanitarian aid to the people of Azerbaijan. As a matter of fact, to date more than $130 million in United States humanitarian and exchange assistance has been provided to Azerbaijan but through nongovernmental organizations.

Azerbaijan has failed to live up to the basic conditions set forth in U.S. law pursuant to section 907. What does that say? Quote, taking demonstrable, demonstrable steps to cease all blockades and other offensive uses of force against Armenia and Nagorno-Karabagh.

For this reason, we should not lift restrictions on aid to Azerbaijan.

Second, I object to the provision of the underlying bill on procedural grounds. As a member of the Committee on International Relations, the committee which has the authorizing jurisdiction for the Freedom Support Act, I am clearly concerned that we set the process and the pattern, that the Committee on Appropriations usurped the jurisdiction of our committee, and that the Committee on Rules extended protection to the provision despite its violation of House rules on authorizing in appropriation bills.

Section 907 remains an essential element of U.S. foreign policy towards the Caucasus as well as an expression of Congress' objection to Azerbaijan's illegitimate blockade of the Armenian people.

I want to address one or two other things I have heard in debate. To suggest that American citizens of this country who identify with a certain national entity of another country, who may have been born here in the United States but whose roots in fact come from some other ethnic background, that those citizens have less of a right to petition their government for what they believe the United States policy should be any place in the world and that U.S. companies, however, with multinational interests have a greater right than United States citizens to petition their government in my mind is outrageous.

We should take risks for peace but those should be on the side of making sure that Azerbaijan ceases to be the aggressor. Oil and oil interests themselves cannot be the guiding star of United States foreign policy, particularly at a time of an oil glut. We can get our pipeline, but the pressure should be on Azerbaijan, the aggressor, the aggressor, not the victim.

When we assist the aggressor, we send the wrong message throughout the world. When we assist those who are undemocratic, we send the wrong message throughout the world. When we assist those who are trying to strangulate a people, we send the wrong mesage throughout the world. When we look the other way, when we lend a blind eye to what is happening in these parts of the world, simply based on economic interests, we go down a road which we have already had in our history, and we need not repeat that chapter again in our history.

That, Mr. Chairman, is really in my mind the guiding principles we should be looking at as we determine how we vote on this amendment.

I urge my colleagues to support the Radanovich-Pallone amendment.

Mr. LIVINGSTON. Mr. Chairman, I move to strike the requisite number of words, and I rise in strong opposition to the amendment.

Mr. Chairman, I categorically reject the arguments made by the preceding speaker as being both foolish and misguided.

Nobody has come before this House to argue that oil is more important

than human beings. There is nobody in this House who is arguing that any one group of Americans should be less entitlted to come before this House and argue their case than any other group of Americans.

The whole point of bringing this authorized repeal to the floor within this proper piece of legislation is to remove a foolish, ill-conceived provision that takes sides in a battle between two countries in another part of the world is because we do not have an Armenian-American interest any more than we have an Armenian-Azeri interest.

We promote the interest of the United States of America in world policy. And it is our obligation, as representatives of the people of the United States, be they Armenian or Azeri or of any other ethnic background, it is our interest to see to it that they are equally and properly represented in the national interest of this country. To suggest otherwise is incredibly wrong.

I have heard some interesting arguments here today on this issue, some of them based in sincerity, some of them based in fact, and some of them based in total misinformation.

Mr. Chairman, section 907 is a provision that we passed in 1992 after the Azeris and the Armenians were engaged for some years, in a tragic war with major loss of life on both sides. There were ultimately no winners because both sides lost lives and suffered great casualties. Azerbaijan lost territory. Nagorno-Karabagh, which was an Azeri piece of property, is now virtually totally controlled by Armenians and there was ethnic cleansing at the hands of the Armenians because the Azeris, some 700,000 of them, are living in refugee camps in Azerbaijan. I would like to reduce it, as the gentleman from Alabama (Mr. CALLAHAN) did, to understandable terms so that my fellow Americans can understand this issue.

If I had two neighbors down the block from my neighborhood involved in an ongoing battle and I was worried that that battle was going to escalate, inflame my neighborhood, could possibly result in tremendous death and hardship to my neighbors, I would do something. In order to break up that battle, I walked over to one of them and I started beating him with a stick, and for 6 years I beat him on the head with a stick. For the other neighbor to come to me and say, we are almost going to solve this problem but just do not stop beating that guy over the head with a stick or else we will never solve the problem, that is effectively what we have done with Azerbaijan and Armenia.

Certainly, we have friends who are Armenian Americans. I remember the gentlewoman from California (Ms. ESHOO) who addressed us. She takes pride in her heritage, and well she should. Armenian Americans have come to this country and worked hard and prospered and done well. I guess we do not have very many Azeri Americans. So they have not come here, they have not prospered, they have not done well, and they do not have much access to Congress.

For one reason or another, in the middle of a war, we go over there and start beating the Azeris with a stick. It is called section 907. And it says, we cannot transfer aid. We cannot deal with the Azer-baijan Government. But we have given plenty of aid to the Armenians, as the gentleman from Alabama (Mr. CALLAHAN) has already pointed out. They are one of greatest recipients of aid that we have in the world.

What we are doing here today is not proposing that we cease our friendship with Armenia. It is just that we lessen our Congressional hostility toward the Azeris. It is an important part of the world. To suggest that it is due to oil is shortsighted and simply disingenuous.

Is there oil in that part of the world? Yes. Is that important? Yes. Why is it important? Because if we can develop that oil in that part of the world, some ¾ of the world's oil reserves, we might make the Middle East less important.

Mr. CHAIRMAN. The time of the gentleman from Louisiana (Mr. LIVINGSTON) has expired.

Mr. LIVINGSTON. Mr. Chairman, I ask unanimous consent to proceed for 3 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Louisiana?

Mr. PALLONE. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Ms. PELOSI. Mr. Chairman, I move to strike the requisite number of words, and I yield to the gentleman from Louisiana (Mr. LIVINGSTON).

Mr. LIVINGSTON. Mr. Chairman, I thank the gentlewoman for yielding to me.

Mr. Chairman, the oil is important. One should never think, though, that the oil is the cause for this change in policy, other than to deemphasize the critical impact on the Middle East. We have for years, virtually since 1947 but certainly more recently, since my 20 years in Congress, we have been embroiled in disputes between Israel and her neighbors. One of the key ingredients for the strength of some of her neighbors is because of their possession of oil. They use it as clout.

In the 1970's, 1980's, the fact is we had an oil embargo because they used it to strangle not only the Middle East but the entire world. By opening up the spigots in the Caspian region, both in the Caucasus and in Central Asia, we will deemphasize the importance of Middle East oil, and the stranglehold that those Middle Eastern oil territories have over Israel and the entire world.

Repeal of section 907 is the national interest of the United States. That is not me speaking alone. That is Secretary of State Madeleine Albright, last time I checked still a Democrat, who says, section 907 creates the impression that the U.S. approach to the Nagorno-Karabagh conflict is not balanced.

It is critical that the U.S. be perceived by both Azerbaijan and Armenia as a fair and honest broker in its bilateral relations with each country and multilateral relations through the OSCE Minsk Group, of which we are a co-chair. We believe, this is from Secretary Madeleine Albright, that section 907 encourages other parties to calculate that the United States will continue to press only Azerbaijan and that they can accordingly maintain an intransigent posture towards the Minsk Group process.

Madeleine Albright, our Secretary of State, the President of the United States, the entire Democratic administration and our Committee agree that section 907 should be repealed. We are also working with American Jewish Congress, the American Jewish Committee, the Anti Defamation League, the B'nai B'rith, the National Conference on Soviet Jewry. Why? Because they understand that it is in Israel's interest that this thing be repealed.

The gentleman's suggestions are outrageous. And when he says that this is just oil related and that it has nothing whatsoever to do with U.S. national policy, I reject his position.

I urge the repeal of section 907 and the defeat of the amendment by the gentleman from Illinois (Mr. PORTER) and the gentleman from California (Mr. RADANOVICH).

Ms. PELOSI. Mr. Chairman, I yield to gentleman from New Jersey (Mr. MENENDEZ).

Mr. MENENDEZ. Mr. Chairman, I am sorry the distinguished chairman of the Committee on Appropriations took such umbrage. I was referring to remarks made by previous speakers. I am glad to hear that the chairman says that no person in this country whose ethnic heritage is such that they should be diminished versus a U.S. company, but one of his previous speakers from his side of the aisle suggested that. So I hope that he takes his umbrage to his colleague and suggests to him that that type of suggestion is inappropriate for the Chamber and inappropriate insofar as that we do not want to make citizens in this country, because they come from a certain lineage, second-class citizens. I agree with him.

On the question of oil, my simple suggestion is, there clearly has been various mentions of the question of the access to oil and the concern from it. That is a legitimate issue and interest of the United States, but the question is, does it rise to the national interest,

the national security interest, and is this our beacon of light for U.S. foreign policy? I think that those are legitimate issues to raise.

I thank the distinguished gentlewoman from California for yielding to me.

Ms. PELOSI. Mr. Chairman, I do want to make a couple of points, following up on what I have heard in the recent debate here.

□ 1700

Mr. Chairman, I rise in opposition to the position of the gentleman from Louisiana (Mr. LIVINGSTON) and in support of the amendment on the floor to restore the 907 provision to this bill.

But I do agree with the chairman on a few points. One is that this region, the Armenia-Azerbaijan region, is a very important region of the world and policies there have serious ramifications.

I agree that we must be, in making our policy decisions, acting in the interest of the United States of America. And I believe that the makers of this motion are doing just that.

I understand that the chairman was dismayed when there was question of the motivation for the action taken in full committee, where 907 was repealed, and the motivation was attributed to the interest of the oil companies. I do not like questioning the motivation of our colleagues, and I understand the chairman's dismay. But I take issue also in the chairman's attributing motivation to those of us responding to the Armenian Americans in our country.

I will have to get time later to continue my point, but I support the amendment on the floor.

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

Mr. Chairman, as a member of the Committee on International Relations, I rise in strong support of language in the foreign operations bill that eliminates 907 of the Freedom Support Act and in opposition of efforts to strike this provision of the bill.

I do not think section 907 should have ever been in the law itself. I think it is regrettable that it was. I think the United States has to do everything it can to bring peace among all parties, and we know that is a troubled area in the world.

The gentleman from Missouri (Mr. IKE SKELTON), the ranking Democrat on the Committee on National Security, says this:

Security matters remain a major issue in the region. The United States' ability to promote peace and economic reforms in the region are significantly hamstrung by section 907. The United States must be perceived by both Azerbaijan and Armenia as a truly neutral peace broker in its negotiations and approach to end conflict in the region. Section 907 damages U.S. national interest by undermining the administration's neutrality and promoting a settlement in that part of the world, an ability to encourage economic embroiled legal reforms in Azerbaijan, and efforts to advance an east-west energy transport corridor.

We all know, and even those on the other side know, that one of these days 907 is going to be eliminated. And why not now? Why do we want to wait another year, like some suggest? I think this is the opportunity we have this year to eliminate it.

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

Mr. CLEMENT. Mr. Chairman, I yield to the gentleman from Texas.

Mr. REYES. Mr. Chairman, I thank the gentleman from Tennessee for yielding to me, and I rise in opposition to this amendment and in support of the elimination of section 907 of the Freedom Support Act in the foreign operations appropriations bill.

I feel, Mr. Chairman, that we can no longer pursue a failed policy of prohibiting U.S. assistance to the government of Azerbaijan. The conflict between Azerbaijan and Armenia is difficult and complex, as we have heard this afternoon. However, retaining section 907 does not assist in the resolution of their dispute. Moreover, it does not serve our national interest and our foreign policy initiatives.

Section 907 limits our ability to be a neutral broker in the process of mediating the ongoing conflict. With section 907, we restrict our flexibility in dealing with a nation that is moving towards a market economy but, in the meantime, is greatly underdeveloped.

Last January I had the opportunity to visit Azerbaijan, and I can tell my colleagues that we can influence great change with the lifting of section 907. The nation is greatly underdeveloped, with weak institutions and basically a closed society. By lifting section 907, we could provide technical and economic assistance, which would provide reforms that would create a more open society and increase stability and promote regional cooperation.

While our foreign assistance to Armenia should remain in place, it is appropriate that at this time we move to repeal section 907. For these reasons, Mr. Chairman, I ask that we defeat this amendment and restore section 907.

Mr. VISCLOSKY. Mr. Chairman, I move to strike the requisite number of words, and I rise in strong support of the Radanovich-Pallone amendment to preserve the humanitarian aid corridor.

I think I would want to begin my remarks by agreeing with one of the assertions made by the full committee chairman, the gentleman from Louisiana (Mr. LIVINGSTON), in indicating the bipartisan nature of this debate, the importance of the debate, and the fact that all of us have the same goal in mind, and that is energy security, from an economic and national security perspective, as well as the issue of peace. The debate that is taking place today is a debate about the difference of opinion as to how to achieve both those goals.

We have a situation in the Caucasus today that is not perfect; that if all of us collectively could affect, we would want to make perfect. We have a static situation that we want to move in the right direction, and that, again, is the question of the debate: What is the right direction.

I do want to make sure we put the debate in the proper perspective and to reflect on events of just an 11-day period of time 83 years ago, when on April 8th, tens of thousands of Armenian men were rounded up and shot. Hundreds of thousands of women, men and children were deported southward across the mountains to Silesia and Syria. On April 15th, the Armenians appealed to the German ambassador in Constantinople for formal German protection. The request was rejected on the grounds that it would be offensive to the Turkish government. By April 19th, 11 days later, 50,000 Armenians had been murdered.

Much has been said today during the debate about the war that is taking place today. In 1989, the government, not the people, the government of Azerbaijan began to kill Armenians because they were Armenians. A war took place because the Armenian government then began to defend itself and its people.

This Congress, President Bush, then signed into law the Humanitarian Aid Corridor in 1992. And progress was made 2 years later because there was a cease-fire put in place that, as I understand today, 4 years later, remains in place. I think all of us, again, regret that it is simply a cease-fire and not a lasting peace, but progress was made because of the actions of this institution and President Bush in 1992.

As many speakers have indicated before, this is not a question of are we wanting to cut off aid to Armenians. That is not the question. We do not want to do that. Do we want to cut off aid to the Azerbaijan people? We do not want to do that. We remain very concerned on our side of the issue about ensuring that the Azerbaijan government acts responsibly. And, as again a number of speakers have indicated, they have it within their power by the close of business today to end the blockade and to then have that relief money flow through their hands.

Over $130 million has been provided for Azerbaijan refugees over this period of time. And it is important for all of us to note that in 1995 the Armenian government indicated that they would allow relief supplies to flow through Armenia for the relief of Azerbaijan, in a remote area of that country, and the Azeri government refused to allow those goods and supplies to flow

through Armenia. And I certainly question the government's, not the people's, intentions in this matter.

The issue is, and someone has used the illusion that we are beating up one of these parties; that we are hitting them with a stick; that we are being unfair. We have a cease-fire in place. People are not being killed. As has also been indicated, people have talked to each other. And I think at this particular moment, if we would now lift the restriction, without the lifting of the blockade, what we are saying to the Azeri government is it is okay to blockade other countries; it is okay to provide for the restriction of commerce, medical supplies and humanitarian aid; it is okay, pursuant to Ms. Albright's letter to this institution, to try to extort money from our government.

The chairman of the committee alluded earlier to the letter that Madeleine Albright, Secretary of State, sent to this institution. I find another passage very revealing.

Mr. Chairman, I simply would ask my colleagues to vote in favor of the Pallone-Radanovich amendment.

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

Mr. Chairman, I had prepared remarks, but I would like to use much of my time to respond to particular statements that have been made by opponents to the amendment.

The first is that it is the President, charged under the Constitution, with making United States foreign policy. This is indeed a misnomer, a statement found in many eighth grade civics books but never found in any Supreme Court opinion or found in the Constitution itself.

I commend those who oppose the amendment to the Barclays Bank case, decided by the Supreme Court a few years ago, in which the court recounts the very clear constitutional principle that foreign policy is to be made in the Congress and effectuated by the administration.

The second issue is that we are not talking here about money or aid going to Azerbaijan. That is all we are talking about. Section 907 restricts the transfer of U.S. tax dollars to the dictatorial regime in Azerbaijan. Those who want to talk about fiscal conservatism should draw the line here and say that the butchers in Baku should not get a single dollar of American tax money, at least while they blockade Armenia.

We are told that Armenia should be blamed for the refugees that exist in Azerbaijan, and our hearts go out to those refugees. But why are they refugees? Because of the policy of the dictatorial government in Baku.

We are told that where two countries are battling that we should be evenhanded. I have been very interested in the Middle East, and now and then we are told to be evenhanded between Israel and her enemies. We should not be evenhanded between the blockaded and the blockader. We should not be evenhanded between the perpetrator and the victim. We should not be evenhanded between Azerbaijan and Armenia.

We should remember, as the gentleman from Indiana pointed out, that the government in Azerbaijan, that some would say we should send money to, is the government that butchered people on the streets of Baku just a few years ago.

We are told that American policy tilts toward Armenia because of the activities of Armenian Americans. I would point out that American oil companies are at least as influential as Armenian Americans. The reason why our policy tilts toward Armenia is because Armenia is right and because their position reflects American values.

We are told that many in this House do not understand the oil, do not understand the strategic importance, the economic importance of the Newly Independent States and of Central Asia. I would say that that expertise resides in the Committee on International Relations. But this authorizing provision never went to the Committee on International Relations, and there is no better reason to adopt this amendment than to say that this issue should come from the committee of jurisdiction.

We are told that there are too many unilateral sanctions. Section 907 imposes no sanctions. Azerbaijan enjoys Most Favored Nation status with the United States. Those who care about fiscal conservatism should not embrace the language, the terminology, that says that it is sanctions against a country for us not to give them U.S. tax dollars.

Finally, I would like to point to the role of Joseph Stalin in this. Fifty years ago Joseph Stalin tried to strangle Berlin, and we responded with the airlift. Two generations earlier Joseph Stalin drew the borders of Azerbaijan and Armenia for the purpose of disenfranchising and leading to the oppression of Armenians in Nagorno Karabagh.

□ 1715

We did not let Joseph Stalin strangle Berlin and we should not allow those who walk in his footsteps, those who served in his KGB, we should not let them strangle Armenia. Today there is an airlift to Armenia that should be unnecessary, because we should continue to tell Azerbaijan to stop blockading Armenia. We are told that the Armenians are intransigent and are unwilling to give up territory. Nothing is further from the truth. The government of Armenia is willing to trade land for peace, recognition and an end of this blockade.

Vote "yes" on the amendment.

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

I commend the gentleman from Louisiana (Mr. LIVINGSTON) for striking 907 in the bill. I believe the gentleman from New York (Mr. KING) also had a stand-alone bill and I commend him, also.

Let me just make two points. First of all, I was watching the debate earlier this afternoon and several folks made the point that in 8 to 9 years the folks in Azerbaijan had not made any movement. To me that is a sign of a failed policy and it demonstrates once again the problem of a unilateral sanctions policy that I think that people in this body are going to want to look at in the future.

The second point I would make is from the national security perspective. I suspect most of us know where Azerbaijan is. Their northern border is Russia, their southern border is Iran. It is a lot different being in their neighborhood than being between Canada and Mexico. In late March of this year, a shipment of 22 tons of stainless steel came south from Russia into Azerbaijan. It is a type of steel, a special type that is used for fuel tanks for Scud missiles. The Russian government had apparently been put on notice that this shipment may be coming from a company but it was able to get out of Russia nonetheless. Azerbaijan stopped the shipment within their country.

Now, what did they do? Did they call the Russian company and say, "You've got this stuff mislabeled with phony labels, we've caught you, give us a bribe"? No. Did they call Iran and say, "We've got your steel, let's make a deal"? No. They called the United States Customs officials and said, "We think we've found something that may be of interest to you." The United States evaluated the steel and it turned out to be a type that is used in fuel tanks for Scud missiles, part of the Iranian missile development program. Does Russia reward this behavior for Azerbaijan? Of course not. This is a terrible embarrassment for Russia as it demonstrated once again that they have some problems in their export controls. Does Iran reward Azerbaijan and say thank you for stopping this import of this material we were trying to get from Russia so we could further develop missiles? Of course not. They needed that material. So what do we do? And what have we done? Nothing. We have not even bothered to pass a meaningless resolution thanking them for stopping this shipment that would have contributed to the development of the Iranian missile program. We can appreciate their courage, we can appreciate their location in a dangerous part of the world, but frankly that shows

little benefit to a country in their particular geographic situation.

I am going to vote "no" on this amendment for those two reasons. It is a failed policy that demonstrates once again the problems with the United States unilaterally going it alone; and, number two, they ought to be rewarded for contributing to our national security and helping our United States Customs officials stop this type of steel from going into the Iranian missile development program.

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

Mr. Chairman, I have genuine respect for my colleagues who care deeply about human rights anywhere in the world. It is a noble cause to commit oneself to human and individual rights, whether we be talking about Nagorno-Karabagh, South Africa, Armenia, Azerbaijan, or frankly right here in the United States of America.

I know there has been much discussion today about the history of war and human rights in this area, in the area of the former Soviet Union. Frankly I would imagine that if the truth were to be known, there have been human rights abuses on both sides of this serious conflict between Azerbaijan and Armenia. I would imagine if the truth were to be known, we are not dealing with saints in either situation. I am not clear we will ever know the true history of some of the terrible human rights abuses in this part of the world. But what I do know is that this debate is not about who is for and who is against human rights in the world. I think this debate is about what is the best way, what is the best policy to bring about peace in a terribly critical part of the world, a strategic part of the world. For myself, I side with the Bush administration, the Clinton administration and our present Secretary of State in saying that 907 has not worked, it has not brought about peace, and that we should try repealing that particular sanction.

I would like to make one comment on a personal note about the whole energy question that has been brought up. Some have said, that those of us that favor repeal of 907 are fighting for the oil companies. This is not about who is for or against the oil companies. But I would like to talk about the importance to our national security of having an independent source of energy outside of the Middle East.

In 1991 when I voted to send American soldiers to fight against Saddam Hussein, we knew that we were sending soldiers to fight for, one, the democracy of Kuwait, but let us be honest, we were also fighting for stability in a part of the world where we depend upon their great resources of oil. I had to welcome back some of the families to Fort Hood in my district who were there to accept posthumously the silver medals and the bronze stars that were given to people, young men, who fought in that war. I had to see people come back in body bags rather than come home to families and communities to heroes' welcomes. The reason I say that is I think it is not just in the interest of the oil companies, far more importantly it is in the interest of American national security, and it is in the interest of those American soldiers who might have to go to other parts of the world like they did in 1991 in Kuwait and put their lives on the line if we do not diversify our source of energy. All it takes is one more war in the Middle East and unless we diversify our oil resources, we are going to have more soldiers from my district and citizens from your districts have to put their lives on the line to fight for, not oil companies but stability in the world economy and stability of our political system in the world. I think it is important in saying that in my opinion, repealing 907 perhaps will save some other young American soldier someday from having to come back to this country in a body bag or in a casket.

So while I have tremendous respect for all of those who fought mightily and successfully over the last several years for human rights in this part of the world, I think that policy has not worked. Peace has not prevailed because of that. It is time to change that policy, to have an evenhanded policy. In the eyes of the Bush and the Clinton administration now, let us push an evenhanded policy that has a chance of bringing about peace in that part of the world, a chance of stabilizing a critically important part of the world, and a chance of preventing American soldiers from having to go back to the Middle East someday and put their lives on the line. That, Mr. Chairman, I think is important.

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

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

Mr. GREEN. Mr. Chairman, I thank the gentleman for yielding. I share his concern. Not being on either foreign affairs committee but from the Committee on Commerce I have watched, and the concern I have is that when we are dealing with the central Asian republics and the republic of Turkey, we cannot continue to turn our back on this part of the world. That is why I rise and agree with my colleague from Texas.

Mr. PORTER. Mr. Chairman, I ask unanimous consent to strike the requisite number of words.

The CHAIRMAN. Without objection, the gentleman from Illinois is recognized for an additional 5 minutes.

There was no objection.

Mr. PORTER. Mr. Chairman, I think it seems clear to all of us here who have talked about this issue and I think the debate has been a very good one, that we ought to be able to agree on at least three goals:

The first and most important goal is that we establish a condition of peace and normal relations between Armenia and Azerbaijan. That ought to be the highest priority for the United States. Secondly, that we do everything within our power to encourage the development of the Caspian oil fields controlled by Azerbaijan by American oil companies. And the third goal would be that the oil pipeline to carry that oil developed by American oil companies to market go through Armenia. That would be, Mr. Chairman, a win-win-win situation for Armenia, for Azerbaijan and for the American oil companies. Unfortunately, people in that part of the world do not necessarily see things the way we do in the United States where there is a win-win-win, and often it is seen that if one side gains, the other side loses and you have only out of that a stalemate.

Let us also agree that this administration's efforts in the peace process in that part of the world have been weak. This administration has not placed this at a high priority, has not done the kinds of things that can bring the parties to the table, and their latest hamhanded effort was to force concessions on the Ter-Petrossian government in Armenia that were not acceptable to the Armenian people which then caused that government to lose a vote of confidence, caused that government to resign and a new government, a new capable government to take charge, the Kocharian government which is in some ways, much to my chagrin, a much harder line government than the one that was previous to that. So have American efforts been good or have they worked? No, they have been poor and they have not worked. All of us ought to get on this administration to make this at a high priority.

Now, if someone is to act, should it be Azerbaijan or Armenia? We are engaged in this effort right now about repealing 907 because Azerbaijan says to the American oil companies, "You can do business with us, but only if you get your government to repeal 907." We insist on the other hand that the Azeris themselves cause the repeal of 907 by simply saying, "This blockade is over." They can do it tomorrow.

Mr. Chairman, this conflict began in 1988 with anti-Armenian pogroms in the Azeri city of Sumgait. Ethnic cleansing was going on there before it ever went on in Bosnia. A nation of 7.5 million people attacked 150,000 of their Armenian minority. And there was brutal ethnic cleansing going on when in 1992 Wayne Owens, a Democrat, offered on the floor of the House the Freedom Support Act and said, no American money should go to a government that is permitting and encouraging and causing this kind of ethnic

cleansing. And when that government ceases to blockade Armenia and when it ceases other offensive actions, then 907 will cease to exist.

Unfortunately, Azerbaijan continues its strangling blockade on Armenia four years after a cease-fire had occurred, in 1994. The Azeris could declare that blockade over tomorrow and section 907 would cease to exist. Because of the blockades by Azerbaijan and Turkey, humanitarian and all other assistance, including U.S. aid, has to be routed through Georgia, costing additional time and money to our country trying to help people in need. The Azeris and the Turks could stop these blockades simply by declaring them over. Yes, Azerbaijan has oil reserves and yes, Armenia is landlocked and a resource-poor country that is very dependent upon foreign assistance to survive these blockades, and the Azeris could have stopped the blockade long ago and there would be no 907.

So should we today undo 907 gratuitously and give this repressive regime in Baku a victory they do not deserve? Should we side with a dictator?

The CHAIRMAN. The time of the gentleman from Illinois (Mr. PORTER) has expired.

(By unanimous consent, Mr. PORTER was allowed to proceed for 2 additional minutes.)

Mr. PORTER. Should we side with the intransigent party? Should we side with the aggressor in a brutal war of ethnic cleansing? Should we side with an administration that cares nothing about its own refugees from the war? Should we side with a government that many believe is very corrupt? If so, you should vote against the Radanovich amendment.

□ 1730

Or should we at this point in time continue to side with the government that is moving more than any other in the region toward democracy? Should we side with people who are the victim of brutal aggression? Should we side with a party more willing to negotiate face to face and asking for face-to-face negotiations among the parties that are refused by the other side?

Should we side with people who share our values? And should we then all insist that this administration move this to a high priority and bring the parties to the table, and have them both give up a little bit so that each can win, along with the United States as well?

Mr. Chairman, I think that we have to continue within 907, that 907 gives us the leverage to work and force the Azeris to make the concessions they ought to make, and I insist that this administration put this at the highest possible level and make the three goals that I outlined originally work. That is, peace and the normal relationship between these two very fine countries, a development of the oil field by the American oil companies, and by the building of a pipeline through Armenia.

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

Mr. Chairman, Barbara Tuckman once wrote a book about how governments through the ages have acted in their own noninterest. To adopt this amendment would not be in the interests of the United States of America. To adopt this amendment will not be in line with what we have as our goals in this world and to help shape a region to make it more stable and secure.

We are confident that genuine independence and peace and prosperity for the nations in the southern area of the Caucasus and central Asia allows them to resist aggressive Iranian and Russian pressure, promises of American national interests.

It is important that we understand what is at stake here. The gentleman from Illinois (Mr. PORTER) spoke about a pipeline that might go through Armenia. What if that pipeline went through Iran? That will not be in our self-interest at all. Why do we shove our allies, our friends, those that did us a favor and do favors for us, why do we shove them, if this amendment is adopted, toward the country of Iran? We know what it has done. There is terrorism in the area of squashing human rights.

We must also think of our ally of Israel. It is interesting to read a letter from the Conference of Presidents of American Jewish Organizations that speaks on this issue and says that we must promote what is in the base bill for the interest of Israel as well.

Azerbaijan has resisted all efforts to locate foreign troops on its territory. It has resisted the Fundamentalist government. Azerbaijan has also been strongly supportive of the Organization for Security and Cooperation in Europe's Minsk group, and the United States of America is a co-chair of that Minsk group.

I think it behooves us to realize what is really at stake. Do we want to further American interests in this area, or do we by this wish to help the Iranian interests in this area?

I think that the gentleman from Louisiana (Mr. LIVINGSTON) is right. What he and his committee put into the base bill is correct. I fully support what is in this bill, and I will vote with the chairman and his committee against this amendment.

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

Mr. Chairman, I yield to the gentleman from Louisiana (Mr. LIVINGSTON) the chairman of the full committee, to continue the presentation that he was making earlier.

Mr. LIVINGSTON. Mr. Chairman, I thank my friend for yielding, and I will be brief. I just thought it was important to sum up my feelings that 907 undermines the neutrality of the United States with respect to the conflict between Armenia and Azerbaijan. We want both countries to be our friends, and we want to extend the hand of friendship to both countries, but 907 puts us in the position of slapping the hands of the Azeris while extending the hand of friendship to the Armenians.

Secretary Albright understands that. That is why she supports the repeal of 907. The American Jewish Congress, the American Jewish Committee, the Anti-Defamation League, the B'nai B'rith, the National Conference of Soviet Jewry, they understand that proposition, as well as the importance to Israel, that we need to be neutral in our approach to both countries.

I have heard a lot of arguments about how we made no progress over the years and therefore we should maintain Section 907 to sanction Azerbaijan. The gentleman from Arkansas pointed out that even then, Azerbaijan has been very helpful in working out matters of great importance to the United States.

I would refer my colleagues again to the New York Times International, Monday, September 14, 1998, page A-6. The fourth and fifth paragraphs relate to the first movement, the first glimmer of hope for the settlement of the dispute between Azerbaijan and Armenia. Admittedly, with Section 907 in place, there has been no hope. Now that we are talking about getting rid of Section 907, the New York Times says:

> There has been no settlement or no substantial movement toward a settlement of the conflict, and the sides remain so far apart that some fear another war. But last Monday, the Prime Minister of Armenia, Armen Darbinyan, flew to Azerbaijan to attend a regional trade conference.
>
> Before meeting privately with his guest, President Heydar Aliyev of Azerbaijan told reporters that he looked forward to "the restoration of friendship between Azerbaijan and Armenia in the context of a peaceful resolution in Nagorno Karabagh." It was the first time in memory he had made such a statement.

We have progress now. The progress can be continued, but we need to lift Section 907, not reinstate it. If this amendment is adopted, it will be maintained as if nothing had happened, and the chances for progress in that part of the world will not likely be any more prominent, any more effective, than they have been since 1992.

It is in the interests of the United States, it is in the interests of Israel, it is in the interest of all American and Israeli citizens, it is in the interest of the entire Western civilized world that peace comes to the Caucasus and peace comes to central Asia. And the only way we can do that is to deal evenhandedly with two countries, both of which should be our friend, and neither of which should be hostile to us nor should we be hostile to them. But that can only come to pass if we repeal

Section 907 and reject this ill-conceived amendment.

Mr. YOUNG of Florida. Mr. Chairman, I support the realistic approach of the gentleman from Louisiana (Mr. LIVINGSTON) to this whole issue dealing with Section 907.

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

Mr. Chairman, I want to first apologize to the gentleman from Louisiana (Mr. LIVINGSTON) for not allowing him to speak beyond the 5 minutes, and I am glad to see that we are talking extra time at this point, because I think everyone should be allowed to speak for as long as they want this evening.

I do want to say, though, that the notion that somehow the United States and the State Department have been taking a neutral position and that somehow the existence of 907 tilts us towards Azerbaijan or tilts us toward Armenia is simply not true. The United States is not neutral between these two countries. The U.S. has clearly taken a pro-Azeri position from the very beginning, and this administration and the State Department continue to take a pro-Azeri position.

I say that because they tried to impose a settlement in Armenia with regard to Nagorno Karabagh that was not acceptable. They did not and they continue not to recognize the territorial integrity of Nagorno Karabagh, which existed as an entity even during the Soviet era. And the United States clearly and the State Department clearly have not taken the position that is supportive of Armenia.

I am very afraid that by repealing section 907, we would be sending a clear signal to Azerbaijan that we are 100 percent supportive of their position and, as a result, they would have absolutely no incentive to try to resolve the conflict in the Caucasus, to try to resolve the conflict in Nagorno Karabagh and make peace ultimately with Armenia.

Let me just address a few other things that were mentioned here tonight. I know a few of the speakers said we should not look at human rights abuses because they have existed on both sides. If we take that position, we are denying the historical fact of the Armenia genocide, and that is why so many people on our side of the aisle who are pro-Armenia feel so strongly about what is going on there.

Nagorno Karabagh was attacked by Azerbaijan. They suffered an aggressive attack by the Azeris and by Azerbaijan as a nation, and they had to defend themselves. The aggressor here was Azerbaijan. The aggressor historically in that area has been either the Azeris or the Turks, and to suggest that somehow this blockade which prevents humanitarian assistance from going to Armenia is not in some ways a continuation of that historic genocide is a denial of history.

That is why we cannot allow this section 907 to be repealed, because otherwise the people of Armenia will continue to suffer and will not receive humanitarian assistance.

Let me talk about the energy issue. I understand that some people feel that we should not discuss the energy issue here, but others have brought it up and talked about our energy dependence. The bottom line is that if we repeal section 907, we create no incentive for Azerbaijan to share its oil resources in the Caucasus region and to work with Armenia, which suffers an energy crisis. And right now, there is absolutely nothing that would prevent Azerbaijan from building a pipeline through Nagorno Karabagh, through Armenia and down to the Mediterranean. That is the direct way to do it, that is the easiest way for that pipeline to be built.

Armenia has said historically that they would like to share energy resources and work with Azerbaijan in terms of a free flow of oil to the West. If we repeal section 970, we create no incentive for using that oil in a cooperative way within the Caucasus countries. That is the kind of signal that we are going to send.

And lastly, let me talk about the peace process, because some of my colleagues on the other side have said that somehow repealing 907 will lead to peace. That is not the truth. What they are doing here is rewarding the aggressor. They are telling the country that attacked the Armenians in Nagorno Karabagh, they are telling the country that continues to blockade, that they are going to be rewarded by repealing section 970.

We know historically that appeasing the aggressor does not work. It did not work in the case of Chamberlin. And what did we get? We ended up killing 6 million Jews in the Holocaust in Nazi Germany because we appeased the other side. We appeased Adolf Hitler. Start that policy of appeasement again, and we will see another genocide in the Caucasus, we will see a continual genocide of the Armenian people.

I do not think that it is fair for people to ignore the historical reality of what is going on here, and if we want to achieve a policy where these three Caucasus nations work together, then do not reward the aggressor.

□ 1745

Do not reward the country that is continuing the blockade. Let these countries work together. Let the United States show that it can be neutral and work equally with the other countries. There is nothing to stop the United States from telling Azerbaijan that they should share their resources, their energy resources and work with Armenia and the other Caucasus nations.

The U.S. is powerful enough to basically give the signal to Azerbaijan that if they do not lift this blockade, that we will not continue to support them, and that is what we should be sending, that signal to Azerbaijan.

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

Mr. Chairman, I do appreciate the fine arguments of my friends from across the aisle, and with great due respect to the chairman of the Committee on Appropriations, I do have to say that the bottom line I think of this legislation is fairness, and I really believe that it is unfair for a country like Azerbaijan to block the foreign aid of another country, Armenia, when they are receiving foreign aid themselves. This is an issue of an equal playing field in that region of the world. Section 907 protects an equal playing field.

In closing I just want to say it protects a level playing field, and with all due respect, we should not be blocking the foreign aid of one country to another. This preserves that level playing field in that region of the world, and I urge my colleagues to vote for this amendment.

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

Mr. Chairman, I yield to the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Chairman, I thank the distinguished gentleman from Illinois (Mr. YATES) for yielding, and I want to just convey a few thoughts at the end of this debate.

First of all, may I identify my opposition, with reluctance, to the initiative as our distinguished chairman of the full committee, the gentleman from Louisiana (Mr. LIVINGSTON). He knows the high regard in which members of the committee, including myself, hold for him, and I regret having to oppose his well-intentioned initiative, which was successful in full committee.

I commend the gentleman from California (Mr. RADANOVICH), the gentleman from Indiana (Mr. VISCLOSKY), the gentleman from New Jersey (Mr. PALLONE) and others who have been part of putting this amendment forward to repeal the repeal of Section 907.

I think that some of the statements that have been made here today have been very useful and this debate has been useful. It certainly has focused the attention of our colleagues on a very important region of the world, and one which has emerging challenges for us. So in that regard, this debate has been very helpful, because it has been very educational on both sides of the issue.

Frankly, both sides have very legitimate arguments about Section 907. However, I come down in favor of the

amendment offered by the gentleman from California (Mr. RADANOVICH) and commend him for his leadership in putting it forward.

Mr. Chairman, the gentleman from New Jersey (Mr. PALLONE) in his remarks laid out the issue very clearly. The gentleman from Illinois (Mr. PORTER) earlier laid out the issue I think very clearly, as did many of our colleagues in the course of the debate. So I will not revisit that, except to say very simply that this Section 907 was put into place because there was a blockade of humanitarian assistance. The blockade was by Azerbaijan and Turkey for assistance going to Armenia. The minute the blockade is lifted, Section 907 is lifted. So this is about balance. I do not understand how this new amendment came to the full committee where we said, let us be fair, let us lift Section 907, and let us leave the blockade in place. It seems to me we have balance here with Section 907.

As my colleagues know, some of the Section 907 provisions were relaxed in the course of time. We said that assistance could go to NGOs in the region, nongovernmental organizations in the region, but not to the Azeri government. There were concerns that people had of uncertainty about the leadership in Azerbaijan: the President had been the head of the KGB when Azerbaijan was part of the Soviet Union. So there were serious questions about human rights and Democratic freedoms in Azerbaijan, but the main issue was the blockade.

Through the leadership of the gentleman from Virginia (Mr. WOLF), Section 907 was further relaxed when he visited there, saw that the Azeri refugees needed assistance too, and we knew that, but he brought the story back firsthand, that certain assistance could not reach them through the nongovernmental organizations. Some aid had to go through the government. So we agreed, under the gentleman's leadership, we agreed to this relaxation so that humanitarian assistance would be delivered through NGOs wherever possible, and if not, in some instances through the government. So everyone has been open to this being an effective tool for balance in the region.

One more point about the peace process. There is a Minsk process in place which some Members have addressed here, and the 907 is a motivation for the Azeris to participation in the Minsk process which could bring peace to the region. Our humanitarian assistance and our cooperation with all the other countries in the region, whether it be Armenia, Nagorno Karabagh or Azerbaijan, should be related to their willingness to participate in the peace process.

So in terms of substance, I think Section 907 is the motivation to keep the Azeris at the table, and again, would be lifted when the blockade is lifted. So much for the substance. Our colleagues who are very familiar with this issue have presented it very, very clearly before us, but I just wanted to put that in perspective a little bit.

Now, in terms of some of the debate that has gone on here today about questioning motivation. Since the oil companies have been interested in Azerbaijan, there has been a heightened awareness of Azerbaijan and the need by some to lift the Section 907. I am not questioning anybody's motivation here today; I think there are legitimate arguments on both sides. However, I want to say 2 things.

My chairman knows what high regard, the gentleman from Louisiana (Mr. LIVINGSTON) knows what high regard I hold for him. But for him in the same remarks to be expressing his dismay at the suggestion that the oil companies were influencing our decision and then questioning the motivation of our colleagues, saying that they are motivated because there are Armenian Americans in their community

The CHAIRMAN. The time of the gentleman from Illinois (Mr. YATES) has expired.

(By unanimous consent, Mr. YATES was allowed to proceed for 2 additional minutes.)

Mr. YATES. Mr. Chairman, I yield to the distinguished gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Chairman, I thank the gentleman, and I thank my colleagues for their indulgence.

For the distinguished chairman to be questioning the motivation of our colleagues because they are motivated by the Armenians in their community, and in the same presentation talk about the American Jewish Committee, the American Jewish Congress, the Anti Defamation League, B'nai B'rith, who are on his side of the issue, I think is not fair. I think it is contradictory. The fact is that the American Jewish Committee and the Anti Defamation League, the American Jewish Congress and B'nai B'rith have every right to express their view on this subject, but do not say the Armenian Americans are not an appropriate motivation for Members to come to this floor, but these other groups are. We welcome their input anywhere in the world starting, of course, with Israel, and if they care to intervene in some other area of the world, they have a right under our law to do that, and I respect that. But I hope that the rights of Armenian Americans would be respected as well.

My final point is that I listened attentively as the distinguished chairman spoke about this as something that the administration wants and we cannot tie the administration's hand, and that Secretary Albright is for this. Well, that is interesting. That is very interesting, and I would like to, for the record, just talk for a moment about the statement of administration policy about this bill, because Secretary Albright and the President of the United States are concerned about the dollar amount in this bill, but that interest seems to be ignored by the same chairman who was using them as an authority for why we should go forward with lifting Section 907.

The administration strongly opposes Mexico City restrictions, as they say in this. The administration strongly objects to the committee's action to leaving U.S. funds for the Korean Peninsula Development Organization, including language prohibiting the President from exercising his authority to transfer funds from other sources for this purpose, and it goes on and on. The administration objects to the low figure for the New Independent States, and are concerned about the low funding for economic support.

So if we are going to use giving the administration a free hand, we have to go across the board with that. And with that, since my time has expired, I urge my colleagues to support the amendment.

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

Mr. Chairman, I yield to the distinguished gentleman from Alabama (Mr. CALLAHAN), the chairman of the subcommittee.

Mr. CALLAHAN. Mr. Chairman, I thank the gentleman for yielding. I think that we are nearing a closure on this debate, but I certainly would agree with my colleague, the gentlewoman from California (Ms. PELOSI), that this is what the Congress is all about. This has been a very spirited debate, and we have people on both sides of the aisle who feel very serious about their view on this.

But let us not lose sight of our mission. Do my colleagues think for one moment that anybody who is in favor of the lifting of this ban against Azerbaijan is really against any human rights help? Do my colleagues think that we have any mission other than peace? No. This is an avenue for peace, and that is what this debate is all about. We are not here saying that we favor Azerbaijan over Armenia, or vice versa. We are not talking about money, because we do not give money to Azerbaijan, nor does Azerbaijan want money. We are here about talking about a possible avenue of peace.

They have a group called the Minsk Group, and that group is trying to establish a process where they will sit down at a table and they will sign an agreement. When that happens, this war that has been going on for so many years will end through negotiations. But the administration, Secretary Albright and the President, tell us that the administration cannot create this peace document that both sides will sign, unless indeed this is lifted. It is

an unfair advantage that the Armenians have. But it is not a question of whether one is pro-Armenian or pro-Azeri. That is not the question.

The question is, what is the best possible avenue to finally have a peace agreement signed, drafted and signed by both parties, and as a result of that, create an opportunity for Azerbaijan to ship their oil through Armenia, hopefully someday, into the straits whereby it can be utilized by the western world, instead of the opposite direction of it going through China and being totally utilized by the Chinese.

So it has been a very spirited debate. I encourage my colleagues to go along with the gentleman from Louisiana (Mr. LIVINGSTON)'s plan to help in this peace process, and the way to do that is to vote "no" on this amendment and to give the administration the ability they have to effectuate a peace in this region that has been fighting for so many decades.

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

Mr. Chairman, picking up on the comments of the previous speaker, let me state that I am not speaking in a pro-Armenian mode or a pro-Azeri mode. I am trying to be pro-American and pro-American values.

I think the question before this House on this issue is whether or not, when we look at this or any other region of the world, we look at it in terms of what all of our values are, or whether we will, in fact, simply look at a region in terms of our economic or materialist values.

It seems to me that we have to have a flexible view of our insistence on human rights. The best writing I ever saw on the subject of human rights was by Father Brian Hehir, who was the driving force behind the creation of the Catholic Bishop's document on nuclear war.

□ 1800

He observed in that statement that we had an obligation in promoting human rights to take into account both our ability to affect the situation and other considerations that impacted on the world's safety, the possibility of war, and our own security.

The point he made is that there are some occasions when other issues are so overriding, such as the necessity to prevent the proliferation of nuclear weapons or the use of those weapons, that perhaps human rights have to take a second or third seat on the train.

But when those issues are not at stake and we have a greater ability to press for human rights without interfering with our security or other values, then we have an obligation to do so. I think we face that situation in this instance.

I have often been at odds with representatives of the American-Armenian community because I have never favored earmarking funds in any foreign aid appropriation bill for anybody. An earmark means that you require the President to spend at least a certain amount of money. I have always been opposed to that for Armenia or anybody else.

But on this issue, while I must confess to a certain degree of uncertainty because there are value judgments on both sides that are important, in the end I come down on the side of the amendment simply because I think that whether we are talking about the Executive Branch of government or the Legislative Branch of government, that all too often in this country and in our political system, when big business and big dollars speak, we tend to listen to them more than we do any other sector of our society. I think that is wrong.

Does anybody really believe this amendment would have a chance of a snowball in Hades if we did not have a list of 14 oil companies who were lobbying for it? I do not say that to question the motive of any Member, because there are a good many other reasons for Members to be for this amendment.

But when we see that we do have the Amoco, Exxon, Mobile, Penzoil and a number of others interested in seeing us change our position, then we see a likelihood that Congress will switch its position.

But if we have other regions of the world where we do not have large economic players, then we do not pay any attention to them. I think that that represents a gap in what our values ought to be. I think that the best thing to do is to stick with the policy that we have stuck with the last 2 years. Support the amendment.

Mr. GEPHARDT. Mr. Chairman, I rise in strong support of this amendment, which would restore Section 907 of the Freedom Support Act.

Over the past several years, the people of the Caucasus have suffered terribly ongoing military conflict in the region. Of particular concern, the extreme hardship and deprivation endured by the people of Armenia and Nagorno Karabakh defy both American and international norms regarding the human rights of innocent civilians.

Recognizing the humanitarian needs of the Armenian people, U.S. Government has endeavored to provide assistance to the innocent victims of the conflict. Unfortunately, the delivery of much of this aid continues to be stymied by Armenia's neighbors.

I have often spoken out against nations which have attempted to interfere with U.S. humanitarian effort around the world. I supported the Humanitarian Aid Corridor Act in 1995 and its strengthening in 1997, which banned aid to nations which block shipments of U.S. humanitarian assistance to other countries.

The United States government has concluded an ongoing effort to promote peace and reconciliation between Armenia and Azerbaijan, both to end the human suffering and to achieve stability in the region. At this time, it would not be advisable to unilaterally eliminate the diplomatic tool that it embodied in Section 907 of the Freedom Support Act. This tool is intended to provide an incentive for peace, and I hope it will continue to be used effectively to that end.

I urge your support of this amendment.

Mr. MCKEON. Mr. Chairman, I rise in strong support of the Porter-Radanovich amendment to maintain section 907 of the Freedom Support Act.

As Members know, Armenia is a landlocked country in the Caucasus that in 1991 finally achieved its long-sought goal of independence. Unfortunately, geography and conflicts with its neighbors has prevented the Armenian economy from flourishing. Armenia wants nothing more than a resolution to the conflicts with its neighbors.

However, these neighbors must also be willing to negotiate with Armenia in good faith. Maintaining section 907 is essential to ensuring that there is a good faith peace process between Armenia and Azerbaijan.

Vote in favor of section 907.

Support the Porter-Radanovich amendment.

Mr. MCGOVERN. Mr. Chairman, I rise in support of the amendment offered by my colleagues Rep. PALLONE and Rep. RADANOVICH to overturn the repeal of Section 907 in the fiscal year 1999 foreign operations appropriations bill and restore the original language that has been in law since 1992.

Section 907 was adopted by Congress in 1992 as the Freedom Support Act and signed into law by President George Bush. It has always enjoyed strong bipartisan support. It provides guidelines for U.S. foreign aid to the New Independent States and places restrictions on U.S. government-to-government aid to Azerbaijan until that country ends its aggression and lifts its illegal blockades against the Republic of Armenia and Nagorno-Karabagh.

Since 1992, the U.S. has been able to provide over $130 million in humanitarian and exchange assistance to Azerbaijan through nongovernmental organizations and private voluntary organizations. Section 907, therefore, has not been an impediment to humanitarian and community-based development assistance for the Azeri people.

During that same time frame, the people of Armenia have established democracy, engaged in free elections, and undertaken market reforms. The people and Government of Armenia would like to integrate the Armenian economy with the West, but has been blocked in these efforts by the continuing blockade of Azerbaijan. For the past nine years, Azerbaijan has blockaded Armenia and Nagorno-Karabagh, cutting off the transport of food, fuel, medicine and other vital supplies.

For its part, the Azerbaijan government remains authoritarian and continues to use blockades and force against the Armenian people and the people of Nargorno-Karabagh, thus failing to live up to the basic condition set forth in U.S. law. To date, the Azerbaijani government has taken no demonstrable steps to lift these illegal blockades. Furthermore, the U.S. State Department's Country Reports on Human Rights Practices for 1997, the Amnesty International Report 1998, and the

Human Rights Watch Report 1998 have all documented the Azerbaijani government's human rights violations, its censorship of the media, and widespread police brutality.

On the eve of upcoming elections in Azerbaijan, it would be unconscionable to repeal the democratic and non-aggression requirements embodied in Section 907. The corrupt and authoritarian government of former KGB General Geidar Aliyev would view the repeal of such restrictions as a "green light" for his undemocratic practices. Indeed, Azerbaijan's major opposition parties are boycotting the elections and have issued a joint statement denouncing the electoral framework as unfair and undemocratic. These political parties have called upon President Clinton to help the Azeri people overcome the current "atmosphere of dictatorship." The Congress must not ignore the democratic aspirations of the Azeri people.

So, why are we faced with the possible repeal of Section 907? For oil, Mr. Speaker, for Caspian oil. For the profits, Mr. Speaker, to be gained from "black gold." Oil companies have been lobbying heavily in support of a repeal or the weakening of Section 907 so that an east-west pipeline might be built to bring projected, but still undiscovered, Caspian oil out of Azerbaijan to Turkey and out to the West.

So while the energy benefits of repealing Section 907 are largely speculative, the political consequences are clear and concrete: Continued repression in Azerbaijan; continued suffering and hardship in Nagorno-Karabagh and Armenia; compromise the ability of the U.S. to maintain its role as "impartial mediator" in the Caucasus; and jeopardize further regional security.

Mr. Chairman, the only hope for lasting peace and stability in the Caucasus is to retain Section 907. The only choice in support of human rights and democracy is to retain Section 907.

I urge my colleagues to support the Pallone-Radanovich amendment and overturn the repeal of Section 907.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. PORTER).

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 231, noes 182, not voting 21, as follows:

[Roll No. 447]

AYES—231

Abercrombie
Ackerman
Andrews
Baesler
Barcia
Barrett (NE)
Barrett (WI)
Bass
Becerra
Berman
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Boehlert
Bonior
Bono
Borski
Boucher
Brown (CA)
Brown (FL)
Brown (OH)
Burr
Camp
Capps
Cardin
Carson
Castle
Chenoweth
Christensen
Clayton
Clyburn
Coble
Condit
Conyers
Cook
Costello
Cox
Coyne
Crapo
Cubin
Cummings
Cunningham
Davis (IL)
Davis (VA)
DeFazio
DeGette
Delahunt
DeLauro
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Ehlers
Ehrlich
Engel
English
Ensign
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Ford
Fossella
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Furse
Gallegly
Ganske
Gejdenson
Gilchrest
Gilman
Goode
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hayworth
Hefner
Hilleary
Hinchey
Hinojosa
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hunter
Hyde
Jackson (IL)
Johnson (CT)
Johnson (WI)
Jones
Kelly
Kennedy (MA)
Kennedy (RI)
Kildee
Kilpatrick
Kim
Kind (WI)
Kleczka
Klink
Knollenberg
Kucinich
LaFalce
Lazio
Leach
Lee
Levin
Lipinski
LoBiondo
Lofgren
Lowey
Maloney (NY)
Manton
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDade
McDermott
McGovern
McHale
McHugh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller (CA)
Mink
Moakley
Mollohan
Moran (VA)
Morella
Neal
Neumann
Ney
Norwood
Oberstar
Obey
Olver
Owens
Pallone
Pappas
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Pitts
Pombo
Porter
Price (NC)
Radanovich
Rahall
Ramstad
Rangel
Rivers
Rogan
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Sanders
Sawyer
Schaffer, Bob
Scott
Sensenbrenner
Serrano
Shays
Sherman
Sisisky
Skaggs
Slaughter
Smith (MI)
Smith (NJ)
Smith, Adam
Smith, Linda
Souder
Stabenow
Stark
Stokes
Strickland
Stupak
Sununu
Talent
Thomas
Thompson
Tierney
Torres
Towns
Upton
Velazquez
Vento
Visclosky
Walsh
Waters
Watt (NC)
Waxman
Weldon (PA)
Weller
Weygand
Wolf
Woolsey
Wynn
Yates
Young (AK)

NOES—182

Aderholt
Allen
Archer
Armey
Bachus
Baker
Baldacci
Ballenger
Barr
Barton
Bateman
Bentsen
Bereuter
Blunt
Boehner
Bonilla
Boswell
Boyd
Brady (PA)
Brady (TX)
Bryant
Bunning
Burton
Buyer
Callahan
Calvert
Campbell
Canady
Cannon
Chabot
Chambliss
Clement
Coburn
Collins
Combest
Cooksey
Cramer
Crane
Danner
Davis (FL)
Deal
DeLay
Deutsch
Dickey
Dunn
Edwards
Emerson
Everett
Ewing
Foley
Forbes
Fowler
Frost
Gekas
Gibbons
Gillmor
Goodlatte
Goodling
Gordon
Graham
Granger
Green
Greenwood
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hefley
Herger
Hill
Hobson
Hulshof
Hutchinson
Inglis
Istook
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson, Sam
Kanjorski
Kaptur
Kasich
Kingston
Klug
Kolbe
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Livingston
Lucas
Luther
Maloney (CT)
Manzullo
Martinez
McCrery
McInnis
McIntosh
Metcalf
Miller (FL)
Minge
Moran (KS)
Murtha
Nadler
Nethercutt
Northup
Nussle
Ortiz
Oxley
Packard
Parker
Paxon
Pease
Peterson (PA)
Petri
Pickering
Pickett
Pomeroy
Portman
Quinn
Redmond
Regula
Reyes
Riley
Rodriguez
Roemer
Rogers
Rohrabacher
Ryun
Sabo
Salmon
Sandlin
Sanford
Saxton
Scarborough
Schaefer, Dan
Sessions
Shadegg
Shaw
Shimkus
Shuster
Skeen
Skelton
Smith (OR)
Smith (TX)
Snowbarger
Snyder
Solomon
Spence
Spratt
Stearns
Stenholm
Stump
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thornberry
Thune
Thurman
Tiahrt
Traficant
Turner
Wamp
Watkins
Watts (OK)
Weldon (FL)
Wexler
White
Wicker
Wilson
Wise
Young (FL)

NOT VOTING—21

Bartlett
Berry
Clay
Fawell
Gephardt
Gonzalez
Goss
Hilliard
Johnson, E. B.
Kennelly
King (NY)
Lewis (GA)
Meek (FL)
Myrick
Poshard
Pryce (OH)
Riggs
Rush
Sánchez
Schumer
Whitfield

□ 1823

Messrs. SKEEN, WELDON of Florida, FOLEY, PEASE, PETERSON of Pennsylvania, SCARBOROUGH, and NADLER changed their vote from "aye" to "no."

Mrs. CLAYTON and Messrs. SHAYS, CUNNINGHAM, RAHALL, YOUNG of Alaska, FOSSELLA, and DICKS changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

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

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

Mr. CALLAHAN. I yield to the gentleman from Ohio.

Mr. PORTMAN. Mr. Chairman, I thank the gentleman from Alabama (Mr. CALLAHAN) for yielding to me, and I would like to enter into a colloquy with the gentleman.

Earlier this session, as the gentleman knows, by a vote of 356 to 61, this Congress passed and the President signed into law the Tropical Forest Conservation Act of 1998. This law provides the administration with the authority to reduce debt where appropriate for less developed countries that have globally outstanding tropical forest with the intention of protecting these valuable and rapidly dwindling natural resources.

Mr. Chairman, $50 million was authorized for this new program for this year. While I am disappointed that those funds are not included in the pending appropriations bill, I realize that the authorization was enacted

into law after the subcommittee completed its work and that budget constraints make it difficult to fund new programs this year.

I would still hope, Mr. Chairman, that something could be worked out with the Senate. But in any case, it is my sincere hope that the House Committee on Appropriations will be able to fund this program in the next budget cycle.

There is a provision of the recently enacted law that can be implemented at no cost to the U.S. Treasury. This provision amends section 808 of the Foreign Assistance Act to authorize common sense and cost-free debt-for-nature swaps and debt buybacks. However, I have been informed that in order to implement this provision, a technical amendment must be made to the appropriation for "debt restructuring" in the current appropriations bill.

I realize that the gentleman from Alabama is not entertaining legislative amendments, and I respect that. However, I would inquire of the subcommittee chairman, the distinguished gentleman from Alabama, if this critical change could be made in a conference committee with the Senate.

Mr. CALLAHAN. Mr. Chairman, reclaiming my time, I appreciate the inquiry of the gentleman from Ohio. First of all, I would like to congratulate him on his success in achieving enactment of his legislation. It had broad bipartisan support and should make a real difference in tropical forest conservation.

Second, I am aware that the bill authorizes debt swap at no cost to the Treasury. Even though no appropriation is required, legislative language is necessary in this bill in order to allow the Treasury Department to implement this provision. I can assure the gentleman from Ohio that I will make every possible effort to ensure that this language is included in any final appropriation legislation that is sent to the President.

Mr. PORTMAN. Mr. Chairman, if the gentleman would continue to yield, I deeply appreciate those assurances from the gentleman from Alabama and I look forward to continuing to work closely with him in the future in implementation of the Tropical Forest Conservation Act.

AMENDMENT NO. 19 OFFERED BY MR. TORRES

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

The Clerk read as follows:

Amendment No. 19 offered by Mr. TORRES:

H.R. 4569

At the end of the bill, insert after the last section (preceding the general short title) the following:

LIMITATION ON ASSISTANCE FOR SCHOOL OF THE AMERICAS

SEC. 701. Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available by this Act may be used for programs at the United States Army School of the Americas located at Fort Benning, Georgia.

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

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

□ 1830

POINT OF ORDER

Mr. BISHOP. Mr. Chairman, I rise to a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. BISHOP. Mr. Chairman, I rise to a point of order against consideration of the amendment, pursuant to the rules of the House, because an amendment in the form of a limitation must await the end of the reading of the bill.

The CHAIRMAN. Does the gentleman from California (Mr. TORRES) wish to be heard on the point of order?

Mr. TORRES. Yes, Mr. Chairman.

I ask unanimous consent to revise and extend my remarks and to include extraneous material therein.

The CHAIRMAN. The Chair is advised that it is not in order to revise and extend remarks when addressing a point of order.

Mr. TORRES. Mr. Chairman, I want to begin my remarks on this amendment by thanking the gentleman from Alabama (Mr. CALLAHAN).

Mr. BISHOP. Mr. Chairman, I object to consideration of the amendment and raise a point of order for consideration of the amendment.

The CHAIRMAN. The gentleman from California (Mr. TORRES) must confine his remarks to the point of order. Does the gentleman wish to be heard on the point of order made by the gentleman from Georgia (Mr. BISHOP)?

Mr. TORRES. Mr. Chairman, I do not see how his point of order in this instance applies here. This is an amendment being raised. It is printed in the CONGRESSIONAL RECORD. It is in keeping with the decorum of debate here in the House. I do not understand how the gentleman terms to limit this amendment to be brought before us as a body of Congress. Perhaps he can explain to us?

The CHAIRMAN. Does the gentleman from Georgia (Mr. BISHOP) wish to be heard further on the point of order?

Mr. BISHOP. I will be happy if the Chair would make a ruling.

The CHAIRMAN. Does the gentleman from Massachusetts (Mr. KENNEDY) wish to be heard on the point of order?

Mr. KENNEDY of Massachusetts. Mr. Chairman, I understand this bill has been open to amendment throughout the course of the debate and the amendment was printed in the RECORD properly. We recognize that there are issues that can be brought up at the end of the bill, but this was a regularly scheduled amendment. It was accepted as a printed amendment, and the bill has been amended in regular order throughout the previous procedures.

To set a new record, a new precedent at this point saying that this should be knocked to the end of the bill would, I think, violate the rules of the House.

The CHAIRMAN. The Chair is prepared to rule. Under the rule, the last four lines of the bill have not yet been read. This amendment is in the form of a limitation, which must await the end of the reading of the bill, under clause 2 of rule XXI. Therefore, the point of order by the gentleman from Georgia (Mr. BISHOP) is sustained at this time.

AMENDMENT NO. 1 OFFERED BY MR. TIAHRT

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 printed in House Report 105–725 offered by Mr. TIAHRT:

Page 8, line 10, after "services" insert the following:

; and that any such voluntary family planning project shall meet the following requirements: (1) the project shall not make use of quotas, goals, or other numerical targets, on an individual, local, regional, or national basis, of total number of births, the number of family planning acceptors, acceptors of a particular method of family planning, or any other performance standard (this provision shall not be construed to include the use of quantitative estimates for budgeting and planning purposes); (2) the project shall not include payment of incentives, bribes, gratuities, or any other form of compensation or reward, monetary or nonmonetary, to (A) an individual in exchange for becoming a family planning acceptor, or (B) program personnel for achieving any numerical goal or quota; (3) the project shall not deny any right or benefit, including the right of access to participate in any program of general welfare or the right of access to health care, as a consequence of any individual's decision not to accept family planning services; (4) the project shall inform family planning acceptors, in comprehensible terms, of the nature of the family planning method chosen, its contraindications and potential health risks, and available alternatives; (5) the project shall provide a reasonable range of options of methods of family planning, including natural methods; and (6) the project shall ensure that experimental methods of family planning are administered only in a scientifically controlled study in which participants are advised of potential risks and benefits; and, not later than 30 days after the date on which the Administrator of the United States Agency for International Development determines that there has been a violation of any provision contained in the preceding 6 paragraphs, or a violation of any other provision contained in this heading, the Administrator shall submit to the Committee on International Relations and the Committee on Appropriations of the House of Representatives and to the Committee on Foreign Relations and the Committee on Appropriations of the Senate a report containing a description of such violation.

The CHAIRMAN. Pursuant to House Resolution 542, the gentleman from

Kansas (Mr. TIAHRT) and a Member opposed, each will control 5 minutes.

The Chair recognizes the gentleman from Kansas (Mr. TIAHRT).

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

This amendment is to provide a definition for the term "voluntary" for organizations which provide family planning assistance overseas.

Certain restrictions already exist on this financial aid, and they are that none of the funds can be used to pay for abortions, that none of the funds can go to organizations which support coercive abortions or involuntary sterilization, and the programs that are to be used are to be totally voluntary. This does not change any of those current restrictions.

It does change the definition, but, however, neither the law nor the regulations under the United States Agency for International Development or USAID, those regulations do not define the term of "voluntary." As a result, there has been gross violations of human rights.

Human rights organizations have reported that nations across the globe that receive USAID funds are committing practices such as bribes to women to use experimental chemicals without warning them of any side effects. They are demanding sterilization quotas from health providers which prey on poor women and surpass their own means of doing so safely, resulting in death or permanent injury.

In Peru, as reported by the New York Times and other major papers across the Nation, as my chart indicates, women were coerced into sterilization and in some cases this resulted in death. This does not change or add any restrictions to funds that USAID distributes. However, the term "voluntary" is defined, and I believe we can change at least some of these abuses by setting guidelines and setting guidelines for these countries on how this money is distributed.

This amendment defines voluntary in the context of participation of population control or family planning projects so that projects shall not use quotas, shall not use payment of incentives or bribes, shall not deny any benefits like food or clothing and will provide full disclosure of the method chosen for birth control and also make available any information on family planning options.

INVOLUNTARY STERILIZATION HORROR STORIES

All of the following countries receive USAID funding and are engaging in forced sterilization tactics.

BANGLADESH

Women receiving sterilization and contraception were offered payment incentives of $3 each, plus a new saree. Population Research Institute Review, July/August 1997, pg. 6

The government also pays incentives to providers for signing up women. Earth Summit Watch web page on implementation of the Cairo Conference Programme of Action, one year after Cairo Report

Women consent to sterilization out of desperation for food. Population Research Institute Review, July/August 1997, pg. 6

Routine medical practices such as evaluating side effects of drugs and providing follow-up checks are ignored. Population Research Institute Review, May/June 1996, p. 5

USAID endorses coercive incentives. Earth Summit Watch web page on implementation of the Cairo Conference Programme of Action, one year after Cairo Report

HONDURAS

USAID funds help implement coercive program for experiments with Ovrette, an unapproved contraceptive pill. Warnings about the experimental drug's side effects on nursing mothers were hidden from the women in the program. Population Research Institute Review March/April 1998, p. 3, 7

INDIA

Family planning programs depend on quotas, targets, bribes and coercion. Population Research Institute Review September/October 1997, p. 10—based on Washington Post article "Teeming India Engulfed by Soaring Birthrate: Sterilization Quotas Blasted as Inhumane and Coercive" August 21, 1994

USAID funds sterilizations using Quinacrine which is illegal in India and scars/burns the fallopian tubes. Population Research Institute Review July/August, 1997 p. 14

Conditions are miserable at the USAID funded sterilization camps, there are primitive, unsanitary conditions and appalling mortality rates. Population Research Institute Review September/October 1997, p. 10—based on Washington Post article "Teeming India Engulfed by Soaring Birthrate: Sterilization Quotas Blasted as Inhumane and Coercive" August 21, 1994

INDONESIA

Family planning programs rely on threats and intimidation to bring women into the clinics. Population Research Institute Review, November/December 1996, p. 11

Studies have shown that IUDs are inserted at gunpoint. Population Research Institute Review, November/December 1996, p.11

The programs employ life-threatening denials of treatment and follow up care and offer no informed consent. "From One Day to Another: Violation of Women's Reproductive and Sexual Rights in East Timor" June 23, 1997, by Miranda Sessions, Yale University

KENYA

Dr. Stephen Karanja (Karan-ya) has seen the following in Kenya family planning clinics:

Women are coerced into Norplant implantation and sterilization. Population Research Institute Review, March/April 1997, p. 4

Sterilized women are denied health care for debilitating Complications. Population Research Institute Review, March/April 1997, p. 4

USAID is the biggest supporter of population control in Kenya. Population Research Institute Review, March/April 1997, p. 4

MEXICO

A young medical professional who goes by the name "Maria Garcia" has seen the following in Mexican family planning programs:

Hundreds of forced sterilizations are documented. Population Research Institute Review, March/April 1997, p. 4

Medical personnel are fired for their refusal to perform sterilizations. Population Research Institute Review, March/April 1997, p. 5

Women refusing sterilization are denied medical treatment. For example, one pregnant woman with an umbilical hernia was refused treatment for the hernia unless she agreed to have a tubal ligation. Population Research Institute Review, March/April 1997, p. 5

PERU

Many women, including Victoria Vigo Espinoza have been sterilized without consent, while others including Maura Castillo Nole and Ernestina Sandoval are sterilized in exchange for food. Still other women like Juana Guiterrez Chero and Celia Ramos Durand have died after forced sterilizations. Peru's Family Planning Under Fire: Critics Allege Poor Women are Coerced to Undergo Sterilization, by Anthony Faiola, Washington Post, February 12, 1998

Family planning programs use coercion, misinformation and quotas and sterilization-for-food efforts. Peru's Family Planning Under Fire: Critics Allege Poor Women are Coerced to Undergo Sterilization, by Anthony Faiola, Washington Post, February 12, 1998

Medical personnel must meet sterilization quotas and surgical staff are insufficiently trained and work under poor conditions. Population Research Institute Review, March/April 1997, p. 8

USAID sponsors family planning billboards signaling to Peruvian women that the family planning methods employed are U.S. sanctioned. Alianza Latinoamericana para la Familia, PRESS RELEASE—February 11, 1998

USAID targets local governments with quotas as a condition for funding and encourages pharmaceutical companies to push contraceptives on unsuspecting Filipinos. Population Research Institute Review, March/April 1997, p. 5

Women are secretly injected with abortifacient while receiving tetanus vaccines. Population Research Institute Review, November/December, 1996, p. 3

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

The CHAIRMAN. Does the gentlewoman from California (Ms. PELOSI) seek the time in opposition?

Ms. PELOSI. Mr. Chairman, I do not oppose the amendment, but I do seek to control the time.

The CHAIRMAN. Without objection, the gentlewoman from California (Ms. PELOSI) will control 5 minutes.

There was no objection.

The CHAIRMAN. The Chair recognizes the gentlewoman from California (Ms. PELOSI).

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

I can accept the amendment proposed by the gentleman. I think that the intentions behind it are good and certainly it is a restatement of what we all support, which is voluntary family planning.

I do want to, though, bring up a couple of points about it, because paragraph 5 of the amendment requires that each family planning project provide a reasonable range of options of

methods of family planning, including natural methods. I think that that is a very fine provision in his amendment.

Under current law, the DeConcini amendment, which we have discussed here before, which is not deleted by this amendment, voluntary family planning projects must offer directly, either directly, referral or information, a broad range of family planning methods and services. The amendment has the effect of requiring that each project itself provide a range of family planning methods and options. Earlier we were talking about projects overall must offer a range of family planning methods. But according to the gentleman's amendment, it is every single project must offer a range. In other words, referral information about the availability elsewhere of other family planning options.

I am reading the language of the bill. But simply put, the issue I am bringing up in support of the gentleman's amendment is that in the natural family planning, other options are not necessarily available in their projects. The gentleman's amendment does not delete the DeConcini language, which allows natural family planning projects to offer that option without offering a range of, a reasonable range of options, methods of family planning, including natural methods. So I think that we will have to address this issue in conference, but as I say, I say this rising in support of the amendment, calling attention to the gentleman to the situation that the amendment presents.

I do want to use the balance of my time to say that the gentleman's emphasis on the word "voluntary" is one that I think every person in this body supports. International family planning is very, very important. I believe that it does reduce the number of abortions internationally, and that is a goal that we all share.

It also is helpful for women to determine the size and timing of their families and that should not be a matter of coercion but a matter of conscience and of health and well-being of that particular family. So certainly involuntary sterilization, et cetera, has no place in any family planning projects that we would support. In fact, they would be repulsive to all of us who support international family planning.

Again, the thoughtful Tiahrt amendment gives us the opportunity to say how many families internationally have benefited from that and that in our bill, we do support projects which Georgetown University has played a role in that provide projects, that provide natural family planning as their means of just that, family planning.

The amendment also requires a report from the administrator within 30 days of finding any violation of any provisions with this amendment. This, I think, is an onerous requirement. I think the report should be made, but I am just saying that the 30 days may or may not be realistic. I hope we could revisit that in conference. Just for example, one family, one health service provider not informing one family planning acceptor of potential health risk is a violation. Even if corrected, the nongovernmental organization manager of the project, a report must still be prepared and filed with the committee.

I just think it is onerous. It is appropriate, but we should talk about what will work and stay in the spirit of the gentleman's amendment.

The CHAIRMAN. The time of the gentlewoman from California (Ms. PELOSI) has expired.

Mr. TIAHRT. Mr. Chairman, I yield 2 minutes to the gentlewoman from Missouri (Mrs. EMERSON).

Mrs. EMERSON. Mr. Chairman, I rise today in support of the Tiahrt amendment.

This important amendment is being offered today to ensure that international population control programs which currently receive U.S. funding are administered in a voluntary manner. Unfortunately, as we can all see from the newspaper headlines on this chart, this is not the case in countries now receiving USAID funding.

Mr. Chairman, every woman in this Nation has the right to choose, the right to choose whether or not to use family planning services, the right to choose which family planning method best serves their personal needs and values, the right to be fully informed of all methods available, the nature of the method chosen, including any health risks. Mr. Chairman, I believe poor women in poor countries deserve a choice, too.

Recently, the government of Peru instituted national yearly sterilization quotas. In 1998, the government set a quota of 22,000 vasectomies and 78,000 tubal ligations. As my colleagues can see, the number of women targeted is three times greater than the target set for men. This, of course, is no accident.

Everyone knows government enforced quotas for population control bureaucracies inevitably lead to women being coerced. In Peru and other poor nations involuntary sterilizations of women has been the result. And in several instances, the procedure, as the gentleman from Kansas (Mr. TIAHRT) said, has been performed by butchers in unsanitary conditions, which has led to death. Women in poor nations are vulnerable because their reproductive health needs are easily exploited by programs which move from making family planning available to making them compulsory.

□ 1845

In Mexico, hundreds of cases of forced sterilizations have been documented and women routinely are inserted with IUDs after childbirth, often without knowledge or consent. Mr. Chairman, these abuses must stop, and that is exactly what this language will help achieve.

Mr. Chairman, if this Congress is not prepared to defend the human rights of poor and helpless women in third world nations. Who will? I urge my colleagues to support the Tiahrt amendment.

Mr. TIAHRT. Mr. Chairman, I yield myself such time as I may consume before yielding my final 30 seconds to my colleague from New Jersey, to say to the gentlewoman from California (Ms. PELOSI) that I would be pleased to work with the gentlewoman to make something that would be amenable to both of us.

Mr. Chairman, I yield the balance of my time to the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Chairman, I thank the gentleman for yielding me this time and for his excellent amendment.

Mr. Chairman, volunteerism is not something that is in the eye of the beholder. It needs a definition. We have heard it is voluntary, what goes on in China. It is not. In many countries, including many democracies, there is something far less than a voluntary program for family planning.

I had a hearing in my Subcommittee on International Operations and Human Rights of the Committee on International Relations last February 25th, and we heard from a doctor, a whistle-blower who actually worked in the program in Peru, and he talked about how coercion and all kinds of games and brinkmanship was used to get women to get tubal ligations against their will.

We had two women who were sterilized against their will. One, bottom line, she said, "They tricked me." Now, we want no part of that. It should be voluntary. And I really think the amendment of the gentleman from Kansas (Mr. TIAHRT) sets a great and valuable service and I urge support for it.

Ms. WOOLSEY. Mr. Chairman, I rise in strong opposition to the Tiahrt amendment to the foreign operations bill.

Each year in the developing world, 600,000 women die of pregnancy-related complications. Maternal mortality is the largest single cause of death among women in their reproductive years.

That is why, Mr. Chairman, our support for reproductive health services becomes more important every day. Voluntary family planning services give mothers and families new choices and new hope—increasing child survival and promoting safe motherhood. Without our support for international family planning, women in developing nations will face more unwanted pregnancies, more poverty, and more despair.

Mr. Chairman, I find it to be extremely ironic that often the same people who would deny women in the developing world the choice of

an abortion, would also seek to eliminate our support for family planning programs that reduce the need for abortion.

Without access to safe and affordable family planning services, there will be more abortions, not fewer. The abortions will be less safe and put more women's lives in danger.

Mr. Chairman, I wish that I were here today to support legislation that would allow our foreign aid dollars to pay for a full range of reproductive health services, not just the limited services that get a rightwing seal of approval every year.

But at the very least, we should keep the doors of more family planning clinics open for the women who are desperately in need of their information and services. This will help reduce the number of abortions and improve the lives of women and their children.

Mr. Chairman, I urge my colleagues to oppose this amendment to the foreign operations appropriations bill.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kansas (Mr. TIAHRT).

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

Mr. OBEY. Mr. Chairman, 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 CHAIRMAN. Pursuant to House Resolution 542, further proceedings on the amendment offered by the gentleman from Kansas (Mr. TIAHRT) will be postponed.

The point of no quorum is considered withdrawn.

AMENDMENT NO. 4 OFFERED BY MR. LIVINGSTON

Mr. LIVINGSTON. Mr. Chairman, I offer amendment No. 4.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 printed in House Report 105–725 offered by Mr. LIVINGSTON:

At the end of the bill, insert after the last section (preceding the short tile) the following:

TITLE VII—ADDITIONAL GENERAL PROVISIONS

AMENDMENTS TO THE FOREIGN ASSISTANCE ACT OF 1961

SEC. 701. (a) REPEAL OF CONTINGENCIES PROVISIONS.—

(1) IN GENERAL.—Chapter 5 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2261) is hereby repealed.

(2) CONFORMING AMENDMENTS.—(A) Section 634A(a) of such Act (22 U.S.C. 2394–1(a)) is amended in the first sentence by striking ", chapter 5 of part I.".

(B) Section 653(a) of such Act (22 U.S.C. 2413(a)) is amended by striking "451 or".

(b) SPECIAL AUTHORITIES PROVISION.—Section 614(a)(4)(C) of the Foreign Assistance Act of 1961 (22 U.S.C. 2364(a)(4)(C)) is amended by striking "$50,000,000" and inserting "$35,000,000".

PARLIAMENTARY INQUIRY

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

I was under the impression that we are going from side to side, and the last amendment was offered by the other side of the aisle.

The CHAIRMAN. Members of the committee have precedence for recognition, and the chairman of the relevant committee has additional precedence upon recognition.

Mr. DEUTSCH. And that is regardless of going back and forth, from side to side?

The CHAIRMAN. That is correct. That is under the precedents of the House.

The gentleman from Louisiana (Mr. LIVINGSTON) is recognized for 5 minutes on his amendment.

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

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

Mr. GILMAN. Mr. Chairman, I rise in support of this amendment and thank the gentleman for yielding.

Mr. Chairman, we are offering an amendment in response to the apparent determination of the administration to abuse existing law in order to rush $27 million in additional U.S. foreign assistance to North Korea within the next 2 weeks.

Now, many of our colleagues might wonder why the administration would choose this moment to rush $27 million in additional foreign aid to North Korea, aid that is to be provided on top of $35 million we have already given to North Korea so far this year. After all, North Korea is a Communist country, an official state sponsor of terrorism, and a nation still technically at war with our Nation. They just fired a missile across Japan and, according to recent press reports, have been caught red-handed building an underground facility intended to conceal illegal nuclear activities.

But I am not here to question today the wisdom of the administration's policy that has turned North Korea into the largest recipient of United States foreign aid in East Asia, even before the extra $27 million the administration wants to rush their way. I am not here to question the need for the extra $27 million nor the wisdom of the administration's timing. But I am here to object to their plan to misapply the law in order to do all of this.

One of the legal authorities they plan to use to rush this extra funding to North Korea is section 451 of the Foreign Assistance Act. That provision allows the President to spend up to $25 million per year on unanticipated contingencies. The administration proposes to declare that North Korea's need for more foreign aid is an unanticipated contingency. That, of course, is observed.

KEDO, the international organization that delivers our aid to Korea is deeply in debt. But that is nothing new. This fact was brought to the attention of the Committee on Appropriations last year, and the Congress agreed to insert additional funds in the fiscal year 1998 foreign operations bill for KEDO. The administration did not think those extra funds were sufficient. But we often end up giving the administration less money than it wants. The fact is that Congress has known KEDO's debt situation for a long time and has legislated a solution to it.

The only unanticipated contingency here is that the administration does not like the Congress' considered response to the situation, which Congress passed and the President signed into law last year.

I would point out that all U.S. assistance for KEDO is, by law, subject to the so-called notification or reprogramming procedures under which the administration must notify the congressional authorization and appropriation committees before obligating those funds.

For many years, under Democratic and Republican administrations, it has been understood that when these procedures apply, objections by any of the relevant committees to the proposed obligation of funds would be honored by the administration. In this case, both Chairman HELMS and I have been informed that our objections would not be honored. This is a dramatic departure from long-established practice, a departure that, if continued, would jeopardize our ability to continue to work with the administration on many sensitive foreign policy issues.

This amendment responds to the administration's proposal to misuse section 451 by repealing that provision of law, and also amends section 614 of the Foreign Assistance Act so that the administration cannot use that provision next year to give KEDO more than $35 million that was requested by the President in the fiscal year 1999 budget submission.

In closing, let me say that I recognize the bill before us is not likely to be enacted in time to stop the administration's misusing section 451 this year. We are, in effect, closing the barn door after the horse has run away. But it would be unconscionable to do nothing in response to this proposed abuse of existing law, and, accordingly, I invite support for this amendment.

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

The CHAIRMAN. Does the gentlewoman from California (Ms. PELOSI) seek the time in opposition?

Ms. PELOSI. Yes, I do, Mr. Chairman.

The CHAIRMAN. The gentlewoman from California (Ms. PELOSI) is recognized for 5 minutes.

Ms. PELOSI. Mr. Chairman, it is with the greatest regard for the distinguished chairman of the Committee on International Relations that I reluctantly rise in opposition to his amendment. We usually are in more agreement than we are today, but I have grave concerns that this amendment can do real damage.

I understand that this amendment has come about because of Congress' understandable concerns about the administration's use of the transfer authority to provide assistance to the Korean Peninsula Energy Development Organization. However, I think that this amendment severely constrains the use of the section 614 waiver and to end altogether the Secretary's authority under section 451.

These are two extraordinary authorities used judiciously by all administrations, including the present one, to respond to urgent and unforeseen foreign aid requirements. I am particularly concerned because it is directed at KEDO specifically, the Korean Energy Development Organization. KEDO's needs are urgent.

We are well aware of strong opposition on the other side to KEDO, and that debate had appropriately taken place in our committee. I regret enormously that the Committee on Rules did not allow my amendment in order, which would have been a very fair amendment, which would say none of the funds would go unless the U.S., we ourselves, the United States, could confirm that the North Koreans were complying, that we had access to confirm the compliance. But the Committee on Rules chose to reject that. Now the chairman is coming in with a further hit at the administration on this.

I say to the chairman, with all due respect on this, that he is playing with fire. We played with fire in the committee, and this is another step down that road. And so I urge our colleagues to oppose the Gilman amendment.

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

Ms. PELOSI. I yield to the distinguished ranking member of the committee, the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, I think the House has an obligation here to think not about whether we like or dislike the North Korean regime, but what will most protect the interests of the United States.

There is no regime in the world that is one-tenth as crazy, as wrong, as abusive, and as dangerous as the North Korean regime. Everybody understands that. But the way to deal with an unstable regime, which at any moment could take an action which could put 50,000 American troops at risk, is not to eliminate the administration's flexibility in dealing with it.

With all due respect, if we are going to leave in the middle of October and not be back in session until late January or February, we cannot afford to have the administration without the authority to react to the world. And this amendment, in my view, simply adds to the reckless nature of the provisions already in the bill.

It is misguided because we do not like certain folks, if we take away our own tools in protecting our national interest in dealing with those folks. I do not think it is an either wise or responsible thing to do and I would urge opposition.

Ms. PELOSI. Mr. Chairman, reclaiming my time, and following on the remarks of our distinguished ranking member, I want to say that I share the concerns that our colleagues have about the irresponsibility of the North Korean regime. Members of the Permanent Select Committee on Intelligence, several of the members, I do not see any of them in the room at this time, visited North Korea last year. And by that, I do not mean Panmunjom but into North Korea, to P'yonghang the capital, and I can certainly firsthand agree with the horrible state of affairs.

As a member of the Subcommittee on Foreign Operations, Export Financing and Related Programs of the Committee on Appropriations, I have traveled with our chairman and members of the committee throughout the world and have seen poverty everyplace. But the poverty of spirit we saw in North Korea, the cruelty of the regime, that they could sit back while their people were eating bark and roots and grass, and yet spend a fortune on the war machine that is there, because they are focused and they are militant and they are irresponsible, it is for those reasons that I think we are playing with fire today when we are trying to tie the hands of the administration.

Once again, the inconsistency of our colleagues who argue on 907 that we should not tie the administration's hands, and on this very, very dangerous issue, proceed to do just exactly that.

This is a very serious vote. I urge my colleagues to vote "no" on the Gilman amendment.

Mr. LIVINGSTON. Mr. Chairman, I urge the support of the amendment.

If 50 years ago we had said to Adolf Hitler, "We will build you a truck plant if you just promise us that you won't build any tank plants," I think people would have thrown us all out of office. That is basically what we are doing with the North Koreans. We are building them a peaceful nuclear reactor in hopes they will not build any harmful nuclear reactors or engage in dangerous missile development.

The fact is they are not even keeping their part of the bargain. They launched a missile over Japan, and this administration wants to throw money at them. The administration got permission from us to spend $15 million. They then spent $27 million and have just thrown it at North Korea in the hope that they will be less dangerous. This will not happen.

Let us not spend any more money and let us not give this waiver authority. I urge adoption of the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Louisiana (Mr. LIVINGSTON).

The amendment was agreed to.

□ 1900

AMENDMENT NO. 17 OFFERED BY MR. TORRES

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

The Clerk read as follows:

Amendment No. 17 offered by Mr. TORRES:

In title II, in the item relating to "OTHER BILATERAL ECONOMIC ASSISTANCE, ECONOMIC SUPPORT FUND", after the first dollar amount, insert the following: "(decreased by $14,000,000)".

In title III, in the item relating to "FUNDS APPROPRIATED TO THE PRESIDENT, INTERNATIONAL MILITARY EDUCATION AND TRAINING", after the first dollar amount, insert the following: "(decreased by $1,400,000)".

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

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. CALLAHAN. Mr. Chairman, I reserve a point of order.

Let me just see exactly where we are.

As I understand it, the gentleman from California (Mr. TORRES) has requested as a member of the committee that he bring up an amendment that is in order by the gentleman from Pennsylvania (Mr. GOODLING). Is that correct?

The CHAIRMAN. The Chair would inform the gentleman that any Member may call up an amendment which has been printed in the RECORD. The gentleman from California (Mr. TORRES) as a member of the committee has called up the amendment which has been read.

Mr. CALLAHAN. Out of deference to the gentleman from Pennsylvania (Mr. GOODLING), I would like to ask, is he aware that the gentleman is bringing his amendment up at this time? Could I make that inquiry?

The CHAIRMAN. The gentleman does not state a parliamentary inquiry. Does the gentleman wish to reserve a point of order?

Mr. CALLAHAN. I reserve a point of order.

The CHAIRMAN. The gentleman reserves a point of order.

The gentleman from California (Mr. TORRES) is recognized for 5 minutes on his amendment.

Mr. TORRES. Mr. Chairman, I yield to the gentleman from Massachusetts (Mr. KENNEDY).

Mr. KENNEDY of Massachusetts. Mr. Chairman, if you could explain to me the parliamentary procedure to offer a substitute amendment to the Torres amendment.

The CHAIRMAN. The gentleman from California is not able to yield to another Member for the purpose of offering an amendment, but for debate only. When the gentleman from California has completed his debate, then other Members may be recognized and

at that point an amendment to the amendment may be in order.

The gentleman from California is recognized on his amendment.

Mr. TORRES. Mr. Chairman, I want to begin my remarks as I started out earlier by thanking the gentleman from Alabama (Mr. CALLAHAN) for his ongoing efforts to working with me on funding for the School of the Americas provided in the foreign operations bill.

I would point out that this year's bill contains similar language to what we adopted last year conditioning funding for the school on a certification report to be presented in January of 1999. Now, one positive outcome of last year's requirements is the establishment of screening procedures at U.S. embassies for all candidates to U.S. military training programs, including the School of the Americas. Our embassy personnel are now required to do a double-check of the candidates once the host country has done an initial screening. The new screening process if carried out properly can certainly prove valuable to weed out those individuals with questionable backgrounds. Yet I am compelled today with my colleagues the gentleman from Massachusetts (Mr. KENNEDY) and the gentleman from Illinois (Mr. YATES) to offer this amendment to prohibit any of the funds in this bill to be used for the school.

I was disappointed in the certification report presented this past January wherein the Defense Department contended that the conditions to allow funding to the school had been met. Those conditions had resulted from a sustained public outcry from our constituents over the human rights track record of the School of the Americas' graduates and revelations that the school taught techniques that violated human rights. Unfortunately the certification report revealed a lack of understanding on the part of the military establishment on the depth of the human rights concerns surrounding the school and a lack of commitment, if you will, to improve the school's teaching.

Has the School of the Americas reformed? Well, I see there are few changes in the school's standard curriculum. Most students continue to get only a mandatory four hours of human rights training in the courses that range from eight days to 47 weeks. There are continuing problems in the oversight of the curriculum because there is still no adequate external evaluation of the current curriculum. Most of the curriculum evaluations are done by subject matter experts, which are the instructors for the course that they are responsible for reviewing. Furthermore, there is a blatant admission by the Defense Department that it has no intentions of monitoring the school. These days, most government programs are scrutinized for performance measurements and results. Unlike other universities which are private institutions, the School of the Americas, a government, tax-funded institution, must be accountable to the U.S. taxpayer and judged by measurable results. By refusing to monitor its graduates, the School of the Americas denies the taxpayers that right.

Mr. Chairman, in addition, new links between human rights violations and the School of the Americas graduates have been identified. In particular, the graduates of the school from Colombia. They are some of the principal architects of military-paramilitary collaboration that fuel the escalating violations in Colombia today. The statistics are staggering. Last year, over 3,500 people were killed for political reasons in Colombia. Paramilitary organizations operating with the complicity or even direct support of the armed forces were responsible for 60 percent of those killings. A definitive human rights report reveals that an astounding 124 out of 247 military personnel, that is 50 percent, 50 percent of Colombian officials responsible for human rights violations were graduates of the school. Mr. Chairman, that is not just a bunch of bad apples.

Mr. Chairman, I include in my remarks the list of those officers.

The document referred to is as follows:

THE SCHOOL OF THE AMERICAS AND COLOMBIA: A DISHONOR ROLL

Colombia's SOA graduates feature some of the principal architects of military-paramilitary collaboration that fuels much of the violence in the escalating human rights crisis in Colombia today. Over 3500 people were killed for political reasons in 1997; while the violence originates from all sides, paramilitaries were responsible for 69% of these killings last year, according to the State Department. Paramilitary organizations operate frequently with the complicity, and in some regions the direct support, of the armed forces. A shocking 124 out of 247 military personnel—50 percent—cited in the definitive work on Colombian officials responsible for human rights violations (El Terrorismo de Estado en Colombia), were SOA graduates. Some Colombians implicated in severe human rights violations were featured as guest speakers or instructors or included in the "Hall of Fame" at the SOA after their involvement in such crimes. The list below is only a small sample of Colombian SOA graduates involved in horrific human rights abuses. The abuses continue.

Pauxelino Latorre Gamboa.—Commander of the Twentieth Brigade when it was implicated in the murders of three human rights defenders in 1998. The Twentieth Brigade was just disbanded in late May by the Colombian government because of its involvement in these and other grave human rights violations. Information provided by troops under his command led to the May 1998 illegal assault on the offices of the Catholic human rights group, Justice and Peace (Justicia y Paz). In this raid, soldiers held guns to the heads of nuns and other workers, forcing them to kneel on the ground while soldiers ransacked office files. (1980, Commando Operations)

Gen. Mario Hugo Galan.—Just in the news for calling Human Rights Watch/Americas director Jose Miguel Vivanco and a Washington Post reporter "enemies of the people" for reporting that the Twentieth Brigade was being investigated in connection with the murders of human rights defenders. Such a label is tantamount to a death threat. (1971, course #0–26)

Gen. (Ret.) Farouk Yanine Diaz.—Former commander of the army's Second Division in Bucaramanga, Yanine "was accused of establishing and expanding paramilitary death squads in the Middle Magdalena region, as well as ordering dozens of disappearances, multiple large-scale massacres, and the killing of judges and court personnel sent to investigate previous crimes." (State Dept. Human Rights Report for 1997) (1991, 1990, guest speaker at the SOA; 1969, Maintenance Orientation.) Yanine's SOA guest appearances occurred after his alleged involvement in crimes such as the 1988 Urabá massacre of 20 banana workers, the 1987 assassination of the mayor of Sabana de Torres, and the 1987 massacre of 19 businessmen.

Gen. Hernan Jose Guzmán Rodréguez.—Dismissed by President Samper in 1994 in an overhaul of military leadership to root out corruption and drug trafficking (Reuters, 11/22/94), Guzmán was alleged to protect and aid the paramilitary death squad MAS between 1987 and 1990, when it was responsible for at least 149 killings. He also commanded the soldiers who tortured, gang raped and executed Yolanda Acevedo Carvajal in 1986 (also implicated was SOA graduate 1st Lt. Samuel Lesmes Castro, 1984, Cadet Arms Orientation). (Organization Mundial contra la Tortura, et al., El Terrorismo de Estado en Colombia, 1992) In 1993, after these crimes, Guzmán was added to the SOA "Hall of Fame." (1969, Maintenance Orientation)

Cpt. Gilberto Ibarra.—Used 3 peasant children in February 1992 to walk in front of his patrol to detonate mines. Two were killed; one was seriously wounded. (U.S. Committee for Refugees, Feeding the Tiger, Colombia's Internally Displaced, 1993) (1983, Cadet Arms Orientation)

Segovia Massacre.—Nine SOA graduates were implicated in the 1988 massacre at Segovia, in which 43 people died, including several children. (Capt. Gilberto Alzate Alzate, 1983, Cadet Arms Orientation; Henry Borda, who was issued an arrest warrant for his failure to prevent the massacre, 1980, Cadet Arms Orientation; Major Luis Roberto Garcia Ronderos, 1983, Patrol Operations; 1st Lt. Edgardo Hernández Navarro, 1985, Combat Arms Orientation; Gen. Raúl Rojas Cubillos, 1971, Special Maintenance Orientation; Capt. Luis Fernando Rojas Espinoza, 1984, Cadet Arms Orientation; 1st Lt. Carlos Eduardo Santacruz Estrada, 1983, Cadet Arms Orientation; Capt. Hugo Alberto Valencia Vivas, 1980, Cadet Arms Orientation.) (El Terrorismo de Estado en Colombia)

Trujillo "Chainsaw" Massacres.—Three SOA graduates were implicated in the gruesome Trujillo massacres, in which from 1988–91, at least 107 prisoners of the village of Trujillo were tortured and murdered—Col. Alirio Antonio Urueña Jaramillo (1976, Small Unit Infantry Tactics), Col. Roberto Hernández Hernández (1970, Automotive Maintenance Officer; 1976, Small Unit Infantry Tactics) and General Eduardo Plata Quiñones (1977, Command and General Staff College, distinguished graduate; 1969, Maintenance Orientation). One eyewitness said Urueña tortured prisoners, including elderly women, with water hoses, stuffed them into coffee sacks, and chopped them to pieces

with a chainsaw. Urueña was dismissed from the army in 1995. Quiñones is believed at a minimum to have been involved in the coverup. (AP, 2/7/95; *El Terrorismo de Estado en Colombia.)*

Riofrio Massacre. Alfonso Vega Garzon (1989, Cadet Artillery Orientation) allegedly took part in the 1993 Riofrio massacre and was charged by the Attorney General's Office on 12/6/94 (*El Espectador*, 12/6/94). Jesus Maria Vergara was commander of the Third Division when troops under his command committed the Riofrio massacre. He took part in the subsequent coverup. (Special Maintenance Orientation, 1971)

Chucuri Paramilitaries. Four out of seven officers charged by human rights delegate for the armed forces in November 1992 for their role in organizing paramilitaries in the Chucuri region were trained in the SOA. (Human Rights Watch, *Colombia's Killer Networks*, 1996, p. 81.) (General Carlos Gil Colorado, Course #0–6, 1969; Capt. Gilberto Ibarra Mendoza, Cadet Arms Orientation, 1983; Capt. Orlando Pulido, Cadet Branch Orientation, 1983; Lt. Francisco Javier Corrales, Cadet Arms Orientation, 1987)

Enrique Camacho Jimenez. Attorney General's office issued a warrant for his arrest in connection with the formation of paramilitary groups that kidnapped and killed five peasants (*El Espectador*, 12/23/94). (1985, Cadet Arms Orientation)

1st Lt. Luis Enrique Andrade Ortiz.—Alleged to be intellectual author of a 1989 paramilitary massacre of a judicial commission, in which 12 officials, including 2 judges, were killed; they were investigating military-paramilitary cooperation (also implicated was fellow SOA grad. Col. Ramón de Jesus Santander Fuentes, 1986, Command and General Staff); implicated in Ramirez family massacre, 1986, and other murders. (*El Terrorismo de Estado en Colombia*) (1983, Cadet Arms Orientation)

Victor Bernal Castaño—Colombian legislature asserts that Bernal Castaño was enrolled at the SOA to avoid having to answer to investigator about the Fusagasuga massacre of a peasant family. (Charles Call, *Miami Herald, 9/9/92). (Command and General Staff, 1992; made "Chief of Course")*

1st Lt. Pedro Nei Acosta Gaivis.—Ordered the massacre of 11 campesinos, 1990. (*El Terrorismo del Estado en Colombia) (Cadet Arms Orientation, 1986)*

Capt. Carlos Javier Arenas Jimenez.—Participated in the detention and torture of 19 individuals in June 1988. (*El Terrorismo de Estado en Colombia*) (1987, Cadet Arms Orientation)

Major Alejandro de Jesus Alvarez Henao.—Principal member of "Muerte a Secuestradores" (MAS), a paramilitary death squad responsible for numerous assassinations and disappearances (*El Terrorismo de Estado en Colombia*)(1984, Joint Operations)

Capt. Hector Alirio Forero Quintero.—Commanded a patrol that disappeared 4 people on Feb. 11, 1988. On the same day, he himself detained 2 more individuals and tortured them with the help of fellow SOA graduate Carlos Morales del Río. (*El Terrorismo de Estado en Colombia*) (1977, Small Unit Infantry Tactics)

Gen. Ramon Emilio Gil Bermudez.—Dismissed from his position as commander of Colombian Armed Forces in November 1994 in an effort by President Samper to root out corruption and drug trafficking among the armed forces (Reuters, 11/22/94), Gil is alleged to have established, protected, and participated in the activities of the MAS death squad. (In 1988, after his alleged death squad involvement, was guest speaker at SOA; 1969, Maintenance Orientation.)

Gen. Marino Gutierrez Isaza.—Implicated in the killing of Gustavo Albeiro Munoz Hurtado in May 1982. (Guest instructor, 1985–86; 1973, Military Police Intelligence)

Major Jorge Lazaro Vergel.—Aguachica military commander who, according to a 1995 police investigation, organized local paramilitaries. In June 1995, paramilitaries under his command carried out the Puerto Patiño massacre, in which 8 people in a village were executed. (Human Rights Watch, *Colombia's Killer Networks*, 1996, pp. 48–51.) (1981, Cadet Arms Orientation.)

Gen. Jaime Ruiz Barera.—Implicated in the assassination of Colombia's Attorney General Carlos Mauro Hoyos in 1988 and alleged to have ordered the assassination and torture of Claudio Medina Caycedo in 1979 (*El Terrorismo de Estado en Colombia*) (Attended SOA after assassination of attorney general, 1970, Military Intelligence)

Gen. Luis Bernardo Urbina Sánchez.—Implicated in paramilitary death squad activity, 1988–89; in the assassination of Amparo Tordecilla, 1989 and Union Patriotica member Alvaro Garces Parra; in ordering the detention, torture and assassination of Mario Alexander Grandados Plazas, 1987; in the disappearance of William Camacho Barajas and Orlando Garcia Gonzalez, 1986. (*El Terrorismo de Estado en Colombia*) (1985, Command and General Staff College)

Col. Rito Alejo Del Rio Rojas.—Recently promoted to commander of the Bogota area, Col. Rito Alejo as commander of the 17th Brigade in Urabá during the mid-1990s facilitated one of the most ruthless paramilitary campaigns in the country. Believed to be one of the Colombians recently denied a visa by the United States. (Washington Office on Latin America, "Human Rights Advocates Under Attack in Colombia," 1997) (1967, Cadet Orientation Course)

Capt. Juan C. Alvarez.—As commander of the Barrancabermeja intelligence network, Alvarez is alleged to have given the orders to paramilitaries to carry out killings. Dozens of murders of local citizens were attributed to the network during 1991–2. (Human Rights Watch, Colombia's Killer Networks, 1996, pp. 30–41.) (1987, Psychological Operations)

In 1997, 99 Colombians were trained at the School of the Americas; Colombia was number 3 of countries sending the most students to the school that year.

This list, of almost 40 high-ranking Colombian military officers who attended the school have been linked to murders, assassinations, disappearances, massacres, tortures, rapes, et cetera, et cetera of Colombian civilians. One of the most notorious graduates is the commander of Colombia's infamous 20th Brigade which was implicated in February of 1998, this year, for the murders of three human rights activists.

The CHAIRMAN. Does the gentleman from Alabama insist upon his point of order?

Mr. CALLAHAN. No, Mr. Chairman, I am going to remove my reservation of a point of order.

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

The CHAIRMAN. The gentleman from Alabama is recognized for 5 minutes.

Mr. CALLAHAN. Mr. Chairman, a part of my request is to delay the process until we can give the gentleman from Pennsylvania (Mr. GOODLING), who is the principal sponsor of the original amendment, an opportunity to come to the floor and explain what his original amendment did. Based upon what I am reading here, I do not think I am really going to object to his amendment, as far as final passage is concerned. But I do think we ought to take this time, especially since the gentleman from Pennsylvania is not here to defend his original amendment, we ought to take this time to talk about the merits or demerits of the School of the Americas.

I for one agree with the Secretary of Defense who has contacted me as late as this afternoon and told me how very, very important IMET training is to our national defense. No more than I want to interfere with the Secretary of State's ability to have an effective foreign policy, do I want to do anything, and especially in a bill with my name on it, that would deny the Secretary of Defense the funds to effectively have a national defense, and that is precisely what he tells me.

He tells me that the U.S. Army School of the Americas "continues to be a key asset for pursuing our national security strategy in Latin America," for example. "We have made great progress in promoting democratic values and respect for human rights through intensive interaction at all levels with the defense establishments of the region. The Defense Ministerial of the Americas, senior bilateral meetings, joint staff talks, and service chiefs' conferences convey our concerns at the highest levels."

So here we have the man that the President has put in charge of the national defense telling us that this is very critical. Now, he is talking about the School of the Americas. If he knew tonight that we were talking about reducing the funding for IMET training, which is the fund that trains military people all over the world so we do need to engage in any encounter that the people who are fighting alongside our soldiers and sailors will know exactly what we are doing. They will know our methodology. I think it is a very serious mistake.

I know where the gentleman is coming from and I know where the gentleman from Massachusetts (Mr. KENNEDY) is coming from. But the amendment before us tonight is simply saying we reduce the IMET training appropriation by a total of $750,000. So even with this amendment, it would not deny the Administration the ability to spend the rest of the IMET training on the School of the Americas, so you are not really accomplishing your purpose.

I just think if you looked at the School of the Americas, and I know all of the horrible history that the Jesuit priests have told me about, questionable curriculum at the School of the

Americas, but I sent my staff down there, and we checked the curriculum, and I have conveyed to them that if anyone anywhere can show me one iota of a textbook that teaches soldiers to go back to their countries and violate human rights, I personally will do everything I can to shut it down. But that is not the case.

I think we should continue the School of the Americas. At this point I think we ought to have a full debate.

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

Mr. CALLAHAN. I yield to the gentleman from Louisiana.

Mr. LIVINGSTON. I am advised that Jeffrey Dahmer, the human cannibal from the Midwest who is now long past this life, was a graduate of Ohio State. By the reasoning of the minority, we would close down Ohio State because of Jeffrey Dahmer.

Mr. CALLAHAN. I know that, if I may reclaim my time, you are not going to believe this, Mr. Chairman, but I imagine even some graduates of the University of Alabama have committed some atrocious crimes. But we ought not shut down the University of Alabama because of that. Now, when they play Auburn University, it is different. Maybe they ought to be disadvantaged, because my kids now attend Auburn University and I have sort of had a transfer of allegiances there.

But I do think, the gentleman from Pennsylvania (Mr. GOODLING) ought to be able to defend the substitute that has been offered to his amendment and, I would encourage Members of the House to take heed to the Secretary of Defense, who has asked us today, please, do not cut these funds.

THE SECRETARY OF DEFENSE,
DEFENSE PENTAGON,
Washington, DC, September 17, 1998.

Hon. SONNY CALLAHAN,
Chairman, Subcommittee on Foreign Operations, Export Financing and Related Programs, U.S. House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Earlier this year in fulfillment of the Foreign Operations, Export Financing and Related Programs Appropriations Act for Fiscal Year 1998. I forwarded a letter and report to Congress on the U.S. Army School of the Americas. That report explained how we are ensuring that the school is providing the kind of instruction the American people expect from its military services. As I wrote you then, the instruction and training provided by the School of the Americas is fully consistent with the training and doctrine, particularly with respect to the observance of human rights, provided by the Department of Defense to our own military students.

The U.S. Army School of the Americas continues to be a key asset for pursuing our national security strategy in Latin America. We have made great progress in promoting democratic values and respect for human rights through intensive interaction at all levels with the defense establishments of the region. The Defense Ministerial of the Americas, senior bilateral meetings, joint staff talks, and service chiefs' conferences convey our concerns at the highest levels. However, it is through our interaction with lower level officers, noncommissioned officer and soldiers that we make our biggest impact over the long run, and the School of the Americas is one of the best ways to reach them. Students of the school return to operational units and put the lessons they have learned about professionalism, subordination to civilian leadership, and respect for human rights to immediate use. These are the people that will lead the military institutions of the future.

I hope that you will support our efforts to maintain the U.S. Army School of the Americas as viable asset in meeting our national goals and objectives in Latin America. I reiterate my commitment to the Congress and to the American people that the School of the Americas is and will continue to be a professional U.S. military institution, dedicated to the goals of improving military professionalism, encouraging regional cooperation, supporting democratic ideals and principles, and promoting respect for human rights.

Sincerely,

BILL COHEN.

AMENDMENT OFFERED BY MR. KENNEDY OF MASSACHUSETTS AS A SUBSTITUTE FOR AMENDMENT NO. 17 OFFERED BY MR. TORRES

Mr. KENNEDY of Massachusetts. Mr. Chairman, I offer an amendment as a substitute for the amendment.

The Clerk read as follows:

Amendment offered by Mr. KENNEDY of Massachusetts as a substitute for amendment No. 17 offered by Mr. TORRES:

In lieu of the matter proposed add the following:

"In Title III, in the item relating to "Funds Appropriated to the President, International Military Education and Training" after the first dollar amount, insert the following: '"(decreased by $756,000)',"

Mr. KENNEDY of Massachusetts (during the reading). Mr. Chairman, I ask unanimous consent that the amendment offered as a substitute for the amendment be considered as read and printed in the RECORD.

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

There was no objection.

Mr. KENNEDY of Massachusetts. Mr. Chairman, first of all I want to say a few words about the individuals who are also cosponsoring and have initiated this amendment at other times, and that is my good friend the gentleman from California (Mr. TORRES) who himself has dedicated his life to improving the lives of not only Hispanic Americans here in the United States but Hispanic Americans throughout the hemisphere. He has worked extensively throughout Latin America, he has been involved in our own military in that region, and he is a very, very strong supporter with great credentials to say that the funding for the School of the Americas should come to an end.

I am also joined by my friend and our most senior colleague the gentleman from Illinois (Mr. YATES) although you would never know that by looking at him. He, too, has had a distinguished record of standing up for the poor and for people that are voiceless in our world. I am honored to have him join with us this evening to declare that once and for all, school is out for the School of the Americas.

Defenders of the school used to claim that they did not teach human rights abuses. But then a set of torture manuals were found in the curriculum. Defenders of the school used to claim that they taught our allies to respect human rights. But then one of the instructors came forward and said that the courses were a joke. Defenders of the school used to claim that the School of the Americas should not be shut down just because a few bad apples had attended the school, like convicted drug dealer Manuel Noriega of Panama or El Salvador death squad leader Roberto D'Aubuisson. But it is not just a few bad apples. It is enough of the barrel to say the whole thing is rotten.

□ 1915

Here are the facts:

The School of the Americas' graduates include 19 of the 26 El Salvadoran officers accused of the 1989 murders of four Jesuit priests,

10 out of the 12 El Salvadoran officers cited for the El Mozote massacre of 900 civilians;

2 out of the 3 officers responsible for the assassination of Archbishop Romero;

124 out of the 247 Colombian officers cited in the definitive work on the Colombian human rights abuses;

6 Peruvian officers involved in the murders of 9 students and a professor;

3 top leaders of the fearsome Guatemalan military intelligence unit, D–2.

Defenders of the school say that the abuses have ended, but that just is not the case.

Here are the facts:

The commander of Colombia's 20th Brigade was linked to the murder of 3 human rights' workers earlier this year.

A fellow Colombian SOA graduate forced 3 peasant children to act as human minesweepers, and 2 died when they stepped on explosives.

Journalist Richard Velez testified on Capitol Hill that he was beaten by troops under the command of another SOA graduate, where he was recording footage of soldiers striking a peasant demonstrator with a rifle butt.

The Guatemalan bishop issued a report linking the School of the Americas' graduates with some of the worst abuses in that country.

In Mexico, an SOA graduate commanded the troops who committed the 1994 Chiapas massacre.

Defenders of the school have taken a page right out of the psyops manual and come forward with another rationale to keep the school open. It is called counternarcotics. But dressing up the school in a new uniform will not fool

anyone. The fact is that only 75 of the 981 students, less than 10 percent, took the counternarcotics operation course.

Mexico, a major transshipment point for drugs headed to the United States, trains more military personnel than any other nation at the SOA. A full third of last year's student body came from Mexico, but only 10 percent of the Mexican officers took the counternarcotics operations course.

Defenders of the school cite the SOA's new-found commitment to human rights, but let us look at that. That commitment extends to a single 4-hour mandatory human rights course which includes a slide show, a movie and a quiz. The SOA curriculum does include a 2-week elective human rights train-the-trainer qualification course, but not a single student has ever bothered to sign up for it.

Defenders of the school say it has cleaned up its act, but how do we know? There is absolutely no tracking of graduates to measure whether or not our foreign policy goals are being met by the school or whether or not the human rights training is making any impression at all.

Mr. Chairman, I rise today not only in the name of peace and justice, but in the memory of all of those who are not present to speak out today against the school: the victims of these massacres; the disappeared; those who have been cowed into silence. We will not be silenced. Let us defeat the School of the Americas.

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

Mr. Chairman, let me say that I am totally offended that someone would come to this floor and attempt to take my amendment and totally distort it for whatever purpose they had in mind.

I have been working on this issue for probably 5 or 6 years. Last time, in fact, my amendment passed unanimously.

What I do in my amendment is tell the American people that we will not spend their hard-earned tax dollars by sending military aid to 6 countries that cannot even support us 25 percent of the time in the General Assembly in the United Nations. Cannot even support us 25 percent of the time. In other words, their idea about life and about human rights and about all those things that we hold near and dear in this country, their idea is totally opposite. Yet we ask our taxpayers to constantly send them money.

I do not touch humanitarian aid, I do not touch developmental aid, because maybe there is some hope with both of those to try to do something about their violations of human rights. But now we are trying to turn this all around and say, well, these specific countries have something to do with human rights violations. It has nothing related to my amendment, which deals with their ability to support us in the United Nations 25 percent of the time.

To me it is just a total unbelievable miscarriage of what we normally would think of camaraderie, I suppose, in the Congress of the United States.

Again, when I began this crusade, there were 30-some nations who could not vote with us 25 percent of the time because their beliefs were so opposite of what we believe in the United States, and that is fine. That is fine for them. But we do not spend U.S. dollars, we do not spend tax dollars to support those violations.

Thirty-some nations, when I first began this crusade; we are now down to 6. And again, I am totally offended that we would take my amendment, distort it, use it for some other purpose totally different than what I had intended in the first place.

I am looking at taxpayers' dollars, taxpayers' dollars that we are collecting to send to nations and send military aid to nations that cannot even support us 25 percent of the time in our deliberations in the United Nations. That is a real tragedy. Americans should be incensed, and Americans are incensed, and that is exactly why the last time the legislation passed unanimously; not a distortion of the amendment, not what someone else wanted to present, and I am not sure why they did not present it on their own, but a distortion of my amendment.

And I cannot emphasize enough, the American people watch our deliberation, American people want to give humanitarian aid, humanitarian aid and developmental aid to countries. They do not wish that we send military aid if, as a matter of fact, everything they do is totally opposite of the beliefs that we have in this country.

And so again I cannot emphasize enough: Do not somehow or other relate this amendment to a good faith effort to make sure that the 6 remaining, the 6 remaining countries that we are now down to, and take them off the hot seat and somehow or other distort that by some other effort that others want to make and could make strictly on their own and have nothing to do with my amendment.

Mr. OBEY. Mr. Chairman, I move to strike the requisite number of words. I rise in support of the substitute amendment.

Mr. Chairman, I understand the frustration of the Member who just spoke, but I will point out, those of us on this side of the aisle did not vote for the rule that required this procedure. They did. We asked them not to. They brought a rule to the floor which violated agreements which were made with the ranking Democratic member of the subcommittee on how amendments would be dealt with on family planning. They brought a rule to the floor which established a 5-hour cap on all debates, so that if one amendment took longer than it should, other people would be squeezed out and would not be able to offer theirs. And then when the gentleman from California (Mr. TORRES) did precisely what the gentleman from Pennsylvania (Mr. GOODLING) asked, said that he should have done, he tried to offer his amendment on the School for Americas, and he was precluded from doing so because of the nature of the rule.

So what happened was that the gentleman from California (Mr. TORRES) and the gentleman from Massachusetts (Mr. KENNEDY) were left with no choice but to use the rule that they imposed on us to enable us to debate this issue, and the reason we did it is because this amendment goes to the core values of what it means to be an American. What it means to be an American is not to support a school for the Americas that produces some of the biggest butchers who have reigned in Central America or Latin America.

Mr. Chairman, the gentleman has had his time, and I would be happy to yield to him after I make my point, but the gentleman said his piece and I am going to say mine.

This bill should never have come to the floor under this rule. In my view, it is absurd to allow any Member of the House to offer an amendment put into the RECORD by someone else. But they passed that rule, we did not. We are simply operating under the rule, the only rule that they gave us, and we found a way, using their rules, to get the amendment onto the floor which goes to America's core values.

And so the question is: Do my colleagues want to continue to provide financial support for a school which has a track record which would embarrass any decent American who is concerned about human rights? When this school produces people like D'Aubuisson, who goes on national television in El Salvador and publicly threatens the life of the American Ambassador there, it is time to question whether that school has a curriculum worth teaching.

We have heard for years they are cleaning up their operation. We have seen the results, we have seen the blood, we have seen the torture, we have seen the human pain, for far too long to tolerate it.

So it seems to me that these gentlemen should not be condemned, they should be congratulated for enabling the House to reach a vote on this issue, even though the rules were contrived to prevent it in the first place.

Mr. Chairman, I yield to the gentleman from Illinois (Mr. YATES).

Mr. YATES. Mr. Chairman, I join in the amendment to close the school. Closing the school would go a long way to dispel the perception that the United States only supports military juntas in Latin America.

By a strange trick of fate, Mr. Chairman, this bill contains funds for two kinds of messengers that are sent by

the United States to Latin America. We are sending the graduates of this school who go down there to act as dictators and violate the human rights of the people of the countries to which they are sent. We are also sending the Peace Corps to build up the countries, to educate the people, to foster the best interests of the people of the country. In which group do we believe? And which is better for the country?

I think the school should be closed. The $15 million that this bill would have included ought to be made available for the Peace Corps, and it would be better for the countries they serve.

So I say, Mr. Chairman, let us close the school because of the history of what has happened and is still happening down there.

Mr. OBEY. Mr. Chairman, I yield to the gentlewoman from New York (Mrs. LOWEY).

Mrs. LOWEY. Mr. Chairman, I rise in strong support of the Torres-Kennedy amendment which would help us close the U.S. Army School of the Americas once and for all.

The School of the Americas has taught some of the most ruthless dictators in Latin America to torture their opponents, censor their press, intimidate their citizens. It must be shut down.

The CHAIRMAN. The time of the gentleman from Wisconsin (Mr. OBEY) has expired.

Mr. OBEY. Mr. Chairman, I ask unanimous consent to proceed for an additional 2 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

Objection is heard.

□ 1930

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

Mr. Chairman, as I said, the school, in my judgment, must be shut down, but the issue of what to do with the School of the Americas goes well beyond the deplorable actions of the school and right to the heart of the United States foreign policy.

The question before us today is whether the United States has a moral responsibility to encourage other governments to respect human rights and democracy. Are human rights and democracy just catch phrases we use, or are they basic principles that we demand of every Nation?

We must in my judgment demand human rights and democracy, in name and in practice, from our own military and all of our neighbors. That is why the School of the Americas is an affront to everything that the United States foreign policy should be about. That is why we must close the school.

Fifty years ago, the School of the Americas was opened with the goal of improving United States ties to Latin American militaries. The idea was to educate our neighbors to the south about Democratic civilian control of the military. But over the last few decades, we started to hear reports of what was actually being taught there. Words like torture, beating, and execution were increasingly being associated with the school's courses.

Then, some of the school's most distinguished graduates started to turn up in high positions in Latin American governments. People like Panama's drug-dealing dictator Manuel Noriega, now serving time in a United States prison on a drug conviction; and Roberto D'Aubuisson, who organized many of El Salvador's notorious death squads.

In response, many of us have been calling for the school to shut down.

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

Mrs. LOWEY. I yield to the gentleman from Massachusetts.

Mr. MOAKLEY. Mr. Chairman, I rise to support my colleagues' efforts to cut funding for the Army's School of the Americas. It is time to close that institution that has long been responsible for teaching the world's great killers, human rights abusers, and brutal dictators.

Mr. Chairman, I have a little bit of experience in this area. As some of my colleagues know, I led the investigation of the murders of the priests in El Salvador back in 1989. The 6 Jesuit priests were killed in cold blood, and I remain committed to the promotion of peace in this beautiful country and throughout Central America.

During that investigation, Mr. Chairman, I was horrified to learn that 19 out of the 26 killers we implicated in the murders were graduates of the School of the Americas.

As I dug deeper into the problems of El Salvador, I learned more and more what these graduates' exploits used in tearing the country apart. Massacre after massacre of innocent people were led by proud graduates of the School of the Americas.

When I traveled to El Salvador last November to participate in ceremonies commemorating the deaths of the Jesuit priests, crowds of people came to me at the mass and pleaded with me to close that school. They could not understand how we, the world's greatest defender of human rights, could support such an institution of terror. They could not understand how the United States could run such a school that was responsible for the deaths of so many of their brothers and so many of their sisters. Unfortunately, Mr. Chairman, I did not have an answer for these good people, but I did pledge to them that I would work to speak the truth about the School of the Americas.

Mr. Chairman, since that time, every time I hear of another brutal massacre or egregious abuse of human rights in Latin America, the School of the Americas graduates are involved. It is almost uncanny how often we discover these graduates planned the killings, covered up the truth, and pulled the triggers.

Mr. Chairman, do not just take my word for it. Open up any newspaper and read about what is going on in Mexico's Chiapas region; read about what is going on in Colombia; read about what is going on in Guatemala. Time and time again, School of the Americas' graduates are killing their own people, and we are responsible for their training.

Mr. Chairman, I could go on and on, but all I ask is please, it is time to close the school.

Mrs. LOWEY. Mr. Chairman, reclaiming my time, I yield to the gentleman from Massachusetts (Mr. MCGOVERN).

Mr. MCGOVERN. Mr. Chairman, I thank the gentlewoman for yielding to me.

I just want to associate myself with the remarks of my colleague, the gentleman from Massachusetts (Mr. Moakley) who did a tremendous job in leading the investigation of the murders of the Jesuit priests in El Salvador in 1989. I was with him when he was down there last November at the mass, and I too was approached by so many people who had come to urge us to shut down the School of the Americas.

Mr. Chairman, I support the Kennedy-Torres amendment.

Mr. Chairman, it is time for us to stop funding for the School of the Americas.

Every year, the Pentagon and other U.S. agencies spend billions of dollars in a broad array of training programs with Latin American militaries.

Just yesterday, this House approved over $2 billion for counter-narcotics activities in the Western Hemisphere, including a substantial increase in training, operations and equipment for Latin America.

Under the Department of Defense, U.S. Special Forces teams carry out dozens of joint training activities each year with Latin American militaries.

Latin American military officers receive education and training at 150 places other than the School of the Americas through our IMET and INL programs.

The operation of U.S. bases, joint military exercises, and other joint trainings throughout the region would not be affected by this amendment.

These programs are by far the central part of the U.S. relationship with Latin American militaries.

The Pentagon's National Defense University recently opened a Center for Hemispheric Studies right here in Washington, DC, to train Latin American officers in civil-military relationships.

In brief, our relationships with Latin American militaries will not falter by prohibiting any funds in this bill from going to the School of the Americas.

Our relationship with the people of Latin America, however, who have been so gravely

harmed by so many students and graduates of the School of the Americas, will be greatly enhanced.

I know many of my colleagues have been told that the abuses of the School are in the past. That simply is not true. Just this year, in 1998, three human rights advocates were murdered in Colombia. The Twentieth Brigade, commanded by a graduate of the School of the Americas, is deeply implicated in these murders.

And so our history of being partners in the murder of the very best, the most democratic, the most humanitarian Latin American citizens goes on. Thanks to the School of the Americas.

The School refuses to review and evaluate the conduct of its graduates. My esteemed colleague, the gentleman from California, Mr. TORRES, has requested such information and has been told the Pentagon will not undertake such a survey. The School does not want to know what its students and graduates are up to.

But let me be clear, the School cannot escape its past, and it cannot escape its present.

The past is very much alive in the people of Latin America. The past is very much alive in the hearts and minds and souls of the families and friends and colleagues of those who have been murdered, disappeared, tortured and abused by students trained by the School of the Americas.

For the people of Latin America, when they wish to recall someone's memory, they say, "PRESENTE." For them, the past is always present.

Last year, I rose in support of this amendment and spoke from my heart about dear friends—six Jesuit priests and two laywomen—who were murdered by Salvadoran military units filled with students of the School.

Last November, I traveled to El Salvador with Mr. MOAKLEY to participate in events commemorating the lives of these martyrs. We spoke at the University where these priests worked, taught, and carried out human rights programs.

We participated in an outdoor Mass celebrating their lives and their living memory. I cannot adequately describe the scene to you of this Mass. Thousands of people came to participate, covering the hillsides. Humble people. Students. Many who had walked for days to get to San Salvador in time for the Mass. Diplomats from many nations, including for the first time, the U.S. Ambassador. And as I prepared to take communion, I made a promise that I would return to Congress and work with my colleagues to stop funding for this School.

For the people of this hemisphere, I urge my colleagues to support this amendment.

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

The CHAIRMAN. The gentleman from New York (Mr. GILMAN) is recognized for 2 minutes, which is the amount of time remaining under the rule for amendments.

Mr. GILMAN. Mr. Chairman, after careful consideration, I rise in opposition to the amendment and the substitute offered by the gentleman from Massachusetts (Mr. KENNEDY) and the underlying amendment by the gentleman from California (Mr. TORRES) which would prohibit funding the School of the Americas. While I respect the proponents of the amendment and share their alarm at some of the anecdotes, I cannot agree with their conclusions that the School of the Americas has no constructive role to play.

It is in our interest to see that the militaries of Central and South American countries play a positive role in the region's fragile Democratic societies. While proponents of this amendment have spotlighted abuses of authority in human rights, there are hundreds and hundreds of soldiers and police officers who graduated from the School of the Americas and have gone on to conduct themselves honorably. That is not mentioned.

Moreover, I believe that the cutoff of U.S. military assistance and links to the Guatemalan Army in the late 1970s provides an instructive example that we should heed. In the ensuing absence of American influence, the Guatemalan Army escalated its brutal counter-insurgency war that led to the slaughter of untold numbers of innocents. Despite the good intentions of the proponents of this amendment, I do not believe that the case has been made that ending the military-to-military contact that takes place at the School of the Americas will actually make things better.

General Serrano, the respected director general of the Colombian National Police who has an outstanding record of protecting human rights, even in the midst of a raging narcotics-fueled war, recently told our committee, and I quote, "The School of the Americas trains our reaction forces for use in fighting narcotics trafficking with excellent results, and I am a witness to the fact that it is a very valuable instrument for training our men to carry out the antinarcotics fund."

I will, of course, continue to support prudent restrictions to ensure that students in the school are screened for human rights and receive adequate human rights training, as well as reports on the School's training and assessments of its recent graduates.

Mr. MORAN of Virginia. Mr. Chairman, I urge my colleagues to support the amendment to cut funding to the Army School of the Americas. This school has an infamous history, one that still haunts us today. In the past, the school literally taught military personnel how to oppress their people. We have all heard the shameful statistics on how many of the worst human rights abusers in Latin America were trained at the Army School of the Americas. For example, nineteen of the officers cited by the U.N. Truth Commission for the murder of Jesuit priests in 1989 were graduates of the School of the Americas.

People in Latin America still suffer from School of the Americas graduates today, particularly in Colombia. Just this year, three human rights activists were murdered in Colombia by a member of a brigade commanded by a graduate. A human rights report implicated 40 high-ranking Colombian military officers who attended the school in mass murder and disappearances.

Bishop Juan Gerardi was brutally murdered after releasing a report on human rights abuses in Guatemala that linked School of the America graduates to those abuses.

Supporters say that the curriculum of the school has changed. But the world has changed as well. Now that many Latin American countries have turned away from military dictatorship to become democracies, we do not need to have military relations as the cornerstone of bilateral contacts. Military relations should no longer be the focus of the new, constructive U.S. relationship with fragile Latin American democracies. We can still pursue the same kind of military-to-military contacts we have with many countries around the globe, without having this school.

Cutting the funding for the Army School of the Americas sends an important signal that the United States is repudiating the policies of the past.

Mr. BISHOP. Mr. Chairman, I rise today in strong opposition to efforts to limit or reduce funding for the Unites States Army School of the Americas. For those colleagues of mine who may still have concerns about the School, I draw your attention to the language in the FY 1998 Appropriations bill. I believe it adequately and responsibly deals with any remaining questions or concerns about the school. Specifically, it prohibits the use of international military education training funds for the school until: (1) the Secretary of Defense certifies that training provided by the School of Americas is fully consistent with U.S. training and doctrine, (2) the Secretary of State has issued specific guidelines governing selection and screening of candidates for the school, and (3) the Secretary of Defense has submitted a report on the training activities of the school.

For the past five and a half years, I have had the honor of representing the area of southwest Georgia where Fort Benning and the School are located. I am proud of the school as I am proud of all other institutions that make up our military. I believe it is the best armed forces in the world and the most well run. The United States Army School of the Americas is but one small institution in our entire military system. It is an institution that has provided professional training to over 58,000 military and civilian police personnel form throughout Latin America—training that includes classes covering the principles of human rights and representative democracy.

The school's contribution to the transformation of Latin America from totalitarianism to democracy has been tremendous. Today, only Cuba remains a totalitarian stronghold. Representative government has begun to take root in every other country in the region. As the record shows, many of the school's graduates have played leading roles in this transformation.

If you have an opportunity to talk to these graduates, many will tell you that the values they studied and discussed during their stay at the school influenced their political thinking and motivated them in their countries' fight for democracy.

In spite of this record, the school is once again under attack.

Without one shred of real evidence, the people who are involved in these misguided attacks falsely accuse the school of promoting totalitarianism and torture. If you get beyond the rhetoric, which can be as deceptive as it is emotional, you will find their case is factually based on just two things: one, the few graduates who have been involved in human rights abuses—and two, certain military intelligence training manuals which were once used at the school in classes attended by some of the students, although not all—which the school got rid of six years ago.

It's true some of the school's trainees have been linked to human rights abuses. Some, in fact, have been linked to sickening atrocities. But this, alone, is not evidence of wrongdoing at the school. As a matter of fact, most of the graduates have been among the good guys in the region's shift to democracy. Graduates have instituted human rights reforms in their militaries, prevented military coups against freely-elected civilian governments, and have made their soldiers more professional servants of democratic governments. We need this to continue. The Latin American democracies are very fragile, this is not the time to stop the work we have started with our neighbors.

This whole argument gets a little ridiculous. We know of other Latin American human rights abusers who attended colleges and universities in the United States. One is the notorious Hector Gramajo of Guatemala, who did not attend the School of the Americas but did graduate from Harvard. Personally, I think it would be absurd to brand Harvard as a school of assassins or call for its closure.

In his own report on the school, Representative KENNEDY says: "We do not question the good values and the commitment of the U.S. personnel at the school today." According to his report, the reason for attacking the existing school is to make a fresh start. But that start has already been made. The school and its curriculum have undergone intense scrutiny over the past few years, and instruction on human rights and democratic principles has been exhaustively reviewed, sharpened and expanded. This institution is one of the most transparent in the U.S. military.

The United States Army School of the Americas has been investigated and studied by the DOD Inspector General's Office, by the General Accounting Office, and by an outside private consulting firm. Every course except for the computer course has mandatory human rights instruction. Every instructor is certified to teach human rights. The school has a permanent human rights council and a Board of Visitors on which strong human rights' advocates serve. All say the school is effectively promoting U.S. policy on human rights and democracy, and in no way is violating it.

This is certainly a cost-effective program.

For less than $4 million a year, the school is promoting democracy, building stronger relationships with our neighbors, and combating narcotics trafficking. The school's critics never consider the cost of the crimes and human rights violations that were not committed because of the school's influence. The critics never count the benefits of the drug labs taken down, the terrorism prevented, the mines removed by trained professionals, and the peacekeeping operations. The school teaches all of these things, and its graduates carry out these missions day-in and day-out.

Just listen to what the officials and agencies responsible for developing and implementing our foreign policy have to say about the school.

Our drug czar, who served as a former Commander-in-Chief of the U.S. Southern Command, has said:

As Commander in Chief, my responsibilities included furthering the development of professional Latin American armed forces that promoted and protected human rights and that were supportive of democratic governance. The School of Americas was, and continues to be, the Department of Defense's pre-eminent educational institution for accomplishing these goals.

The State Department has stated:

The School of Americas today is an important instrument for advancing our goals for the hemisphere. The school's curriculum has changed to reflect the end of the Cold War and our commitment to democracy, human rights, and development in Latin America.

And Chairman of the Joint Chiefs of Staff, Henry H. Shelton, has commented:

I firmly believe that the US effort to promote democracy, encourage regional cooperation, foster respect for human rights, and reduce the flow of illegal drugs in this hemisphere would be seriously affected if the School were closed.

This is an issue that touches me personally.

I regularly visit the school. I know the men and women who serve there. These are highly-trained, dedicated professionals who believe deeply in their country and in the country's mission to promote human rights and democratic principles everywhere. It is wrong to accuse them of violating their trust and working against the interests of democracy when all of the evidence reaffirms that this is not true.

I strongly urge all of my colleagues to visit the school, learn more about the job it is doing, and not to rush to judgment on the basis of false and unfounded accusations made by people who may have good intentions, but who have little regard for the facts.

Mr. Speaker, I urge our colleagues to support the truth.

Support the United States Army School of the Americas.

Mr. OBEY. Mr. Chairman, in the interest of saving the time of the House, I ask unanimous consent to withdraw my request for a roll call vote on the Tiahrt amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The CHAIRMAN. Without objection, the voice vote stands, and the amendment offered by the gentleman from Kansas (Mr. TIAHRT) is agreed to.

There was no objection.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts (Mr. KENNEDY) as a substitute for the amendment offered by the gentleman from California (Mr. TORRES).

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

RECORDED VOTE

Mr. KENNEDY of Massachusetts. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The CHAIRMAN. Pursuant to clause 2 of rule XXIII, any vote on the underlying Torres amendment will be conducted as a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 201, noes 212, not voting 21, as follows:

[Roll No. 448]

AYES—201

Abercrombie
Ackerman
Allen
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Bentsen
Berman
Blagojevich
Blumenauer
Boehlert
Bonior
Borski
Boucher
Brown (CA)
Brown (FL)
Brown (OH)
Camp
Capps
Cardin
Carson
Clayton
Clement
Coble
Conyers
Costello
Coyne
Cummings
Danner
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dixon
Doggett
Dooley
Doyle
Duncan
Ehlers
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Foley
Forbes
Ford
Fox
Frank (MA)
Franks (NJ)
Furse
Gejdenson
Gilchrest
Goode
Gordon
Graham
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Harman
Hefner
Hilliard
Hinchey
Hinojosa
Hooley
Hulshof
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Kelly
Kennedy (MA)
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klug
Kucinich
LaHood
Lampson
Lantos
Largent
LaTourette
Lazio
Leach
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McKinney
McNulty
Meehan
Meeks (NY)
Menendez
Metcalf
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Moran (KS)
Moran (VA)
Morella
Nadler
Neal
Neumann
Nussle
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Petri
Pomeroy
Porter
Price (NC)
Quinn
Rahall
Ramstad
Rangel
Regula
Rivers
Rodriguez
Roemer
Rothman
Roukema
Roybal-Allard
Sabo
Salmon
Sanders
Sanford
Sawyer
Scarborough
Schaffer, Bob
Scott
Sensenbrenner
Serrano
Shays
Sherman
Skaggs
Slaughter
Smith (NJ)
Smith, Adam
Stabenow
Stark
Stokes
Strickland
Stupak
Talent
Thompson
Thurman
Tierney
Torres
Towns
Upton
Velázquez
Vento
Walsh
Wamp
Waters
Watt (NC)
Waxman
Weller
Wexler
Weygand
Woolsey
Wynn
Yates

NOES—212

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman

Bereuter
Berry
Bilbray
Bilirakis
Bishop
Bliley
Blunt
Boehner
Bonilla
Bono
Boswell
Boyd
Brady (PA)
Brady (TX)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clyburn
Coburn
Collins
Combest
Condit
Cook
Cooksey
Cox
Crane
Crapo
Cubin
Cunningham
Davis (FL)
Davis (VA)
Deal
DeLay
Deutsch
Diaz-Balart
Dickey
Doolittle
Dreier
Dunn
Edwards
Ehrlich
Emerson
Ensign
Everett
Ewing
Fossella
Fowler
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gibbons
Gillmor
Gilman
Goodlatte
Goodling
Granger
Hall (TX)
Hamilton
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
John
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kim
Kingston
Klink
Knollenberg
Kolbe
LaFalce
Latham
Lewis (CA)
Lewis (KY)
Linder
Livingston
Lucas
Manzullo
Martinez
Mascara
McCollum
McCrery
McDade
McHugh
McInnis
McIntyre
McKeon
Mica
Mollohan
Murtha
Nethercutt
Ney
Northup
Norwood
Ortiz
Oxley
Packard
Pappas
Parker
Paxon
Pease
Peterson (PA)
Pickering
Pickett
Pitts
Pombo
Portman
Radanovich
Redmond
Reyes
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Royce
Ryun
Sandlin
Saxton
Schaefer, Dan
Sessions
Shadegg
Shaw
Shimkus
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Stump
Sununu
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Turner
Visclosky
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
White
Whitfield
Wicker
Wilson
Wise
Wolf
Young (AK)
Young (FL)

NOT VOTING—21

Clay
Cramer
Davis (IL)
Dingell
Fawell
Gephardt
Gonzalez
Goss
Kennelly
King (NY)
Manton
McIntosh
Meek (FL)
Myrick
Poshard
Pryce (OH)
Riggs
Rush
Sánchez
Schumer
Tauscher

□ 1958

Mr. TIAHRT and Mr. NORWOOD changed their vote from "aye" to "no."

Mr. LARGENT, Mrs. ROUKEMA and Ms. EDDIE BERNICE JOHNSON of Texas changed their vote from "no" to "aye."

So the amendment offered as a substitute for the amendment was rejected.

The result of the vote was announced as above recorded.

□ 2000

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. TORRES).

Mr. TORRES. Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

Mr. GOODLING. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

The question is on the amendment offered by the gentleman from California (Mr. TORRES).

The amendment was rejected.

The CHAIRMAN. The Clerk will read the last four lines of the bill.

The Clerk read as follows:

Titles I through V, the appropriations paragraphs of title VI, and sections 601 through 604, of this Act may be cited as the "Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1999".

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. SNOWBARGER) having assumed the chair, Mr. THORNBERRY, Chairman 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. 4569) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1999, and for other purposes, pursuant to House Resolution 542, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

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

The SPEAKER pro tempore. The question is on the passage of the bill.

Pursuant to clause 7 of rule XV, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 255, nays 161, not voting 18, as follows:

[Roll No. 449]

YEAS—255

Abercrombie
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Ballenger
Barcia
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berman
Bilbray
Bilirakis
Bishop
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Boswell
Boyd
Brady (TX)
Brown (CA)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Cardin
Chabot
Chambliss
Christensen
Coble
Collins
Cook
Cooksey
Costello
Cox
Crapo
Cubin
Davis (VA)
Deal
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dixon
Dooley
Doyle
Dreier
Dunn
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Everett
Ewing
Foley
Forbes
Fossella
Fowler
Fox
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Graham
Granger
Green
Gutierrez
Gutknecht
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hill
Hinchey
Hobson
Holden
Hooley
Horn
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson, Sam
Kaptur
Kasich
Kelly
Kennedy (RI)
Kildee
Kim
Kingston
Klug
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lowey
Maloney (NY)
Manzullo
McCarthy (NY)
McCollum
McCrery
McDade
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
Menendez
Metcalf
Mica
Miller (FL)
Morella
Nadler
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Paxon
Pease
Peterson (MN)
Pickering
Pickett
Pitts
Porter
Portman
Quinn
Radanovich
Ramstad
Redmond
Regula
Riley
Rivers
Rodriguez
Rogan
Ros-Lehtinen
Rothman
Roukema
Ryun
Salmon
Saxton
Schaefer, Dan
Schaffer, Bob
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stabenow
Strickland
Talent
Tauzin
Taylor (NC)
Thomas
Thornberry
Thune
Thurman
Tiahrt
Tierney
Turner
Upton
Visclosky
Walsh
Wamp
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Weygand
White
Whitfield
Wicker
Wilson
Wolf
Young (AK)

NAYS—161

Ackerman
Baldacci
Barr
Barrett (WI)
Becerra
Berry
Blagojevich
Bonior
Borski
Boucher
Brady (PA)
Brown (FL)
Brown (OH)
Campbell
Capps
Carson
Castle
Chenoweth
Clayton
Clement
Clyburn
Coburn
Combest
Condit
Conyers
Coyne
Cramer
Crane
Cummings
Cunningham
Danner
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dingell
Doggett
Doolittle
Duncan
Edwards
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Ford
Frank (MA)
Furse
Gejdenson
Goode
Gordon

Greenwood	McDermott	Sabo
Hall (OH)	McHale	Sanders
Hall (TX)	McNulty	Sandlin
Hamilton	Meehan	Sanford
Hansen	Meeks (NY)	Sawyer
Hefley	Millender-McDonald	Scott
Hefner	Miller (CA)	Sensenbrenner
Herger	Minge	Skaggs
Hilleary	Mink	Smith, Adam
Hilliard	Moakley	Snyder
Hinojosa	Mollohan	Spratt
Hoekstra	Moran (KS)	Stark
Hostettler	Moran (VA)	Stearns
Hoyer	Murtha	Stenholm
Jackson (IL)	Neal	Stokes
Jefferson	Oberstar	Stump
Johnson (WI)	Obey	Stupak
Johnson, E. B.	Olver	Sununu
Jones	Pastor	Tanner
Kanjorski	Paul	Tauscher
Kennedy (MA)	Payne	Taylor (MS)
Kilpatrick	Pelosi	Thompson
Kind (WI)	Peterson (PA)	Torres
Kleczka	Petri	Towns
Klink	Pombo	Traficant
LaFalce	Pomeroy	Velázquez
Lee	Price (NC)	Vento
Lofgren	Rahall	Waters
Lucas	Rangel	Watkins
Luther	Reyes	Watt (NC)
Maloney (CT)	Roemer	Wexler
Markey	Rogers	Wise
Martinez	Rohrabacher	Woolsey
Mascara	Roybal-Allard	Wynn
Matsui	Royce	Yates
McCarthy (MO)		Young (FL)

NOT VOTING—18

Clay	Kennelly	Pryce (OH)
Davis (FL)	King (NY)	Riggs
Fawell	Manton	Rush
Gephardt	Meek (FL)	Sánchez
Gonzalez	Myrick	Scarborough
Goss	Poshard	Schumer

□ 2019

Messrs. HINCHEY, STRICKLAND, KENNEDY of Rhode Island, and LEWIS of Georgia changed their vote from "nay" to "yea."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PRIVILEGED REPORT ON REFUSAL OF ATTORNEY GENERAL TO PRODUCE DOCUMENTS SUBPOENAED BY COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT

Mr. BURTON of Indiana, from the Committee on Government Reform and Oversight, submitted a privileged report (Rept. No. 105–728), together with additional, minority and additional minority views, on the refusal of Attorney General Janet Reno to produce documents subpoenaed by the Government Reform and Oversight Committee, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF MOTIONS TO SUSPEND THE RULES

Mr. DIAZ-BALART, from the Committee on Rules, submitted a privileged report (Rept. No. 105–729) on the resolution (H. Res. 544) providing for consideration of motions to suspend the rules, which was referred to the House Calendar and ordered to be printed.

PROVIDING FOR CONSIDERATION OF H.R. 3248, DOLLARS TO THE CLASSROOM ACT

Mr. DIAZ-BALART. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 543 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 543

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 3248) to provide dollars to the classroom. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Education and the Workforce. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Education and the Workforce now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. Points of order against the committee in the nature of a substitute for failure to comply with clause 7 of rule XVI are waived. No amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, and shall not be subject to amendment. The chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes. At the conclusion of consideration of the bill for amendments the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

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

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

Mr. Speaker, House Resolution 543 is a structured rule providing for consideration of H.R. 3248, the Dollars to the Classroom Act. The rule provides for the traditional 1 hour of general debate, equally divided and controlled by the chairman and ranking minority member of the Committee on Education and the Workforce.

It makes in order the Committee on Education and the Workforce amendment in the nature of a substitute now printed in the bill as an original bill for the purpose of amendment, which shall be considered as read. The rule waives clause 7 of rule XVI prohibiting nongermane amendments against the committee amendment in the nature of a substitute.

In addition, the rule makes in order only the amendments printed in the report on the rule, to be offered only in the order printed, by the Member specified, and debatable for the time specified in the report, with the time equally divided between a proponent and an opponent.

The amendments are considered as read and are not subject to amendment. Also, all points of order are waived against the amendments.

The rule permits the chairman of the Committee of the Whole to postpone consideration of a request for a recorded vote on any amendment and to reduce to 5 minutes the time for voting after the first of a series of votes.

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

Mr. Speaker, H.R. 3248, the underlying legislation, the Dollars to the Classroom Act, is the legislation that implements the sense of the House expressed in House Resolution 139, the Dollars to the Classroom resolution, which passed the House by an overwhelming vote of 310 to 99 last session. When the vast majority of our colleagues voted for House Resolution 139, this House stated very clearly and unequivocally that we believed that the Federal education dollars that are sent to the States should be sent as much as possible directly to our local schools.

The goal we are seeking with the implementing legislation, with this underlying legislation, what we are seeking to accomplish is to make certain that no less than 95 percent of the Department of Education's elementary and secondary education program funds are spent at the local level, where they should be spent. With this bill, more money will go straight to the classroom where it will have, obviously, the best possible impact.

Now, the gentleman from Pennsylvania (Mr. GOODLING) and the gentleman from Pennsylvania (Mr. PITTS)

are to be commended for bringing this important piece of legislation forward. I believe the Committee on Education and the Workforce did a very good job in marking up this bill.

Given that only 5 amendments were offered in the committee of jurisdiction and that the Committee on Rules gave the entire membership of the House 6 days to file amendments on this bill and yet we, in the Committee on Rules, received only 2 amendments, I believe that this structured rule is the correct approach for this bill's consideration.

The rule makes in order all of the amendments that were filed with the Committee on Rules, even though only 2 Members took the time to do so. Anyone interested in amending this bill has had 6 days, Mr. Speaker, to make their amendment plans known. Also, given that we are moving close to the end of the 105th Congress and we have obviously many important issues to resolve in the appropriations process, time is certainly in short supply.

Mr. Speaker, we can do nothing more important than to protect and to strengthen the future of this great Nation, and our children represent the future of this great Nation. We are losing jobs because of some of the evident failures of our educational system, especially in the advanced math and engineering fields.

Seriously addressing the educational needs of our children has become one of the true challenges for the United States of America. We have an obligation to assure that students of all ages receive the best possible education and that the funds entrusted to us by the taxpayers are spent wisely. In the effort by the House of Representatives to send a message of its commitment toward Federal funding for education, I supported the Dollars to the Classroom resolution, urging the Federal bureaucracy to send at least 90 percent of Federal education dollars directly to the classroom. It is important that we put some teeth into that sense of the House Resolution and that we implement what we overwhelmingly agreed was a worthwhile goal.

House Resolution 3248 consolidates and streamlines 31 Federal education programs, giving State and local decision makers increased authority and flexibility in the use of Federal education dollars, and this legislation will send more of the money to the classroom where it will be used to help our students.

No one knows the educational needs of our children better than their teachers.

□ 2030

There is no better way to support education, genuinely, than by sending Federal dollars directly to the schools where it is most needed.

Mr. Speaker, this is very good legislation. I am proud to be supporting it. I believe that House Resolution 543 is also an appropriately structured rule to bring this legislation to the floor, and I urge its adoption. I support the rule and the underlying bill.

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

Ms. SLAUGHTER. Mr. Speaker, I yield myself such time as I may consume, and I thank the gentleman for yielding me the customary 30 minutes.

Mr. Speaker, I oppose this rule and the underlying bill because the bill makes unprecedented changes in many Federal educational initiatives. Despite that fact, the Committee on Rules chose to block any amendment that might otherwise be offered during floor debate, except two amendments prefiled with the Committee on Rules.

What is the majority afraid of? Some might say that in the press of business at the end of the fiscal year, we cannot afford open debate and amendment. But this bill was reported from the committee on June 24. Why was that report not filed until September 11, forcing consideration at this busy time?

Mr. Speaker, I fear the process has been manipulated to shut down debate on how this bill will affect millions of children across our Nation. Closed rules are the refuge of those who fear democracy.

Mr. Speaker, our country's public schools are in critical need of our support, our resources, and our guidance. Supporting public education needs to be placed at the forefront of the House's agenda. This bill does just the opposite. Under the guise of reform, H.R. 3248 consolidates many important education programs into a single block grant, with no accountability and no guarantee that the money will be spent on the specific needs for which they were originally intended.

The 31 programs eliminated by this misguided legislation were created for this very reason, to fill existing needs. For example, I remember quite well back in 1987, when I was first in Congress, and Congress passed the Education for Homeless Children and Youth program under the Stewart B. McKinney Homeless Assistance Act. I remember it quite well because we wrote it.

Reports issued in the mid-1980s showed that more than 50 percent of the homeless children and youth were not attending school. Homeless children suffer disproportionately from health problems, nutritional deficiencies and developmental disabilities. Uprooted day after day, more than half of them were school dropouts.

The Congress found it unacceptable for these children to be denied an education, the major source of stability in their lives, and the only hope for these children to build a better life for themselves. The Education for Homeless Children and Youth Program was created because State and local schools were not meeting the responsibility to these children. The program set standards for the placement of homeless children in appropriate schools and provided funding to help supply the tools they would need to be successful in school.

It is hard to do well in school when one does not have the clothes to wear, the books to read, the basic school supplies, a required place to do homework, or transportation to school. Through grants to schools, the program encourages supplemental tutoring and assistance to help these children make up for school time they may have lost when their families became homeless.

Despite periodic attacks levied against it, this program has resulted in documented improvement in school access and enrollment. Thousands of children have been given a chance to succeed in life that they would not otherwise have had. Our Nation's future is better because we help these children to succeed in education and in life, rather than giving up on them and likely supporting them for much of their lives.

Mr. Speaker, I am not saying that local school districts do not know what to do for the majority of their students, but like governmental officials everywhere, they spend their scarce resources on programs that benefit the majority. They, like all of us, pay attention to their constituents who contact them, who vote and who organize support groups. Unfortunately, homeless families, struggling to survive, do not have the time or the resources to effectively lobby the local school board. Yet a small investment, and it has been a small investment, by the Federal Government can help school districts recognize the homeless children's special needs and meet them, with an enormous return on the investment to both the children and to the community.

Mr. Speaker, as the author of the major reauthorizations of this program, I know its successes. And while I am not as familiar with the other 30 programs that this bill would block grant, I believe it is likely that they, too, are designed to fill an important need that was not being addressed by financially pressed local school districts.

Now, some may consider programs such as the Women's Educational Equity, Gifted and Talented Education, Arts in Education, and the Eisenhower Mathematics and Science Education Program, frills. But these small, targeted programs assure that all our children can receive the education that will allow them to become the best that they can be. If these programs are abolished, all accountability to ensure that schools meet the national priorities stated in these programs will also be eliminated.

In fact, this legislation goes as far as to prohibit accountability by barring the Secretary of Education from imposing any meaningful performance or accountability standards regarding the expenditure of funding under this bill. And who do these programs target? The legislation includes a distribution formula which lessens the Federal Government's focus on the children who need our help the most: the poor.

The Federal Government must continue taking an active role in addressing the needs of low-income families. A recent GAO study makes the point that Federal education programs do a better job of targeting resources to those most in need than State and local efforts do. I find it utterly shameful that this House would endorse legislation that shirks our responsibility to the neediest of our children.

Mr. Speaker, this bill overturns decades of Federal education policy. It ought to receive substantial debate so that Members understand what it will really do. And if that debate sparks Members to think of ways to make the bill better, those Members should have the right to offer germane amendments. This rule provides neither enough time for adequate consideration nor the right for most Members to offer amendments.

I urge my colleagues to oppose the rule so that this abrupt reversal of Federal education policy can receive the full consideration it deserves.

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

Mr. DIAZ-BALART. Mr. Speaker, I yield myself such time as I may consume to advise my colleagues that we are privileged that the two Members of this House who are most knowledgeable on this legislation, that will do so much to get dollars to the classroom and not keep the dollars with the bureaucracy in Washington, dollars that our kids need for their public education, those two Members of Congress who most know what this legislation actually will carry out and accomplish, they are here.

Mr. Speaker, I yield 9 minutes to the gentleman from Pennsylvania (Mr. GOODLING), the distinguished chairman of the Committee on Education and the Workforce.

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

I want to make sure I choose my words very carefully, because what the Department of Education has been circulating, what the lobbyists for the chief State school officers is circulating, and what OMB is circulating is, let me find a word, "disingenuous" at the very best. Now, I am being very kind when I say that, because if I used the real language that I should be using it would be much stronger than just "disingenuous."

What they are doing is trying to raise a battle about the appropriation process. So they are trying to mix apples and oranges. Yes, the Committee on Appropriations has reduced funding in this particular area. It will not happen by the time it goes through conference, et cetera; but they have, and so they are trying to use those numbers.

Well, I understand why they are doing this. They do not really have an argument against the legislation. They do not have an argument against the legislation because it sends an additional, at least, $425 down to every classroom.

Now, what their argument is, that they do not want to come out and say is, we do not want to give up all our bureaucratic jobs. We want to keep these people on the payroll. And that is what the chief school administrator representative is saying. And back in the State: We want to keep them on the State level; spend the money there. Do not worry about children. We know better in the bureaucracy. So, first of all, they do not have an argument because they know more money gets to the classroom.

They also do not have an argument because they know that we have a hold-harmless 100 percent for all formula grant programs, a hold-harmless program in place for all formula grant programs.

They also do not want to admit that the parents and the local administrators and the local teachers have a far better idea how to spend this money than the bureaucrats in Washington.

Now, the interesting thing is that people will get up and say, oh, they will use this money for playground equipment. They will use this money to build a swimming pool. Well, guess what? The only place they use this money is in the very same programs that now exist. The very same programs.

However, they do not have to fill out 31 applications, page after page after page. They do not have to have all of the rules and regulations that come from the Federal level. We have two pages of accountability in this legislation. Very, very strong accountability language.

Now, I think it would be important to say what the uses of this money, for what they can use this money. I am trying to keep the preposition off the end of the sentence. After all, we are speaking about education. These are the uses of the money:

Let me start with number nine. Programs for homeless children and youth. Now, the only way we could argue that this will not happen is because we do not trust the State; we do not trust the local school district. But, Mr. Speaker, if that school district has a large number of homeless children, they can spend all the money for that purpose. That is the beauty. Each local school can determine that. So if we do not trust our local school districts or if we do not trust our States, then I suppose we would have an argument.

The money will be used for professional development for instructional staff. The money will be used for programs for the acquisition and use of instructional and educational materials. The money will be used for programs to improve the higher order thinking skills of disadvantaged elementary and secondary school students, and to prevent students from dropping out of school.

The money will be used in efforts to lengthen the school day or the school year, if that is what the local district believes it should be used for. It will be used for programs to combat illiteracy in the student population. It will be used for programs to provide for the education needs of gifted and talented children.

It will be used for promising education reform projects that are tied to State student content and performance standards. It will be used to carry out comprehensive school reform programs that are based on reliable research.

Do these not all sound very, very familiar? They should, because they are exactly the programs that are out there now.

All we are doing is saying we ought to get 95 cents of that dollar down to the local classroom, where it will make the difference with students, not to the bureaucrats in Washington, not to the bureaucrats in the State, not to some of the private groups, Washington-based. No, to the children; to the teachers, so that, as a matter of fact, they can improve education.

It can be used for programs built upon partnerships between local educational agencies and institutions of higher education. Sounds very familiar, does it not?

It can be used for the acquisition of books, materials and equipment. It can be used for programs to promote academic achievement among women and girls. Does that not sound familiar?

It can be used for programs to provide for the education needs of children with limited English proficiency, or who are American Indian, Alaskan Native, or Hawaiian. It can be used for activities to provide the academic support, enrichment, and motivation to enable all students to reach high State standards.

It can be used for efforts to reduce the pupil-to-teacher ratio. It can be used for projects and programs which assure the participation in mainstream settings in arts and education programs of individuals with disabilities.

I am reading, folks, the 26 uses of the money, which are the 26 uses of the money at the present time.

What do we cut out? We cut out reams and reams and reams of paperwork. If you are a school district and you cannot afford to hire people to sit

there day after day, hour after hour, trying to fill out these damnable applications that come from Washington, D.C., you do not get a grant. You do not have a chance.

So all we are cutting out is the bureaucracy in Washington, the bureaucracy in the State, giving an opportunity for parents, children and teachers and administrators on the local level to determine which of these allowable uses are most important to them.

One district may decide to spend half of that money on one or two of these. Another district may decide that there are five or six, but certainly we should not be saying there is a one size fits all. For what York City may need, York suburban may not need, in my own school district. So I hope that when we get into this tomorrow that we will not hear people getting up and misrepresenting what the legislation does, and I hope none of them get up and use any of the, and again, I want to be careful, apparently disingenuous information being put out by the Department of Education and being put out by the lobbyists for the State school officers.

I think it is very, very important that tomorrow's debate has nothing to do with the appropriation process. That is another time to debate that. If the Members want to debate that, debate that when the appropriation bill comes on the floor but do not take the numbers that that appropriations committee has now produced, because we know that those will not be the numbers by the time the conference is over anyway.

Do not mix apples and oranges. Let us think about children. Let us think about getting money down to the classroom, where it can be used effectively and efficiently to do all the things that we in Washington, D.C. said should be done, but done their way on the local level.

Mrs. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Speaker, I am pleased that this rule makes the ranking member's amendment, the gentleman from Missouri (Mr. CLAY), to reduce class size in order.

H.R. 3248 continues to be a bad bill. It is not that I do not trust the schools and the school districts, as my good chairman would make us think. I do not trust the Congress and our funding priorities. Claiming that Dollars to the Classroom Act will increase education funding really means that we need some remedial lessons in math and history here on this floor.

The only way dollars to the classroom can increase funds for schools is for Congress to appropriate more money for the block grant. Then each individual program can get more. We already know that that is not going to happen. We have seen the fiscal year 1999 Labor-HHS-Education appropriations bill. We know that the programs being block granted in the Dollars to the Classroom Act are being cut by 20 percent; 20 percent.

That comes as no surprise to those of us who know our history. We know that block grants historically lose funds. A 1995 GAO report found that when Congress created a series of block grants in the early eighties funding for those programs declined significantly.

Here is what the State Superintendent of Public Education in California, Delaine Eastin, wrote to me about H.R. 3248. She said, and I quote, "H.R. 3248 leaves future education funding extremely vulnerable at a time when schools are managing record levels of student enrollment. Growing populations of students with special needs, increased demand for teachers, staggering school construction needs and changing educational technologies."

I urge my colleagues to listen to the lessons of professional educators in their States and in mine. Mathematically and historically, block grants mean less dollars, not more, for our schools and for our students. As I said, Mr. Speaker, I am against this rule.

Mr. DIAZ-BALART. Mr. Speaker, I yield 5 minutes to the gentleman from Pennsylvania (Mr. PITTS), a distinguished Member of this House who has worked tirelessly on this very important and innovative piece of legislation.

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

Mr. PITTS. I yield to the gentleman from Pennsylvania.

Mr. GOODLING. Mr. Speaker, I just want to make sure that we understand that Chapter 2 funding was reduced not because of the then minority party. Chapter 2 funding was reduced by the then majority party, a program that all educators loved.

Mr. PITTS. Mr. Speaker, I rise to speak on behalf of H.R. 3248, the Dollars to the Classroom Act. We have been working almost 2 years on this legislation and it is exciting to get to this point.

I want to especially commend the chairman of the Committee on Education and the Workforce, the gentleman from Pennsylvania (Mr. GOODLING), for his tremendous leadership as he has shepherded this through committee and now brought this to the floor and fine-tuned the bill. He has done an outstanding job and all of our thanks go to him.

Before getting to the specifics of the bill, I would like to just mention that the one thing that I am really looking forward to is going back to my district, and every Member can do this, and taking a check like this, because this check to the children of the 16th Congressional District represents money that is freed up from the bureaucracy that is consumed now by the Federal bureaucracy in all kinds of wasted tax dollars, and this money is going to be going directly through the States to the classrooms to these children in all of our schools around the Nation. This is a win for school children, for parents, for teachers, in every one of our districts.

As we probably know, the Dollars to the Classroom Act will consolidate 31 Federal programs into a single flexible grant to the States with the requirement that 95 cents of every one of these Federal dollars gets to the classroom to be used on the priorities of the local teachers and parents, the local schools. It can be used for any one of those authorized 31 programs, but it can be used in the classroom for things such as teachers' salaries, teachers' aides, equipment, books, computer supplies, whatever their needs are. We know that the needs of one district are not necessarily the needs of another district, but they can be used according the local priorities.

If they want to reduce classroom sizes, if they want to spend it on teaching reading, connecting the classroom to the Internet, whatever their needs are, they can use it all.

It is estimated today by the Committee on Education and the Workforce, and we did not consolidate all programs, we did not touch Title I, that is a very efficient program. We did not touch special ed, migrant ed, voc ed, but we took 31 programs, programs like Goals 2000, School-to-Work, we consolidated them. Those monies that are going to the local school districts are increased because of the flexibility and the reduced requirements for no paperwork, without the administrative requirements that are presently in place.

This could mean an additional approximately $9,300 per school, approximately $425 per classroom. Every State wins. Every State is held harmless.

So we are putting our children first, not the bureaucrats first.

Now, look at this chart. Before the Dollars to the Classroom Act, there are the existing 31 programs with all kinds of funds being siphoned off at the Federal level, the State educational agencies, and finally getting down to the schools. After the Dollars to the Classroom Act, we have got a single grant stream directly through the States to the classroom.

I would like to also mention that every State is held harmless, and we have an inflationary grant. This is an authorization bill. This is not an appropriations bill.

Now, I understand the arguments about changing an appropriations bill. Whatever the appropriations level, this will get more of that money into the local classroom.

So it comes down to this argument: Who do you trust with your tax dollars;

your local teachers and parents or bureaucrats?

I think all of us should stand with our local parents, teachers, principals and children, the real beneficiaries. Those who are in the place where the real learning takes place, who are going to be the beneficiaries of this bill, stand with them and not the bureaucrats. So I urge my colleagues to help send the dollars to the classroom by supporting the rule.

Mrs. SLAUGHTER. Mr. Speaker, may I inquire from my colleague, the gentleman from Florida (Mr. DIAZ-BALART) if he has any more requests for time?

Mr. DIAZ-BALART. Mr. Speaker, not in the chamber at this time.

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

Mr. DIAZ-BALART. Mr. Speaker, reiterating my support for the underlying legislation and this very fair rule, I also yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

REPORT ON CONTINUING NATIONAL EMERGENCY WITH RESPECT TO IRAN—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 105–312)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed.

To the Congress of the United States:

I hereby report to the Congress on developments concerning the national emergency with respect to Iran that was declared in Executive Order 12957 of March 15, 1995, and matters relating to the measures in that order and in Executive Order 12959 of May 6, 1995, and in Executive Order 13059 of August 19, 1997. This report is submitted pursuant to section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c) (IEEPA), section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 505(c) of the International Security and Development Cooperation Act of 1985, 22 U.S.C. 2349aa–9(c). This report discusses only matters concerning the national emergency with respect to Iran that was declared in Executive Order 12957 and does not deal with those relating to the emergency declared on November 14, 1979, in connection with the hostage crisis.

1. On March 15, 1995, I issued Executive Order 12957 (60 Fed. Reg. 14615, March 17, 1995) to declare a national emergency with respect to Iran pursuant to IEEPA, and to prohibit the financing, management, or supervision by United States persons of the development of Iranian petroleum resources. This action was in response to actions and policies of the Government of Iran, including support for international terrorism, efforts to undermine the Middle East peace process, and the acquisition of weapons of mass destruction and the means to deliver them. A copy of the Order was provided to the Speaker of the House and the President of the Senate by letter dated March 15, 1995.

Following the imposition of these restrictions with regard to the development of Iranian petroleum resources, Iran continued to engage in activities that represent a threat to the peace and security of all nations, including Iran's continuing support for international terrorism, its support for acts that undermine the Middle East peace process, and its intensified efforts to acquire weapons of mass destruction. On May 6, 1995, I issued Executive Order 12959 (60 Fed. Reg. 24757, May 9, 1995) to further respond to the Iranian threat to the national security, foreign policy, and economy of the United States. The terms of that order and an earlier order imposing an import ban on Iranian-origin goods and services (Executive Order 12613 of October 29, 1987) were consolidated and clarified in Executive Order 13059 of August 19, 1997.

At the time of signing Executive Order 12959, I directed the Secretary of the Treasury to authorize through specific licensing certain transactions, including transactions by United States persons related to the Iran-United States Claims Tribunal in The Hague, established pursuant to the Algiers Accords, and related to other international obligations and U.S. Government functions, and transactions related to the export of agricultural commodities pursuant to preexisting contracts consistent with section 5712(c) of title 7, United States Code. I also directed the Secretary of the Treasury, in consultation with the Secretary of State, to consider authorizing United States persons through specific licensing to participate in market-based swaps of crude oil from the Caspian Sea area for Iranian crude oil in support of energy projects in Azerbaijan, Kazakhstan, and Turkmenistan.

Executive Order 12959 revoked sections 1 and 2 of Executive Order 12613 of October 29, 1987, and sections 1 and 2 of Executive Order 12957 of March 15, 1995, to the extent they are inconsistent with it. A copy of Executive Order 12959 was transmitted to the Congressional leadership by letter dated May 6, 1995.

2. On August 19, 1997, I issued Executive Order 13059 in order to clarify the steps taken in Executive Order 12957 and Executive Order 12959, to confirm that the embargo on Iran prohibits all trade and investment activities by United States persons, wherever located, and to consolidate in one order the various prohibitions previously imposed to deal with the national emergency declared on March 15, 1995. A copy of the Order was transmitted to the Speaker of the House and the President of the Senate by letter dated August 19, 1997.

The Order prohibits (1) the importation into the United States of any goods or services of Iranian origin or owned or controlled by the Government of Iran except information or informational material; (2) the exportation, reexportation, sale, or supply from the United States or by a United States person, wherever located, of goods, technology, or services to Iran or the Government of Iran, including knowing transfers to a third country for direct or indirect supply, transshipment, or reexportation to Iran or the Government of Iran, or specifically for use in the production, commingling with, or incorporation into goods, technology, or services to be supplied, transshipped, or reexported exclusively or predominantly to Iran or the Government of Iran; (3) knowing reexportation from a third country to Iran or the Government of Iran of certain controlled U.S.-origin goods, technology, or services by a person other than a United States person; (4) the purchase, sale, transport, swap, brokerage, approval, financing, facilitation, guarantee, or other transactions or dealings by United States persons, wherever located, related to goods, technology, or services for exportation, reexportation, sale or supply, directly or indirectly, to Iran or the Government of Iran, or to goods or services of Iranian origin or owned or controlled by the Government of Iran; (5) new investment by United States persons in Iran or in property or entities owned or controlled by the Government of Iran; (6) approval, financing, facilitation, or guarantee by a United States person of any transaction by a foreign person that a United States person would be prohibited from performing under the terms of the Order; and (7) any transaction that evades, avoids, or attempts to violate a prohibition under the Order.

Executive Order 13059 became effective at 12:01 a.m., eastern daylight time on August 20, 1997. Because the Order consolidated and clarified the provisions of prior orders, Executive Order 12613 and paragraphs (a), (b), (c), (d) and (f) of section 1 of Executive Order 12959 were revoked by Executive Order 13059. The revocation of corresponding provisions in the prior Executive orders did not affect the applicability of those provisions, or of regulations, licenses or other administrative actions taken pursuant to those provisions, with respect to any transaction or violation occurring before the effective

date of Executive Order 13059. Specific licenses issued pursuant to prior Executive orders continue in effect, unless revoked or amended by the Secretary of the Treasury. General licenses, regulations, orders, and directives issued pursuant to prior orders continue in effect, except to the extent inconsistent with Executive Order 13059 or otherwise revoked or modified by the Secretary of the Treasury.

The declaration of national emergency made by Executive Order 12957, and renewed each year since, remains in effect and is not affected by the Order.

3. On March 4, 1998, I renewed for another year the national emergency with respect to Iran pursuant to IEEPA. This renewal extended the authority for the current comprehensive trade embargo against Iran in effect since May 1995. Under these sanctions, virtually all trade with Iran is prohibited except for trade in information and informational materials and certain other limited exceptions.

4. There have been no amendments to the Iranian Transactions Regulations, 31 CFR Part 560 (the "ITR"), since my report of March 16, 1998.

5. During the current 6-month period, the Department of the Treasury's Office of Foreign Assets Control (OFAC) made numerous decisions with respect to applications for licenses to engage in transactions under the ITR, and issued 12 licenses.

The majority of denials were in response to requests to authorize commercial exports to Iran—particularly of machinery and equipment for various industries—and the importation of Iranian-origin goods. The licenses that were issued authorized certain financial transactions and transactions relating to air safety policy. Pursuant to sections 3 and 4 of Executive Order 12959, Executive Order 13059, and consistent with statutory restrictions concerning certain goods and technology, including those involved in air safety cases, the Department of the Treasury continues to consult with the Departments of State and Commerce on these matters.

Since the issuance of Executive Order 13059, more than 1,500 transactions involving Iran initially have been "rejected" by U.S. financial institutions under IEEPA and the ITR. United States banks declined to process these transactions in the absence of OFAC authorization. Twenty percent of the 1,500 transactions scrutinized by OFAC resulted in investigations by OFAC to assure compliance with IEEPA and ITR by United States persons.

Such investigations resulted in 15 referrals for civil penalty action, issuance of 5 warning letters, and an additional 52 cases still under compliance or legal review prior to final agency action.

Since my last report, OFAC has collected 20 civil monetary penalties totaling more than $110,000 for violations of IEEPA and the ITR related to the import or export to Iran of goods and services. Five U.S. financial institutions, twelve companies, and three individuals paid penalties for these prohibited transactions. Civil penalty action is pending against another 45 United States persons for violations of the ITR.

6. On January 22, 1997, and Iranian national resident in Oregon and a U.S. citizen were indicted on charges related to the attempted exportation to Iran of spare parts for gas turbines and precursor agents utilized in the production of nerve gas. The 5-week trial of the American citizen defendant, which began in early February 1998, resulted in his conviction on all counts. That defendant is awaiting sentencing. The other defendant pleaded guilty to one count of criminal conspiracy and was sentenced to 21 months in prison.

On March 24, 1998, a Federal grand jury in Newark, New Jersey, returned an indictment against a U.S. national and an Iranian-born resident of Singapore for violation of IEEPA and the ITR relating to exportation of munitions, helicopters, and weapons systems components to Iran. Among the merchandise the defendants conspired to export were parts for Phoenix air-to-air missiles used on F–14A fighter jets in Iran. Trial is scheduled to begin on October 6, 1998.

The U.S. Customs Service has continued to effect numerous seizures of Iranian-origin merchandise, primarily carpets, for violation of the import prohibitions of the ITR. Various enforcement actions carried over from previous reporting periods are continuing and new reports of violations are being aggressively pursued.

7. The expenses incurred by the Federal Government in the 6-month period from March 15 through September 14, 1998, that are directly attributable to the exercise of powers and authorities conferred by the declaration of a national emergency with respect to Iran are reported to be approximately $1.7 million, most of which represent wage and salary costs for Federal personnel. Personnel costs were largely centered in the Department of the Treasury (particularly in the Office of Foreign Assets Control, the U.S. Customs Service, the Office of the Under Secretary for Enforcement, and the Office of the General Counsel); the Department of State (particularly the Bureau of Economic and Business Affairs, the Bureau of Near Eastern Affairs, the Bureau of Intelligence and Research, and the Office of the Legal Adviser); and the Department of Commerce (the Bureau of Export Administration and the General Counsel's Office).

8. The situation reviewed above continues to present an extraordinary and unusual threat to the national security, foreign policy, and economy of the United States. The declaration of the national emergency with respect to Iran contained in Executive Order 12957 and the comprehensive economic sanctions imposed by Executive Order 12959 underscore the Government's opposition to the actions and policies of the Government of Iran, particularly its support of international terrorism and its efforts to acquire weapons of mass destruction and the means to deliver them. The Iranian Transactions Regulations issued pursuant to Executive Orders 12957, 12959, and 13059 continues to advance important objectives in promoting the nonproliferation and anti-terrorism policies of the United States. I shall exercise the powers at my disposal to deal with these problems and will report periodically to the Congress on significant developments.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *September 16, 1998.*

□ 2100

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. SNOWBARGER). Under the Speaker's announced policy of January 7, 1997, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

NO SECOND CHANCES FOR MURDERERS, RAPISTS, OR CHILD MOLESTERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. FOX) is recognized for 5 minutes.

Mr. FOX of Pennsylvania. Mr. Speaker, I rise to address the House to speak about very important legislation I am working on with Congressman MATT SALMON. This legislation is the No Second Chances for Murderers, Rapists, or Child Molesters Act.

Mr. Speaker, each year more than 14,000 murders, rapes and sexual assaults on children are committed each year by individuals who have been released in the neighborhoods after serving a prison sentence for rape, murder, or child molestation.

Think about it. Every one of these crimes is preventable.

These perpetrators were behind bars, convicted of heinous crimes; yet, Mr. Speaker, were released to prey on the population again. This is unconscionable, indefensible, and must stop. That is why I am working with my colleagues. Mr. SALMON has introduced the legislation. We are working together with the Law Enforcement Caucus to make sure this legislation is adopted.

Public safety demands that we keep these people behind bars. Second chances are fine for petty crimes, however we do not believe that individuals who have murdered, raped, or molested

a child should have that opportunity to repeat their criminal behavior.

Just consider just a couple of offenses which are so tragic.

In 1997, Arthur J. Bomar, Jr., was charged in Pennsylvania, Mr. Speaker, with a rape and murder of a George Mason University star athlete, Amy Willard. Bomar had been paroled in 1990 from a Nevada prison, following an 11-year stint in prison for murder. Even in prison he had a record of violence. Bomar is also being investigated for involvement in at least two other homicides that follow his release. Amy's mother, Gail Willard, has endorsed the legislation.

The victims go on and on.

We have Mary Vincent in California, and we have countless other witnesses who came before the Committee on the Judiciary today about how important this bill is.

Released murderers, rapists, and child molesters are more likely to recommit the same offense than the general prison population. Released murderers are almost five times more likely than other ex-convicts to be rearrested for murder. Released rapists are 10½ times more likely than nonrapist offenders to have a subsequent arrest for rape. Astonishingly, a recent Department of Justice study revealed that 134,300 convicted child molesters and other sex offenders are currently living in our neighborhoods across America.

We want to change this, to encourage States to keep sex offenders and murderers in prison where they belong. Our legislation, the No Second Chances for Murderers, Rapists, or Child Molesters Act is what we are advancing. This bipartisan legislation, Mr. Speaker, would enact a simple process. If a State releases a murderer, a rapist, or a child molester and that criminal goes on to commit one of these crimes in another State, the State that released the criminal will compensate the second State and the victim in the later crime.

This is an idea whose time has arrived, Mr. Speaker. I hope that more and more of our representatives will join us in this quest to have this legislation adopted. It has been endorsed by every major law enforcement organization in the United States.

Congressman SALMON is to be congratulated for bringing this idea forward. Many of us have cosponsored this bill because we believe it is going to be a step in the right direction. This Federal bill, along with a similar State bill, will make sure that those people who commit such violent crimes will not do them a second time.

WE MUST SAVE SOCIAL SECURITY FIRST

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arkansas (Mr. BERRY) is recognized for 5 minutes.

Mr. BERRY. Mr. Speaker, I rise today in support of the most successful government program ever created: the Social Security system.

Over 500,000 retired Arkansans and 160 million retired Americans depend on their Social Security system monthly check as a necessary source to supplement their retirement income. Many retired seniors in my district and across the country rely on the Social Security system as their only source of income.

Right now, millions of working Americans, including our children and grandchildren, are paying into the Social Security system and are counting on it for when they retire. Although no one in the next few years has to worry about whether they will receive their monthly check, the Social Security system will face undeniable problems in the future which need to be addressed now.

These problems are due to demographics which include the baby boom generation, declining birth rates, and increasing life expectancies. The number of people 65 and older is predicted to rise by 75 percent by the year 2025. The number of workers whose payroll taxes finance the Social Security system benefits of retirees is projected to grow by only 15 percent. This year the Social Security system will collect $100 billion more in payroll taxes and interest than it pays out to the Social Security beneficiaries.

By the year 2010, when 76 million baby boomers begin to retire, the Social Security systems cash flow surplus will begin to decline. Because Social Security is financed by payroll and self-employment taxes on a pay-as-you-go basis, meaning that today's workers are paying for the benefits of today's retirees, by the year 2032 there will not be enough people paying into the system to pay for those who should receive the Social Security payments. At that point, payroll taxes will only generate approximately 75 percent of the revenues needed to pay for the benefits of those current retirees.

Before we reach this critical point, Congress must be willing to carefully examine the issues surrounding the Social Security system and take corrective action. Until such action is taken, nothing should be removed from the Social Security Trust Fund.

This year some have suggested that we have a budget surplus. That just simply is not so. Excluding the Social Security Trust Fund, there is a $137 billion deficit in the next 5 years. We will not have a surplus for another 10 years, and then it is only $31 billion, and that is assuming a good economy.

Of course there is an enormous temptation to spend this so-called surplus. We should cut taxes. But we should resist the temptation to rob the Social Security Trust Fund. We must not rob our children's future.

While Social Security is sound today, we in Congress have a responsibility to worry about tomorrow. We must ensure that Social Security will continue to provide the benefits promised to those who have paid into the system. No one should have to worry that one day Social Security will not be there for them. Our children and our grandchildren deserve to know that Social Security will be there when they need it.

We must save Social Security first.

IN SUPPORT OF A NATIONAL DIALOGUE IN INDONESIA REGARDING IRIAN JAYA/WEST PAPUA, NEW GUINEA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from American Samoa (Mr. FALEOMAVAEGA) is recognized for 5 minutes.

Mr. FALEOMAVAEGA. Mr. Speaker, I rise today to inform our colleagues and the Nation of important developments in Indonesia concerning the people of West Papua, New Guinea, or commonly known as Irian Jaya, as it is known by the Indonesia Government.

If you recall, Mr. Speaker, I have spoken on the floor before about Jakarta's brutal subjugation of the West Papuan people and their decades-long struggle for independence from Indonesia.

Today I welcome the announcement of a significant development in the Indonesian Government's position on West Papua, as described in an article that appeared in the Indonesian language daily newspaper, Suara Pembaruan, on Sunday, September 13, 1999, and I include this newspaper article in the RECORD.

The article referred to is as follows:

[Translation—occasionally impossible to read newspaper clipping print]

PRESIDENT HABIBIE AGREES TO CONDUCT NATIONAL DIALOGUE ON IRIAN JAYA

President B.J. Habibie listened carefully and with full attention to reports of human rights violations which have occurred in Irian Jaya during a meeting with the Reverend Karel Phil Eran on the evening of Friday 11 September at the Palace.

Karel Phil Eran is the Secretary of the National Development for Irian Jaya and a member of the Pastoral Team of the Council of Churches in Indonesia who was on a pastoral mission to Irian Jaya (IrJa) after several demonstrations and actions which have resulted in fatal incidents and wounded victims during 11–18 August 1998.

In his discussion with Pembaruan on Saturday morning, Eran stated President Habibie as declaring that in the current reformation era killings cannot happen unless forced by the direst circumstances. Because of that a new approach must be held with regard to development plans in IrJa.

During the meeting which lasted more than an hour, Eran presented to the Head of the Nation that the people of Irian Jaya in the particular region have been extremely

wounded by incidents of human rights violations which have been perpetrated by security forces there. This has resulted in the people's desire to separate themselves from Indonesia.

President Habibie stated his agreement to conduct a national dialogue with regard to Irian Jaya in the shortest time. At the Dialogue the people's voices may be heard and an honest examination regarding what actually happened can be understood together.

President Habibie also affirmed that the church is given equal rights in all development programs in the region. The role of the church in the building of the community must be given attention, said Eran in quoting the President. The President also stated that there cannot be any discrimination in all sectors especially since the Church in Irian Jaya is a pioneer in development efforts as evidenced throughout history. Meaning, that even long time before Irian Jaya became part of Indonesia, the Church especially was the pioneering force for regional development here.

The President was very open; he received me not as an Irian expert but as a friend from the intellectual community which is much needed by the people, said Eran. Habibie also offered to Eran to become a member of the National Reconciliation Team which can facilitate problems of Irian. He asked of>>>>S. Panjaitan to organize an informal meeting to follow up on the discussions. At the end of the meeting Pastor Eran prayed for President Habibie asking for grace and wisdom in facing the problems of this nation.

THE NEED FOR DIALOGUE TO DISCOVER THE ROOTS OF THE PROBLEMS OF IRIAN JAYA

To present the various intense problems which are happening in Irian Jaya a forum for dialogue must be organized to discuss and discover the best solutions for the future of Irian.

At the minimum there are three important agendas which must be addressed between experts in culture, non profit foundations, academia and government.

The first agenda are the problems of human rights, second the problems of autonomy or the granting of full rights to the people of Irian to determine their own destiny. The third agenda is the problem of independence for Irian.

This was the discussion with Abdul Gafur after the meeting conducted among the National Development for Irian Jaya and the Council of Churches in Jakarta on Thursday. As is known, on the 10th of August the PGI went on a pastoral mission concurrently with the initiative to bring the team of National Development for Irian Jaya to see first hand the problems facing the people of the province.

The Team consists of the Chairman, Prof. Sudarso Sepater, Pastor Karel Phil Eran and a member the Rev. Dr. Jodo Wibowo (unreadable.....)

Minister Gafur, Joint team in the Parliament agreed with >>>>> that a forum must be created including several experts in the community in cultural affairs, academia and government to examine the roots of these problems and to find ways and means to solve.

However, there are slight differences in the perception of dialogue which we have offered with the dialogue as proposed by the PGI. We, from the Parliament propose that the forum is conducted in the locality to involve all the leadership of Irian and upon obtaining its results, bring the resolutions to the central government. It does not matter what you name it, what is important is that we conduct the dialog, says Gafur, who is the Chairman in the Parliament for Irian Jaya Affairs.

In the meantime, the proposal for dialogue as offered by the PGI is a National Forum to include many other sectors and components of the general population. Thus the results could be clearer and maximized.

They also stated that the form and presentation of the dialogue is of lesser concern, whether conducted on local or national level.

If the dialogue begins at the local community level there may be many aspirations and appreciation by the local people to address the various problems they face.

JUST TREATMENT

In the meantime the Secretary >>>>>>>>, Rev. Dr. Karel Phil Eran affirmed the national dialogue proposal as presented by his group as having received positive response from the chairman of the Parliament, Abdul Gafur. As such the PGI shall follow up with a clearer agenda.

The National Dialogue on Irian Jaya shall be organized in coordination with and facilitated between the Parliament and PGI. The Dialogue shall be conducted free from any intimidation, threats and strategies.

The people of Irian must feel confident that they shall be treated justly in this national dialogue therefore they shall be represented by the Church, the cultural experts, students, the intellectuals, organizations, women's organizations, bureaucrats and historical experts such as >>>>>>

In addition, by conducting a national dialogue this shall increase awareness and concern and create a psychological effect for the local people encouraging them to be brave enough to conduct dialogue amidst themselves, at the minimum to open up discussions regarding incidents and suffering as experienced by them.

It has been clarified that the PGI team has uncovered human rights violations of extremely serious nature for 35 years where innocent people have been killed, cruelly beaten, vanished, oppressed, intimidated and many women have been raped. Such practices have returned to Biak on the 6th of July.

The pastoral mission of the PGI to Irian Jaya was conducted as a show of solidarity and responsibility. PGI received reports from the GKI church (Dutch Reformed—Protestant) in IrJa with regard to these human rights violations which are extremely serious in the form of suffering and terror among the parishioners of the GKI and the Christian community particularly in Biak, Sorong, Waimena, Nabire and the city which was overwhelmed by rioting and peaceful demonstration for a Free Papua on 7th July 1998.

The newspaper report states that Indonesia's President, B.J. Habibie, has agreed to a national dialogue of West Papua as soon as possible. The proposed dialogue, supported by Indonesian parliamentary leader Abdul Gafur and the Indonesian Council of Protestant Churches, would cover a three-part agenda including human rights problems, autonomy issues, and the issue of independence.

Mr. Speaker, this pronouncement by President Habibie is extremely encouraging news, and President Habibie should be commended for his leadership envisioned in addressing this long-festering wound in Indonesia.

As the United States Congress has spoken out forcibly on East Timor, Mr. Speaker, I am confident that our colleagues fully support President Habibie's call for establishment of this vital dialogue between West Papua and the Government of Indonesia.

To ensure that the dialogue proceeds in a credible and legitimate manner, however, we recognize that certain fundamental steps are absolutely necessary.

First, a dialogue must be structured to facilitate full and democratic participation, including representatives from all sectors of society in West Papua. This should include recognized and respected community leaders, church leaders, students, women's organizations, academics, West Papuans who participated in the United Nations sponsored act of free choice, which was actually an act of no choice, and historical and cultural experts.

Second, the Indonesian Government should terminate West Papuan status as a military operations area which allows martial law to be imposed in West Papua as well as in East Timor and Aceh. The military's involvement in West Papua's political and economic development should also be terminated, Mr. Speaker. Additionally, immediate steps should be taken to investigate and prosecute military personnel responsible for human rights violations throughout West Papua, New Guinea.

Last, Mr. Speaker, there must be increased transparency and openness in West Papua which can only be accomplished by allowing churches, nongovernmental organizations, and independent international human rights organizations to monitor full access to all areas of the province.

In concluding, Mr. Speaker, I would ask my colleagues to join me in commending President Habibie for this courageous decision on West Papua, New Guinea and that he be urged to take the foregoing steps to ensure that a successful and productive dialogue take place as soon as possible.

And, Mr. Speaker, I had the privilege recently of meeting with the gentleman, Mr. John Kubiac, who is the leader of the human rights organization in West Papua, New Guinea, who was recently here in Washington. And I am very, very hopeful that my colleagues here in the Congress and the American people will support this effort to allow, especially allow the people of West Papua, New Guinea to determine for themselves what should their future be and not be subjected as a colony of Indonesia as in our stance.

HOW DO WE DEAL RESPONSIBLY WITH THE SOCIAL SECURITY TRUST FUND?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. MINGE) is recognized for 5 minutes.

Mr. MINGE. Mr. Speaker, I would like to begin by associating myself with the remarks of my colleague from Arkansas (Mr. BERRY) with respect to Social Security and budget policy tax-cut issues. I certainly feel that he has accurately identified a problem that we face in this country: How do we deal responsibly with the Social Security Trust Fund and our obligations or the obligations which will be due from that trust fund in the years ahead? Although all of us, I think, would agree that the tax cut proposal that is being considered or has been considered in the Committee on Ways and Means is a moderate proposal and that it distributes benefits equitably among the American people, the really difficult question is at what stage should we implement this proposal? Should we implement it when we borrow from the Social Security Trust Fund yet to balance the budget, or should we postpone the implementation of a proposal of that type until after we know that we no longer need to use the Social Security Trust Fund to balance the budget?

□ 2115

I would like to, however, extend my comments this evening beyond the budget issues that are raised with respect to Social Security and move to a slightly different topic area. * * *

We have many responsibilities here in Congress. Perhaps most significantly, we should not let those actions deter us from attempting to complete the work on the budget. The budget that this body and the body at the other end of the building would have agreed to is 5 months and 2 days past due.

Mr. Speaker, we have an awesome responsibility here to comply with the Budget Act, and we are not doing it. It is difficult to prepare and bring to the floor appropriations bills which fit within a budget that we have not yet adopted, or to identify the scale of tax cuts that we would like to work on when we have no budget with which to place those tax cuts in context. In fact, it appears that many of these efforts to bring bills to the floor, to discuss tax cuts are lonely efforts, because they are efforts that do not have within them that budget.

It reminds me of the claymation figure that was used in the 1950s, a little figure that one of my staff members found a replica of: Gumby. Poor Gumby. His friend was Pokey. They wanted company. These appropriations bills, this tax cut consideration needs a friend. It needs the Budget Act, or it needs the budget resolution, and the fact that we do not have a budget resolution makes me think that the old 1950s figures live again here in Congress in the 1990s.

Mr. Speaker, I challenge the leadership of this body and of the Senate to appoint a conference committee so that the budget resolutions that were adopted in the respective bodies can be reconciled, so that this body is acting responsibly, and so we know that we have complied with the laws that we ourselves have adopted and lay down the standards for responsible fiscal planning. We need a budget resolution for the 1999 fiscal year.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SNOWBARGER). The Chair must remind all Members to refrain from personal references to the President.

THE ARMS RACE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. HUNTER) is recognized for 5 minutes.

Mr. HUNTER. Mr. Speaker, we are in a race, and the participants in the race, along with the United States of America, are nations like North Korea, Iran, Iraq, Communist China, and to some degree, Pakistan and India. The other participants in this race seem to understand that it is a race because they are doing everything that they can to develop offensive missiles that have increasing capability and can go long distances, now almost to the point where this last shot that was fired over Japan by the North Koreans, the so-called Taepo Dong 1 missile, a 3-stage missile, had enough range to reach portions of the United States of America. That is the North Koreans now, years before the CIA ever thought that they would be this far, have now developed a missile that has ICBM capability. That means the capability to reach parts of the United States.

Now, on the other side of the race is the American effort to develop defenses against these missiles, and this American effort really started in 1983 when then President Ronald Reagan told the Nation that we were entering the age of missiles, and that we had to do something about it, and that rather than just have the ability to retaliate; that is, throw our missiles back at that enemy, whoever it might be, we needed to be able to develop the ability to shoot down incoming missiles.

Now, that lesson that Ronald Reagan gave us in 1983 was driven home in the early 1990s during the Gulf War when we saw ballistic missiles, Scuds at that time, for the first time in the history of warfare, being delivered on a battlefield. My colleagues may recall, Mr. Speaker, those Scud missiles destroyed a number of American barracks and killed a number of American soldiers.

We shot some of them down with our Patriots. Our Patriots were the Model T of missile defenses. They are very slow. According to MIT, they did not hit any of the Scud missiles. According to the U.S. Army, our Patriots shooting at those Scuds had close to an 80 percent success rate. Probably the truth is somewhere in-between zero and 80 percent.

But now, our potential adversaries, like the North Koreans, are racing to develop offensive missiles, and Mr. Speaker, we are stalled in the development of our ability to defend against those missiles.

If we look at the so-called PAC–3 upgrade, that is just an upgraded Patriot. That is maybe, if not the Model T, that is maybe the 1965 Chevy of our missile defenses. We are not going to even deploy that until the year 2000. And, Mr. Speaker, the so-called Navy Lower Tier, that is a system that cannot even shoot down the type of Dong I missile, 3-stage missile that the North Koreans just fired, that they now have and have the ability to fire right now. That Navy defensive system, so-called Navy Lower Tier, it is a fancy name for the Navy missile defense system, will not even be deployed until 2 years after the next century starts; that is, 2002.

The so-called Airborne Laser that we are working on, we do not deploy that until 2006, and the THAAD system, which has a very difficult time hitting any of its test targets today, even if it is successful and is not terminated, will not be deployed until 2007. And of course, the Navy Upper Tier, and that is a system that barely has enough capability, if everything works out, to knock down this North Korean Taepo Dong I missile, that is not going to be deployed until 2008.

So the North Koreans today have a missile that can out-perform the American defense, and that missile is capable today, and the American defense against that missile is not going to be on line until 10 years from now, in 2008.

So, Mr. Speaker, we have to redouble our efforts. We have to reorder our priorities. We may have to spend some billions of dollars, but we must have a defense against incoming missiles, whether they are incoming missiles coming against our troops who are in theater like our troops in Desert Storm, or coming into American cities.

The first question I ask the Secretary of Defense when he appears before our Committee on National Security is this: Can you stop today a single incoming ballistic missile coming into an American city? And his answer always, and this last year again was, no, we cannot stop a single incoming ballistic missile.

We must change that situation, Mr. Speaker.

SEXUALLY TRANSMITTED DISEASE: EPIDEMIC IN THE U.S.

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from Oklahoma (Mr. COBURN) is recognized for 60 minutes as the designee of the majority leader.

Mr. COBURN. Mr. Speaker, tonight I am going to be talking about a subject that is rarely talked about from this chamber, and one of the reasons I am doing so is because the Federal agencies that have been charged with this duty have failed in their duty.

In the time that I take to talk about these issues, what will happen is in the next hour, 1,300 people in this country will contract a sexually transmitted disease. Mr. Speaker, 500 of those people will never be cured of that disease. In the next hour, 30,000 Americans will be exposed to a sexually transmitted disease, and in the next 24 hours, 30,000 Americans will actually contract a sexually transmitted disease, of which 12,000 will be entirely incurable.

What we have today in our country is an epidemic of sexually transmitted diseases that is covered up, that is not talked about, that nobody wants to know the information about. This knowledge is valuable. It is powerful for us as parents, as a Nation, to see the consequences of the sexual revolution of my generation of the 1970s.

So we are going to be talking about sexual health today. We are going to be exploring the past, we are going to be talking about preserving the future, and we are going to talk about how we do that. How we do that with our children, how we do that in terms of our relationships.

Today, as I mentioned, 32,000 people are going to become infected. Mr. Speaker, 370,000 Americans have died of AIDS since this epidemic started, and 2,700 teenagers between the ages of 15 and 19 will become pregnant in the next 24 hours. That is 1 girl every 31 seconds.

The most common sexually transmitted disease, human papillomavirus, causes almost every bit of cervical cancer in this country. Women die routinely from this disease. Is it treatable? Yes. Will one ever lose the virus that causes this disease? No.

It is important for us to recognize that there has been a historical trend and growth in this epidemic. In 1960, syphilis and gonorrhea were the only major sexually transmitted diseases that were counted and recognized as contributing to this malady. In 1976 I was in medical school, and our professors laughed at the Swedes when they said chlamydia was a sexually transmitted disease.

What we know today is it is the number 1 sexually transmitted disease that is caused by a bacteria. In 1981 AIDS was identified and HIV was identified. In 1982, genital herpes became more common. One of 5 Americans between 15 and 74 years of age in our country today is carrying genital herpes. Genital herpes is incurable. It is not preventable if one in fact is exposed to the virus.

In 1992, what we saw statistically was pelvic inflammatory disease. One million women in the United States experienced an infection in their abdomen and reproductive organs secondary to sexually transmitted disease, and over 200,000 teenagers are now annually diagnosed with this disease.

Pelvic inflammatory disease. What is it? It is when these organisms invade and not only infect and harbor the reproductive tract, but cause damage and grow and are irreversible in terms of their damage. We can cure and treat pelvic inflammatory disease, but the scar tissue that is left there leads to infertility and pelvic pain which is the number 1 reason, the number 1 reason, pelvic pain is the number 1 reason why we have hysterectomies in this country.

In 1997, 8 new sexually transmitted pathogens have been identified since 1980, including HIV. Actually that is 9, because hepatitis C now infects 4 million Americans, 4 million Americans. There are 4 times as many people infected with hepatitis C as there are infected with HIV in our land. Twenty-one percent of those cases are transmitted sexually. The outcome from hepatisis C is one either gets a liver transplant or one dies, one or the other. That is the long-term consequences of hepatitis C.

□ 2130

There are now 25 significant sexually transmitted diseases. There will be 12 million Americans that get a new sexually transmitted disease this year.

Some people may say as they hear me talk about this that this is the opinion of one physician. That is not true. My colleagues will see on all of these charts and everything that I have referenced either the Institute of Medicine, the National Institute of Health, the CDC, the American Medical Association, the Journal of the American Medical Association. These are not opinions. Those are absolute facts of where we stand with an epidemic today.

Two-thirds of all the sexually transmitted disease infections occur in people under 25. So if there is 12 million a year and we think of our population of being 260 million of which only 45 million to 50 million are under 25, what does that tell us? That we have a large percentage of people under 25 that are carrying a sexually transmitted disease.

Eighty-seven percent of all reportable communicable diseases in the U.S. are caused by chlamydia, gonorrhea, HIV, syphilis and hepatitis B.

The largest sexually transmitted disease, human papillomavirus has not even been asked to be reported by the Center for Disease Control, the virus that is incurable, that causes cervical cancer, causes cancer of the reproductive organs of men as well is not a reportable disease.

Genital herpes. What has happened? What we have seen is these diseases are infecting a lot more people today than they ever have in the past. From 1976 to 1994, 30 percent more Americans across ethnic groups are infected with herpes today than were just 15 years ago. There has been a 500 percent increase in the number of white teenagers infected in the past 15 years.

When we break it out and look at it by categories, by race, by socioeconomic background, what we see is this is going across all trends, all classes, all socioeconomic backgrounds, and all races in our society.

What is important for us to learn as a Nation is to dispel a lot of the safe sex messages that are out there. It is not safe to have indiscriminate sex in this country regardless of what message others might say. I hope that my colleagues will see as we go through this tonight why that is so.

This chart is extremely important. Sexually transmitted diseases are broken down into those that are viral, a virus like a common cold virus, that type of organism, or a bacteria, or something somewhat in between, which chlamydia happens to be.

On viral sexually transmitted diseases, there is no cure. We cannot eliminate it from the body. We have no ability to kill the virus. We can treat the virus. We can slow down the virus, but we cannot kill the virus. Condoms are somewhat effective. They are more so effective for some; and those will be HIV, hepatitis B and hepatitis C. But on herpes what we know now is essentially condoms are not effective.

On human papillomavirus, the number one virally sexually transmitted disease today, we know that condoms are hardly effective at all. But that message is not out there. There are good studies that show that.

We also know with human papillomavirus that, if you are infected with it and you are pregnant, the amniotic fluid around the baby has the virus in it. We also can culture many times this same virus in a newborn child born to a mother who has this virus. So not only is this a sexually transmitted disease, it is a disease that is transferred from mother to child.

If my colleagues look over on the other side, and they look at chlamydia and gonorrhea, what they see is we can fix it. We have got great antibiotics. We can solve that infection. But the damage that those organisms do to the reproductive track we cannot solve without eliminating those reproductive organs.

Condoms are fairly effective in chlamydia and gonorrhea, but they are

not 100 percent effective. Once you get infected, then it will require treatment, and there will be consequences of that infection. There are others that we will not go into.

One other point that I would like to make is how are they contracted. If my colleagues look at this first group, body fluid contact. The other is direct contact. You have to have direct contact with these to become infected. Yet, at the same time, we talked about the ineffectiveness of condoms even though you have to have direct body contact. That is because this virus is not just in the reproductive organs, and so, therefore, it can be transmitted regardless of condom or not.

Chlamydia. Eighty-five percent of women who are infected with chlamydia have no symptoms whatsoever. And 40 percent of men who have this bacterial sexually transmitted disease are asymptomatic. Chlamydia is the most common nonviral sexually transmitted disease in the United States with an estimated 4 million new infections a year. It is one, along with gonorrhea, of the number one causes of infertility in the United States for which we spend millions of dollars trying to achieve pregnancy for many women, not all, but many women who have silently been infected with a sexually transmitted disease, never to their knowledge, and have become incapable of conceiving a child because of that sexually transmitted disease.

The other thing that is important about chlamydia as well as gonorrhea is that it is the major cause of pelvic inflammatory disease, pelvic pain, ectopic pregnancy, and infertility.

Gonorrhea. We have all heard of this disease. It causes a significant difficulty for men. It may result in strictures and other problems with urination. Females, it could cause pelvic inflammatory disease. It can cause an inflammatory arthritis that has long-term consequences, and most physicians have seen it. It also causes pelvic pain and other problems. Teens 15 to 19 are most often infected with gonorrhea, higher than any other group.

Human papillomavirus. At least 2.5 million Americans each year are newly infected with this virus. This virus is incurable. Once you contract this virus, you will have it the rest of your life. Does everybody who gets this virus get cervical cancer? No. But of the people who had cervical cancer, over 90 percent of them had it caused by this virus. It causes genital warts. It also causes the cancer, as mentioned.

Herpes. We mentioned this earlier. One in five Americans is now positive for what we would call genital herpes in our Nation. It is not curable. It is treatable. We spend a significant amount of money each year treating genital herpes. What we now know that we did not know 10 years ago is you can be infected and never be symptomatic until the first episode. You can carry the virus for 10 years and never have a difficulty with this virus.

This virus is a significant cause for morbidity in pregnancy in that women are subjected to cesarian section if, in fact, they have an active lesion associated with this virus at the time they go into labor. This is a much higher risk if this is their first episode of herpes. It is fairly low. But most women do not want to take the chance of delivering a child when they have an active infection because of the high mortality and morbidity associated with this disease.

Almost everybody in America knows about HIV and AIDS. We know that there are somewhere around 900,000 Americans living with HIV. We know that HIV almost always results in AIDS, the end stage of the infection of that virus. We know that AIDS is a fatal disease. We know that we made major strides of slowing down the progression of infection of the virus to the full-blown disease.

What we do know is HIV is preventable. It is an absolutely preventable disease. We now spend, Federal money, $7 billion a year on either HIV research, treatment facilities, and drugs to help those people who have that.

The Congress of the United States in terms of mandated spending at the CDC spends about $650 million just on HIV. But every other disease that I have listed here we spend less than $150 million. That is why Americans do not know about these diseases. We need to know about these diseases.

Hepatitis B. We are now immunizing our children at birth and at very young ages against hepatitis B. We do not have an immunization right now against hepatitis C. Hepatitis B we know is passed from mother to baby and can be. We are very careful. We test all pregnant women for hepatitis B. We do not test all pregnant women for hepatitis C, and yet we know there are 4 million out there. Five thousand Americans each year die from hepatitis B.

Hepatitis C. We have talked about this. Four times as many Americans are infected with hepatitis C as HIV. It has the same prognosis. You will either have to have a liver transplant or you will ultimately die of liver failure or carcinoma of the liver.

Twenty percent, somewhat over 20 percent of the people who contract this virus contract it from a sexual relationship. Ten thousand Americans die each year of associated cirrhosis or liver cancer with this. So this is a long-term, chronic, fatal disease of which 800,000 of the 4 million people who have it in our country today contracted it because they did not know it was a sexually transmitted disease.

What do the studies tell us? There has been a wonderful NIH study recently that the gentleman from California (Mr. WAXMAN) asked for in 1993, and it tells us a ton about what parents can do with their children and sexual activity.

Here are some things that we know. We know at the age of first sexual activity by a young girl, if she is less than 16 years old, her number of lifetime partners being one partner is 11.3 percent. The number of young girls that will have more than five partners is 58 percent.

As we progress, what we see is what we would expect to see is, as we mature, we make better decisions. What we see is that these numbers completely reverse if in fact we tell our children to wait. If in fact we tell our children that monogamy and abstinence is protective of their health, not just their emotional health but of their health.

What about teenagers and sexually transmitted diseases? A sexually active 15 year old has a one in eight chance of getting pelvic inflammatory disease. That is not getting them infected just with one of these organisms. That is requiring antibiotics to treat a painful, sick, infected, and oftentimes hospitalized adolescent female. Whereas, if the same young person is 9 years older, the risk decreases by tenfold for a lot of reasons.

One from every four people newly infected with HIV is under the age of 22 in our Nation today. Under the age of 22. What do we think their life expectancy and what do we think their life is going to be like? Approximately 20 percent of sexually active teens acquire a new sexually transmitted disease every year. In other words, one out of five sexually active teenagers are getting a new infection at least every year.

We spend hundreds of millions of dollars with family planning clinics, with clinics to help our children make these choices, and they are failing. We would not see this statistic if they were successful. They are failing.

The top reason for hospitalization of teenage girls is that they are pregnant and they are delivering. That is a national tragedy for us. Oftentimes it is a national tragedy for the children. One million females under 20 experience a pregnancy each year. One-third of those end in an abortion. Regardless of your position on abortion, nobody who has undergone an abortion thinks it is a great thing.

□ 2145

It is never a great experience. So we have to be dedicated to preventing pregnancies with our teenagers.

Seventy-two to 76 percent of births to teens are to unmarried teens and that goes all the way up to 19-year-olds.

What happens to our teenaged daughters who get pregnant? Seventy percent of them drop out of school. What

happens to the fathers of these children? They never attain, a large portion of them never attain the education, living standard, or earning power of somebody who was not a father of a child as an adolescent.

The teenaged sons of adolescent mothers are 2.7 times more likely to spend time in prison than the sons of mothers who delay childbearing age until their early twenties. We know as we get older, we make better decisions. Why is our government enabling our children to make poor decisions? Why are we allowing this epidemic to continue?

The teenaged daughters of adolescent mothers are 50 percent more likely to have a child out of wedlock than children of nonadolescent mothers.

What about older fathers? What we know is with adolescent pregnancy is most of the time the father is over 21 years of age. When was the last time we heard of a district attorney prosecuting for statutory rape of an underage female in any city in this land? Where are our district attorneys? It is against the law, but we do not see it prosecuted. Seventy-one percent of all births among teenaged girls are fathered by men older than 20. The mean age was 22.8 for fathers and 16.4 for teen mothers, 6.4 years average age difference.

What about condoms and pregnancy prevention? There are some great studies and these are just two. There are ranges in these studies, but it is important to know that published peer review scientific data says something different than what the government says about condom effectiveness. What it says, of 100 couples using condoms, how many will get pregnant in the first year? Here is a study from 1992 published in "Family Planning Perspectives": 16 percent. One in five, one in six. Hatcher, "Contraceptive Technology" this year, 14 percent.

They are really effective in stopping pregnancy for our children when 14 to 17 percent of them are going to get pregnant in the first year, when that is how we teach them to protect themselves.

How about condoms and human papilloma virus and infertility? The data on the use of barrier methods of contraception to prevent the spread of human papilloma virus is controversial, but it does not support a condom as an effective way to prevent the number one virally transmitted sexually transmitted disease that causes cervical cancer. And I would say that most Americans do not know that, and most teenagers do not know that, and most doctors do not know that.

Infertility. Spermicide, used alone, had no significant effect on risk for tubal infertility, whereas condom use alone decreased the risk, but to a significant extent. Even with the things that they are teaching our children, they are still just as likely to have infertility as a consequence of their activity.

What about condoms and HIV and AIDS? There is no question that a condom markedly reduces the risk of the transmission of HIV, but it is one of the lower risks in terms of numbers in terms of sexually transmitted disease. But does it reduce it 100 percent? No. Does it reduce it to 90 percent? Some studies say yes. Some studies say only 60 percent.

The question is, if it is a fatal disease, why would we want anything other than 100 percent effectiveness? These studies were conducted with married couples who one partner had HIV and the other did not, and they were trained specifically how to use effectively what we are teaching our kids to use, yet a significant percentage contracted HIV using these methods perfectly.

What about other sexually transmitted disease? Condoms must be used consistently and correctly to have any chance. They work best against, protecting against HIV and gonorrhea. They are much less effective for herpes, trichomonas, and chlamydia. Condoms are little or no protection against bacterial vaginosis and human papilloma virus.

Our teenagers say, "We cannot get pregnant because we will take the pill." What do the specific studies say about teenagers taking the pill? What it says is all women under typical use, the number that are not taking the pills correctly, 7.3 percent; unmarried teens, between 6 and 13 percent; unmarried women between 20 and 29, 5.9 to 15 percent. That is the number of women who get pregnant during the first year using oral contraceptives.

Mr. Speaker, it is not hard to figure out. Adolescent females often have trouble remembering to brush their teeth, let alone remembering to take a pill at the same time each evening.

Some people say, "Dr. Coburn, you're a prude. Abstinence is not realistic." Abstinence is the only thing we have to offer our children that is safe, the only thing that we have to offer our children that will stop this epidemic, this epidemic that has taken the lives of thousands of our fellow citizens and is causing tremendous costs in terms of operative expense, causing cancer.

What is happening? What we saw, and actually released today by the CDC, is that we are seeing a marked shift now that we are talking about abstinence. Our teenagers are listening. 1988: Men, young men 15 to 19, 40 percent were abstinent, were pure. 1995: 45 percent. Today, over 50 percent, as released today by the CDC, of our young men between 15 and 19 are virgins.

What about young women? Forty-five percent, now 50, now 52 percent. So we are starting to make some headway, but we cannot deny the fact that we have an epidemic of proportions that we have never seen that will complicate the lives, if not take the lives, of our young people.

What are the top risk factors? This study that I referred to, what we know about sexual activity in our youngsters is the number one risk factor is alcohol use. Number two is a steady boyfriend or girlfriend. That makes sense. Number three, no parental monitoring. If the parents are not involved in the activity of their children, they are much more likely to be sexually active. And fourth and most important, if a parent is accepting of adolescent sexual activity, is condoning it, it will happen. If they are not, it will not. It is the number one factor.

What are the behavioral risks associated with virginity and nonvirginity? What we know is if they are abstinent, they have all these other risk factors that are markedly reduced. In regard to alcohol, 20 percent of the kids who are not sexually active use alcohol. Of the kids that are sexually active, almost 65 percent do. And these are males. We can go down the line. Dropping out of school, threefold increase. Use of other drugs, 4½ to 5 times increase if they are sexually active. They are five times more likely to use an illicit drug than if they are not sexually active.

What is the number one connection here? It is how well are they connected to their parents or parent, and we know that. We see similar patterns just with this on females. We see the same pattern if our youngsters are abstinent, that the risk factors for other risks that will markedly impact their life goes way down. So it is an indicator of what they are going to be exposed to and what other risks are going to be put on them in their life.

What we saw from this adolescent study from 1993 is that when the relationship was good with mom, and mom was opposed to premarital sex, and when discussions of birth control, of how to not get pregnant, are decreased, not increased, they were 12 times more likely to have a youngster that would not be sexually active than ones whose parents talked about, "Here is how you protect yourself and it is okay to be sexually active."

So what we have done is set a trap for our kids. If we are accepting of a behavior that puts them at risk and we talk about how to minimally protect them, what we are doing is dooming them to failure and to a sexually transmitted disease.

So what are the other factors that we found? Parent connectedness, parent disapproval of sexual activity, parent disapproval of sexual adolescent contraceptive use.

School is real important. The school connectedness is related to parent connectedness, attending a parochial school or school with high average daily attendance.

What are the individual factors? We have seen through programs like "True Love Waits" and "Best Friends," that a commitment to remain sexually pure works wonderfully. Our children respond to it. High grade point average. A religion. Jewish, Muslim, Protestant, Catholic. The fact that the faith is impacting their life.

So, what is the answer? We have 12 million new sexually transmitted diseases a year. We have a million people with AIDS, with HIV. We have had nearly a half million die from it. We have 4 million people that are going to die from hepatitis C or they are going to get a liver transplant. What is the answer? What is the answer for our children?

Mr. Speaker, it is time for a new sexual revolution. It is time for the revolution of the 1960s and the 1970s to die. Why? Because it is morally wrong. But there are consequences to morally wrong behavior. And the morally wrong behavior is that we have an epidemic that is out of control in our Nation.

Abstinence until entering into a committed, lifelong, mutually faithful, monogamous relationship. That is called marriage. Marriage is a wonderful institution. It does us well as a society. We should do everything we can to support that institution, because that oftentimes protects us.

Abstinence until marriage and faithfulness in marriage that is supported by our society. That is supported. That is condoned by our society. Where our society stands up and says, Stay together. Do not violate the principle.

Who benefits from character-based abstinence education? The answer is all of us. It is them and it is us. It is our Nation. It is our budget. It is the life, health, and well-being of our children.

Mr. Speaker, I say: America, wake up. Twelve million new infections every year and none of them have to be. Let us ask for the truth. Let us ask the CDC to do its job. Let us make sure we teach our children what the risk factors are. Let us make sure we talk about that there are consequences to sexual activity outside of marriage, and many of them are very, very grave.

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

EXPUNGING OF REMARKS FROM CONGRESSIONAL RECORD

Mr. MINGE. Mr. Speaker, I ask unanimous consent that any portion of my remarks that referred to the President be expunged from the special order that was delivered this evening.

The SPEAKER pro tempore (Mr. SNOWBARGER). Is there objection to the request of the gentleman from Minnesota?

There was no objection.

DOLLARS TO THE CLASSROOM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from Michigan (Mr. HOEKSTRA) is recognized for 60 minutes as the designee of the majority leader.

Mr. HOEKSTRA. Mr. Speaker, tonight we want to begin a dialogue that we hope sets the framework for tomorrow. Tomorrow, there is going to be limited debate on a bill that is coming to the floor. It is called "Dollars to the Classroom."

This piece of legislation, which was authored by a colleague of mine from Pennsylvania, builds on a previous resolution that this House has passed. What that resolution said was that when we send a dollar to Washington for education, instead of getting 60 to 70 cents of that dollar back to the classroom, back to the local level, we are going to strive to get that up to 90 to 95 cents of every education dollar getting back to a local classroom.

Before I do that, and before I begin that discussion on education, I want to set the framework. A while back, we did a proposal out of my office, or we did kind of an analysis, and we started addressing an issue which I think is very important. The question was: Why is it that everyone has so much faith in Washington?

□ 2200

Why is it that people believe that if they send their money to Washington, Washington is better at building their roads, Washington is better at educating their children, Washington is better at creating jobs than if we left that money at the State or local level or if we left that money in the pockets of the American citizens?

We identified a phenomenon which we call "the myth of the magical bureaucracy." What we said is, we really should ask some questions. Do we really believe that a bureaucrat in Washington can raise our children? Do we really believe that this magical bureaucracy here in Washington can build and strengthen our communities, that it can create economic growth, that it can create economic opportunity and that it can prepare America for the information age?

It is kind of interesting, my colleague from Colorado and I today had the opportunity to ask that question, not can the magical bureaucracy here in Washington prepare America for the information age, but the question that we asked today is whether the magical bureaucracy, not whether it can lead us into the information age but whether this magical bureaucracy here in Washington, in the two departments we had testify today, the Education and Labor Departments, whether they are even prepared to move into the information age and whether they are prepared to deal with the year 2000 issue. And the answers that we got were fairly frightening.

The Education Department, this is a group that sends out money to our schools; it does Pell grants. It does the direct student loan program. In reality, the Education Department is perhaps one of the largest banks in the country. Its loan portfolio or the loans that it manages are close to $150 billion. It has roughly 93 million customers, 93 million people who have loans with the Education Department.

In a recent scoring or a grading, which I think is very appropriate for the Education Department, one of my colleagues from another committee in the House of Representatives said that they, the Education Department, deserved an F. They are not ready for the year 2000. It means that we are not quite sure what happens to the $150 billion of loans that are outstanding. We are not quite sure what will happen to our students who in 1999 begin applying for loans or start going to school and believe they are approved for loans and start actually looking for the money and do not receive their checks.

It is kind of scary what is going to happen potentially with the Education Department. It was heartening to see that on a bipartisan basis my colleague from Hawaii, who is the ranking member, indicated her serious concerns about where the Education Department was and what they could do.

It is not about whether they can lead us into the information age. I am not sure if the gentleman from Colorado would have anything to say about his observations on the hearings today, but when we talk about the myth of the magical bureaucracy, we really saw a myth today, the myth that this organization that we think is educating our kids cannot even deal with the information age.

I yield to the gentleman from Colorado (Mr. BOB SCHAFFER).

GENERAL LEAVE

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the subject of our special order tonight.

The SPEAKER pro tempore (Mr. SNOWBARGER). Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, I thank the gentleman for yielding to me.

You are precisely right. We got a distinct impression in the Education Committee today that the United States Department of Education is woefully unprepared for the technology problems that they will be confronting with the Y2K or the year 2000 computer problem that is likely to exist in the year 2000.

We went through a program-by-program analysis of where the Department

of Education thinks it is today. As you properly pointed out and mentioned, the U.S. Department of Education is part education agency, part legislative bureaucracy that implements various regulations and legislation, and it is part financial institution. In fact, the amount of finances that that agency controls with respect to college loans, not just the direct student loan program or the program where the government is the banker that loans directly to students around the country, but the private student loan programs that are also managed under the department, both of those programs and several others are placing the future of education opportunity for millions and millions of Americans at great risk as a result of their failure to properly and effectively apply modern technology today and be able to take us into the next century.

I asked the specific question, what if you are not ready to go in the year 2000. First of all, what makes us think that we are today? They were unable to answer that question with any certainty that they will be prepared for the Y2K computer problem. I asked specifically, what would happen if there is a 3-month delay, there are barriers to the communication and the interrelationship between other financial institutions and financial institutions that are central to the college lending program. And there was no answer, really. The answer was, well, we will work on it when we get there. We will try to fix it then.

The second question I asked, what if there are some kinds of barriers to the interrelationship with the telecommunications industry, our ability to communicate with schools, institutions and other associated agencies that work with the Department of Education. Again, the answer was rather startling. They really had not thought through to that point yet. We will work on it, they said, when we get to that point into the future, and we will fix it as swiftly as we can.

Well, I realize these are difficult times that every Federal agency is going through, every private agency, anyone who relies on technology for computer and data storage. But with respect to the Department of Education, they have placed the interests of the American people at a financial level and an accounting level and at an administrative level and at a regulatory level so completely into the hands of technological attempts at the Department of Education at which they are incapable of properly and effectively managing.

These individuals, citizens, taxpayers and anybody who proposes at some point in time to achieve a higher education or to participate in any way with the Department of Education really is at great risk and great jeopardy as a result of what I consider to be a lax level of commitment and approach to managing the technology of education today.

The real answer is not to look to Washington any longer or any further for additional leadership and guidance in the management of colleges and universities or local school districts, for that matter, or any education institution. We are finding, through the example that was exposed today in your committee, that the real academic and educational salvation for the country is in a decentralized approach to schooling, public schooling and private schooling, and moving authority back to the States, back to local communities, back to the homes and back to the neighborhoods where education, once again, is held in the hands of those who truly care most about the children that are relying on the availability of a strong and viable education system. Those people, of course, who care the most are, of course, parents, not bureaucrats. That is the message I think we need to convey not only tonight, but that is the message I think we conveyed in committee and consistently try to convey.

It really is at the basis of most of the Republican reforms and proposals that we have put forward here in this Congress to try to restore the greatness of the American education system.

Mr. HOEKSTRA. Reclaiming my time, Mr. Speaker, just to set this in a context again, there is a difference between the bureaucratic mentality that we see in a lot of institutions here in Washington and the free market actions and energy that we see. Actually, just for my colleagues, on a monthly basis my office publishes what we call a "Tale of Two Visions." What a tale of two visions does is it really portrays the two different visions for America, one of which is the vision of bureaucracy. The IRS admits to taxpayer abuse. That is a vision of bureaucracy. No kids at a 2.4 million day care center. Government creates private company windfall. Start time will improve education, legislators claim. Another strange IRS determination, but that is a vision of bureaucracy.

We contrast that to what we think is a vision of opportunity, where we do what my colleague from Colorado said, we move authority and responsibility either back into the free market system or we move it back to local and State government, the levels of government that are available to the people. We do this on a monthly basis.

Other tales of two visions. A vision of bureaucracy. Remember the $600 toilet seats? Now they are $75 screws. A vision of bureaucracy. Billions missing Federal audit, another expensive Federal building project.

Contrast that with the vision of opportunity. A parent goes the extra mile to help children read. Volunteers help the poor save on tax bills. Private group offers educational opportunities for low income kids. Program provides alternatives to gangs.

What we do is we highlight those each and every month, the difference between the bureaucratic vision, which is, when they ask this question, they say, can this bureaucracy substitute for a loving home? The bureaucratic vision says yes. We say no.

Does spending money in this building and a building in Washington equal positive results for America? Bureaucrats and the bureaucratic vision says us spending money in Washington is a positive thing. The opportunity vision says, spending at the local level through parents and the free market works better.

The bureaucratic vision says, can a one-size-fits-all program run out of this building solve every problem? The bureaucratic vision says yes. It says that we can develop a program that works in my district in West Michigan and we expect to it work in Colorado. And as much as I liked Colorado when I went out to visit your district and we had a great hearing out there, the needs and the opportunities in your district are very different than mine.

I just wanted to let my colleagues know that if they are interested, we have this tale of two visions as well as journal of ideas, talking about how from an opportunity vision standpoint we can change the arts, we can change education, we can change regulatory and tax reform and campaign finance reform, there are alternative visions to the bureaucratic vision in America. And the journal of ideas and the tale of two visions, these are all available on my web page. For my colleagues, if they are interested, they can just go to WWW.HOUSE.GOV/HOEKSTRA/WELCOME.HTML, and they can have access to a tale of two visions and they can have access to the journal of ideas and other information that really contrasts a bureaucratic vision of America, which I think is the myth, and the real strength of America, which is the private sector.

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, if the gentleman will continue to yield, if anyone doubts the sincerity of the current administration and the bureaucrats over in the White House and the Department of Education to construct a bureaucratic model of centralized control and authority with respect to public education in America, I would suggest that they peruse this letter that I am about to reference and will submit.

Mr. HOEKSTRA. Reclaiming my time, Mr. Speaker, this letter that you showed me tonight as we were preparing is unbelievable. It clearly points out the difference between a bureaucratic vision of America, where control is moved to Washington, where we believe that this little bureaucrat in this building here in Washington does all

kinds of good things, and the more power we can move to this bureaucrat and to this building in Washington, the better off we will be.

Mr. BOB SCHAFFER of Colorado. We can trace the origin of this particular mentality directly to November 11, 1992. What is remarkable about that date is that November 11, 1992 was, of course, the day after the 1992 presidential election, the day when President Clinton became the nominee for or became the President-elect of the United States of America.

What I hold here in my hands is a copy of a letter from a gentleman named Mark S. Tucker, who is the President of the National Center on Education and the Economy. As I say, I will, under the unanimous consent request that I had asked for and was granted just a few minutes ago, I will submit this in its entirety for the record tomorrow or request that it be submitted.

□ 2215

But I want to tell my colleague that this letter was written not to the President but to the President's spouse, Hillary Clinton, at the Governor's mansion in Little Rock, Arkansas. And it is a blueprint, effectively, for a consolidation of education authority right here in Washington, D.C. Not just kindergarten through 12th grade education throughout the country, but higher education, and even beyond to work force training.

Let me tell my colleague just a couple of provisions in here that I will go ahead and read right now.

Mr. HOEKSTRA. Reclaiming my time for a minute, and I will let the gentleman get back to that, but I want to set the context for this, because some of the things the gentleman is going to talk about have not come out in concrete proposals that have come from the White House.

What I want to do is lay out for the gentleman a litany of what the administration has proposed. And this goes to what the gentleman has in his hands, but goes a little further.

Washington has been involved in training teachers, we have been involved in providing breakfast, we have been involved in teaching our kids about sex, we have been involved in teaching our kids about the arts, providing lunch, teaching them about drugs, teaching them about violence, providing after-school snacks, and providing after-school activities.

These are all things that the Federal Government has gotten involved in in education. But let me just point out the specific types of programs that this administration has already proposed and the types of things that they want to move from the local level and the State level. They say, no, it is the responsibility of a building in Washington and a bureaucrat in Washington; that they can make these decisions better than what can be done at a local level.

What have they proposed? They have proposed building our schools, they have proposed hiring teachers, they have proposed developing curriculum, they have proposed installing technology, they have proposed developing Federal tests and Federal standards for our kids.

Remember the debate and the fight that we had last year so that we would not have national testing? They want to test our children. They want to make midnight basketball available. All from Washington.

It does not mean these things are not important. They are all very important. But the myth of the magical bureaucrat says we think those decisions should be made by a bureaucrat in Washington rather than at the State and, most importantly, at the local level.

The bottom line is, what do they want to do? Here is the litany when we put it all together:

They want to build our schools, hire our teachers, train our teachers, develop the curriculum, install technology, develop Federal tests and standards, test our children, provide breakfast, teach them about sex teach them about the arts, provide them lunch, teach them about drugs, teach them about violence, provide an after-school snack, provide after-school activities, and make midnight basketball available.

Other than that, it is the local school. These are Washington responsibilities, but other than that they really believe in local education.

I yield back and the gentleman can talk about the other things that they have had on their mind and where they would be going next if they got this whole agenda.

Mr. BOB SCHAFFER of Colorado. Once again I want to encourage all Members and any other observer to look for this letter that I am about to go through. I just want to mention a couple of paragraphs. The gentleman will get the idea without my having to actually read quite a lot of this. But this will be submitted in the CONGRESSIONAL RECORD. I will seek the approval of the body to allow that to occur and people will be able to see that in the CONGRESSIONAL RECORD in the days following.

This really is a blueprint. It is a letter, again, from Mark Tucker to Hillary Clinton dated November 11, 1992, just shortly after, very, very shortly after the President took over. It was evident that the President became the victor on election night in 1992.

And it starts out, "Dear Hillary, I still cannot believe you won, but utter delight that you did pervades all the circles in which I move. I met last Wednesday in David Rockefeller's office with him," and others, and it goes through the names here. It talks about the subject that they were discussing at this little roundtable was, ". . . what you and Bill should do now about education, training and labor market policy."

I will stop there to point out that this is not just a blueprint that affects only K through 12 education. It involves education, training and labor market policy. Really, a consolidation of a broad approach utilizing the U.S. Department of Education, the Department of Labor, and also, potentially, the Small Business Administration and others.

I want to jump right to a paragraph that just alarmed me when I first read it. It is about the levy grant system, as it is called. "We propose that Bill," meaning the President, "take a leaf out of the German book", it says. "One of the most important reasons that large German employers offer apprenticeship slots to German youngsters is that they fear, with good reason, that if they don't volunteer to do so, the law will require it."

He says here, now listen to this, and listen to this very carefully, "Bill should gather a group of leading executives and business organization leaders and tell them straight out that he will hold back on submitting legislation to require a training levy provided that they commit themselves to a drive to get employers to get their average expenditures on front-line employee training up to 2 percent of front-line employee salaries and wages within 2 years."

Let me restate that in different words and tell my colleagues what this says specifically. It talks previously in the letter about a new tax called a levy on employers for training.

Mr. HOEKSTRA. Reclaiming my time for just a second. It is interesting that, once again, they will not use the word of what it really is. They come up with another word.

Mr. BOB SCHAFFER of Colorado. It is a tax.

Mr. HOEKSTRA. It is a tax, and they call it a levy.

Mr. BOB SCHAFFER of Colorado. A training levy, which would be 2 percent of the front-line employee salaries and wages within 2 years, is what they said. Now, here it says, "If they have not done so within that time, then he will expect," he being the President, "expect their support when he submits legislation requiring the training levy."

So envision the conversation. The President sits down with a group of business executives, leading business executives and organization leaders, and says, "You know, fellas, I have had in the back of my mind the idea of imposing a 2 percent training levy on all employers across the country. But I will hold back on that if you will voluntarily increase your investment in

front-line employee training, at a level that would approximate 2 percent of salaries and wages, and if you get to that point within 2 years."

Now, this, in any other circle, is called blackmail. Or bribery, perhaps. It goes on here. It says, and I will pick up with a quote here, "If they have not done so within that time, then he will expect their support when he submits this legislation requiring the training levy." So he is going to get their support one way or another, according to the plan. "He could do the same thing with respect to slots for structured on-the-job training."

It goes on a little further and talks next about college loan and public service programs. Listen to this. This is an effort described here to try to get students across the country to become part of a federally-managed credentialing program for general education. And those students who get credentialed under the general education credential, the Federal standard, this Federal credential, will be entitled to a free year of higher education. And that would be accomplished through a combination of Federal and State funds, and that will have a decided impact on the calculations of costs for college loan public service programs.

So what we really have here is a blueprint for a German model of education that would be forced upon the people of America, and employers in this case, either through force, or the threat of force, and done so in a way to redistribute the public wealth, the strength of the Federal budget, to those students who voluntarily submit themselves to the new Federal credentialing standard for K through 12 education.

Now, again, I point this out, and I will submit it for the CONGRESSIONAL RECORD, but the reason I used this example, and there are plenty more horrendous examples in the letter that I will spare the body for the moment, is that this really is a document that describes the mentality of the White House the day after the 1992 presidential election. And it shows how this country made a dramatic departure away from the tradition that the gentleman and I would like to get back to: That tradition that suggests local control, local authority, treating teachers like professionals and administrators at the local level like professional administrators.

This blueprint departs from that model and, instead, moves the country toward a government-managed, government-owned centralized education system from kindergarten past college, actually, into the job training stage. And it really is the conflict in visions that defines the differences between Republicans and Democrats typically.

This is an accurate description of precisely what is at stake and what was at stake not only in the 1992 election but in the 1996 election, and the election coming up within 7 weeks, the 1998 election. This huge difference of opinion about whether education authority ought to be consolidated, as the President would believe, in Washington, D.C., or our vision, as a Republican majority, that says we should trust parents, we should trust teachers, we should trust local administrators, local school districts, local school boards and, above all, State legislators in all 50 States.

That is the difference and that is the distinction. And I believe that our answer offers greater hope and greater promise for the children of the future. Greater hope and greater promise in allowing for a whole menu of education alternatives, education approaches, education philosophies throughout the country based on local values, based on local priorities, based on the local needs of children to match local job markets, whether it is agriculture, or maybe it is an urban setting in a large city over on the East Coast.

But to take into account these different settings and objectives and values and priorities and local communities, that is the real answer, in my mind, to education success that will restore America's greatness as the preeminent country throughout the world for educating youngsters and turning them into future leaders, not only in the political realm but in the religious realm and also in the area of business and commerce.

Mr. HOEKSTRA. Reclaiming my time, the gentleman has opened himself up to perhaps some criticism; to someone saying, look, we have never seen those proposals. What is outlined in that memo has never come to the House. That is not what was going on at the other end of Pennsylvania Avenue. But then we take a look and say, no, the gentleman is right. The gentleman has clearly outlined the vision, because steps moving us in that direction have come from the other end of Pennsylvania Avenue.

Mr. BOB SCHAFFER of Colorado. We can track this blueprint and the programs that the gentleman has outlined that have been implemented by the current administration. The school to Work Program would be one, Goals 2000 would be another. It just goes on and on and on, right on down to midnight basketball, which is consistent with the blueprint outlined in this letter from a group called the National Center on Education and the Economy.

These are friends of the Clintons. And I am sure they were pretty excited and thrilled when there was a changeover in the White House, because it finally meant that a liberal perspective on centralizing and managing education around the country was finally possible. And that is the direction that they have moved this country.

Mr. HOEKSTRA. Reclaiming my time, I think the clearest example of that is the debate that we had last year, and the fight on the floor of this House and the fight that we had with the administration about testing our children, recognizing that if we develop national tests we open the door to Federal tests and Federal standards. And if all of our kids are to be tested on a national basis, it really moves into developing curriculum, which means we want to train our teachers.

And so we saw the first steps of that. And I think we have been effective in stopping that and moving towards our vision, which says let us not consolidate more power here in Washington, in these buildings here with these bureaucrats, who are very knowledgeable and very talented people, but they do not know Colorado and they do not know the State of Michigan.

Let us go back, and we will go through a little bit of what we did with Education at a Crossroads, but before that, and I know some will say, oh, there they go again, they want to get rid of the Department of Education. That is not the debate. The debate is how do we take a Department of Education and make it more effective; and, also, what is working in America in education today.

I have some quotes here about what people said about the Department of Education when it was created in 1979, and we can benchmark what people expected in 1979 when they voted for a Department of Education and what we now have almost 20 years later. Twenty years later do we have what we thought we were going to get?

This is a benchmark; this is what we need to measure against. Mr. Brooks said, September 27, 1979, "It creates a cabinet level Department of Education to provide more efficient administration of the wide variety of education program now scattered throughout the Federal Government."

I yield to the gentleman from Colorado if he can tell me how many Federal agencies today administer education programs? Have we seen consolidation?

Mr. BOB SCHAFFER of Colorado. We have seen a huge growth and an explosion in Federal agencies that have their hands in our local schools.

Mr. HOEKSTRA. Reclaiming my time. Maybe you remember the numbers. It is 39 different agencies with over 760 programs. In 1979 they recognized that they had a problem. We have too many programs and we have too many agencies dealing with education. We need to consolidate it in a Department of Education so that we really get a focus on education.

I have another quote here. Secretary Rubin testified before the Committee on the Budget on March 11, 1997. At that hearing, I asked him who the point person is for education strategy in the administration.

Mr. Rubin replied, "I would say the President, who is enormously knowledgeable."

So the President is the point person on education. He must be the point person on defense, foreign policy, welfare reform. The benchmark was consolidation and streamlining in 1979 and efficiency.

In reality, we have continued to create more programs. We have continued to create and allow more agencies to deal with education and we have never consolidated the strategy at the Department of Education level.

The creation of this new department will reduce the size of the bureaucracy. In reality, the Washington bureaucracy here, the Education Department is one of the smaller bureaucracies. It has somewhere in the neighborhood of 4,000 to 5,000 employees, which I think is still a pretty good size bureaucracy. It has three times that many people who are on State payrolls enforcing Federal regulations. So we did not streamline the bureaucracies.

Mr. Bayh said, "The individual appointed to the position of Secretary of Education will coordinate all educational activities for the Federal Government."

Mr. Rubin has already said that has not happened.

Mr. Levin said, "I believe that the creation of the department can have a streamlining effect on the multitude of Federal education programs currently spread out through various departments within the Federal Government." It has not happened.

Mr. BOB SCHAFFER of Colorado. If I could interject for a moment, the extent of the bureaucracy in the U.S. Department of Education and the corresponding inefficiency, red tape and regulation that goes along with that cannot be measured exclusively on the number of Federal employees that are on the Federal payroll and assigned to the U.S. Department of Education, because with the rules and regulations and reporting requirements created by those roughly 4,000 to 5,000 employees comes implementation requirements that get passed on to the State level and to the local level.

Mr. HOEKSTRA. Let us do a little process here. Let me represent the bureaucrat and the bureaucracy in Washington and the gentleman will represent the school district. Let us go through this process of what happens.

Mr. BOB SCHAFFER of Colorado. Sure.

Mr. HOEKSTRA. I collect the taxes so the taxpayer who is over there has sent the dollars to Washington and I now work with the Congress or I am instructed by the Congress and I have created these 760 programs. So I need to communicate this to the local school district and say, all right, I have 760 programs. I need to communicate to you and tell you what they are. What do you need to do at that point?

Mr. BOB SCHAFFER of Colorado. At a local level, how do I receive the 760 programs?

Mr. HOEKSTRA. You then need to go through a process, and do what, and find which programs that you might qualify and then what does the gentleman have to do?

Mr. BOB SCHAFFER of Colorado. First of all, on behalf of my constituents at the local level, I would want to know as fully and completely as possible what kinds of programs my school district is eligible for. So I would do a survey of all of those 760 programs and determine which ones I ought to be applying for to receive funding so I can bring the greatest value back home to the constituents that I represent.

First of all, it takes a huge effort just to have somebody in my organization at the local level begin to look at all of those programs and hold them up to the particular characteristics of my school district.

The next thing I need to do is then begin to apply for them and apply for them usually on an annual basis. That means having more staff and more individuals who sit down and fill out the forms, send them back, perhaps have them rejected, make the fine-tuning details that need to be done so I can reapply and maybe receive the funds, and then if I am successful at receiving the funds.

Mr. HOEKSTRA. Reclaiming my time, the gentleman has now applied to Washington, to me.

Mr. BOB SCHAFFER of Colorado. That is right.

Mr. HOEKSTRA. The gentleman has presented a proposal. So your people have done the screening, they have had the dialogue with the department in the different agencies and we tell you you might qualify. So you send your application to Washington, and I am looking at it and saying, I have got about $30 billion but you are not the only one that has applied. I have all of the rest of the country that has now applied for this.

So I now need to hire people to go through the screening process, because I have gotten more requests for dollars than what I have funds for. So I now need to go through and say, you qualify, you qualify, you qualify, you do not, you do not; I am sorry. So the people that do not qualify have put in all of this work, they have done all the surveying, they have put in the work and writing the grant application and they do not get any money. You now get some programs so I now notify you that you have won the award, you get the money and you are getting a check.

What do you do next?

Mr. BOB SCHAFFER of Colorado. Well, in order to continue receiving these funds, I have to behave in a way, as a school district, that satisfies the red tape and rules that come with those dollars from the Federal Government. I have to answer to bureaucrats maybe in the region that my State would be in, or I have to answer directly to people in Washington, D.C. to prove to them that I am using those dollars efficiently and effectively, meeting the expectations of somebody in the far off city of Washington, D.C. and achieving all of the objectives that these bureaucrats want to see.

If I get the idea that I might not be achieving those objectives, I might ask to the bureaucrat in Washington, well, what is it exactly that you want to see on the report?

Mr. HOEKSTRA. That is correct.

Mr. BOB SCHAFFER of Colorado. I will then go to work manipulating the numbers and the statistics and the variables and the reports from my school district to make it appear as though I am meeting the objectives of the Federal Government perfectly and as fully as I possibly can, doing all of these accounting gymnastics and stretching the actual definitions of the law, simply to make sure that we continue to receive this wonderful cash from Washington, D.C.

Mr. HOEKSTRA. Reclaiming my time, what the gentleman has said is you have received the dollars and you implement the program and I know that you are not going to spend the money the way that I told you to.

So you have to send me a bunch of reports saying, I did what you told me to do.

Mr. BOB SCHAFFER of Colorado. That is right.

Mr. HOEKSTRA. Here is the evidence. Here are the reports.

Mr. BOB SCHAFFER of Colorado. Endless accountability. The reason is because there is going to be politicians back here in Washington, D.C. who are demanding of these bureaucrats, you said the money was going to be spent to accomplish X, Y and Z goals. Now what proof do you have that you met them?

The bureaucrat will say, well, I have all of these reports, because we require them from all of these districts all across the country, and you have reports and reports and reports that should assure you, Mr. Congressman, that the money is being spent well and you can go home and sleep well at night and maybe you will even get reelected.

Mr. HOEKSTRA. I go through all of these reports in Washington, all the reports that go into this building, and people read them, they do not really know where your district is in Colorado, they do not know why my district is in Michigan, but they read my reports, is that the end of the saga? I do not think so, because I kind of believe that maybe some of the people that have gotten some of this $30 billion have not quite spent it the way that I wanted them to. So I have another department here in Washington. They are called auditors.

So I send them around the country and send them to you and say, I know you sent me the report but prove it. I want to see your paperwork that says that you spent the money exactly the way that I told you to. So I send the auditor to you and you go through another process.

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, will the gentleman yield?

Mr. HOEKSTRA. I yield to the gentleman from Colorado.

Mr. BOB SCHAFFER of Colorado. Not only will I go through that process, I will go pick the auditors up at the airport, I will go pick them up at the airport and drive them to my school and the doors will be open for them. I will offer them maybe a cup of coffee and give them a room all to themselves so they can sit down and go through my carefully prepared reports and documents and let them see just how fully compliant we are. They can have free reign in the school. They can open up all the school rooms they want. They can sit in. They can interview the kids, parents, the principal. They can do an audit of the school.

We will also, in order to continue receiving this Federal cash, we will stop everything else we were doing that we thought was important until today, like teaching children and supervising the children. We will make sure that the secretaries and the accountants and the bookkeepers stop what they are doing and help you make sure that we are fully complying with this little grant that we have.

Mr. HOEKSTRA. Just a couple of points, because as we have gone through education with the Crossroads Project, our subcommittee, we have gone to 15 States, we have had 22 different hearings and we have heard this over and over and over from I think over 220 witnesses in 15 states and the message is consistent, because they outlined this process for us; they said this is exactly what we go through.

Mr. BOB SCHAFFER of Colorado. Absolutely.

Mr. HOEKSTRA. It is not just in Colorado, it is not in Michigan, it is in New York, it is in Cleveland, it is in Milwaukee, it is in Georgia, it is in L.A., it is in San Jose. We have been there. We have been in Iowa. You know we have been around the country and the story is always the same. The message comes back and says, it is bureaucratic.

You notice that almost this whole dialogue was between the school administrator and Washington. The dialogue that is most important which is between the school administrator and the parent, who is paying for the taxes, gets lost in the process.

We have also identified that when we go through this process of taking that tax dollar and then you and I going through this exchange of, I got the money, you get it, you send it to me, I verify, you send in reports, I audit, that when you go through that whole process, we lose about 30 to 40 cents of every educational dollar that came from that taxpayer, we lose 30 to 40 cents in the work that you do in your local school district, and the work that bureaucrats need to do here in Washington. So we lose 30 to 40 percent of the money.

The other thing that we have found, one of the key findings and that we are going to be working on tomorrow, on dollars to the classroom, is that the leverage point for education spending, as much as I would like to say this bureaucrat and this bureaucracy are adding a lot of value to the education of our kids, what did we find? We found that the leverage point for educational spending is getting the resources to a teacher, to a principal, to a classroom. When we are losing 35 to 40 cents of every dollar, we are hurting our kids. We are not helping them learn.

Tomorrow we are setting up the objective that for 31 programs, that is roughly $3 billion of spending, instead of getting 65 to 70 cents of every dollar to the classroom, we want to get 90 to 95 cents of every Federal education dollar into the classroom out of those 31 programs, which I believe will give every classroom something like, what, $400 and $425 more.

That is leverage. That is not spending more on education. That is not asking the taxpayer to send us more money. That is just saying, with the money that you are sending us, we are going to spend a little less time talking to each other, or, you know the school administrators in Washington are going to spend a little less time talking to each other, a lot fewer rules and regulations, a lot less paperwork and we are going to open it up because we are going to say, if these four programs are the most important to you for what your kids need, spend the money on those four programs. Do not worry about the other 27, because the 4 programs that you maybe need to do in Colorado are very different than probably what he saw in the Bronx and what the kids in the Bronx need, and it is very different from what we saw in Louisville, Kentucky or what we saw in West Michigan, because the needs are different. We need to empower the local administrators and the parents and the teachers to spend that money. We need to get more money in their hands and we really believe that as much as we like these bureaucrats in Washington, they cannot substitute for a loving home; they cannot substitute for a parent and they cannot substitute for a teacher or a principal at a local level who knows what their kids need.

Mr. BOB SCHAFFER of Colorado. This is all about putting children first, putting children ahead of the bureaucrats, putting the needs and interests of children and educating them for the future ahead of the comfort of bureaucrats who are interested in usually only one thing, and that is preserving the status quo and preserving the positions of authority that they have secured for themselves here in Washington, D.C. and in other government centers throughout the country.

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Mr. HOEKSTRA. What this really does and what we are going to try to do tomorrow is we are going to try to implement the vision for the Education Department that a lot of these people in 1979 said the Education Department should be; that we should streamline the bureaucracy, we should get dollars into the classroom, and we should consolidate Federal education programs.

So the vision was right in 1979. The implementation was terrible. So the Education Department in and of itself was not a bad thing because it was addressing, it was supposed to address the right kinds of problems; but what you and I have found as we have gone around the country is that rather than implementing a Department of Education that empowered parents, empowered the local level, streamlined the process and got dollars to the local level, this bureaucracy took on a life of its own and created more programs and more rules and more regulations.

One of the things that we found was that the first time that you sent me, the first time that you sent an application to this bureaucracy to process a grant request, it had to go through 487 different steps that took 26 weeks to complete. Think of how many people that request touched, how long it was in every in-box and then in every outbox, and how many different offices it would go through in this building before you ever found out back at a local level whether you were going to get a dollar or not.

Mr. BOB SCHAFFER of Colorado. The bigger travesty is to consider all of the children who are robbed of an education opportunity, who are robbed of precious resources that could have gone toward furthering their academic progress by a bureaucracy that cares more about its paperwork and red tape and strings than the future of children throughout the country.

That is what we are trying to turn around, put the interests of children ahead of bureaucrats. But you know, I would like to try to anticipate tomorrow's debate a little bit because this seems so simple. This seems like for those who are considering the whole path of a dollar that is earned by a local wage earner in some far-off community, and confiscated by the Internal Revenue Service, sent to Washington, D.C., divvied up by politicians, spent by bureaucrats under the rules that they have written for themselves, and finally in the end sometimes less than 60 percent of it actually ends up helping anyone.

This seems like a problem that we could all agree on, a problem that we could agree needs to be resolved, it needs to be fixed and fixed quickly. It seems to be a solution that we are proposing tomorrow in the Dollars to the Classrooms bill that is very, very simple, very, very commonsense-oriented, yet we are going to have a fight on our hands.

Putting children first, as the Republicans will propose tomorrow, is not an easy thing to do in this Chamber because there are many other forces that come to play.

And let me just suggest where I believe some of this opposition will come from. You see, all of these bureaucrats, they like their jobs, they want to keep them, and so they form associations, they form interest groups to preserve and protect their little empire. And then you have all kinds of administrators at the State and local level who actually enjoy the details of working through the red tape. It empowers some of these folks, and so they form groups and associations, and they hire lobbyists, and they collect dues, and they get involved in political campaigns and contribute to campaign coffers, usually on the other side of the aisle, and they remind people of that when it comes to these fights on the floor.

And so you will have all of these groups and associations who want to keep the system confusing. They want to keep the bureaucracy receiving, in a position where it receives 40 to 50 percent of the off-the-top value of every dollar that is spent on education. They like the system as it is.

And we are going to have a real fight on our hands. It is hard to believe with the millions and millions of children around the United States of America, whose education future is at stake with tomorrow's debate, it is hard to believe that those millions of children will take a back seat to the arguments that we will hear from some on the other side of the aisle, the Democrat side of the aisle, tomorrow, who will suggest that spending more dollars at the classroom level is somehow harmful to the country and for the education process.

Confirm for me, if you will, do you expect this kind of fight tomorrow?

Mr. HOEKSTRA. Reclaiming my time, absolutely. It will be a spirited debate, and there are, you know there will be spirited communications from these interest groups because what we are going to try to do tomorrow is take 31 programs and put them into a single educational opportunity grant to local school districts. Well, for each one of these 31 programs right now, there is a constituency where people have applied for and, you know, where this 35 to 40 cents of every education dollar just does not vanish into thin air. There are people who are taking that money and who are benefiting from it, and they are not going to want to give that up for the sake of efficiency and streamlining.

But you know it is going to be a very spirited debate, and we will be accused of hurting kids. We are accused of that with the food lunch program when we said we want to streamline it. You are going to hurt kids. And it is kind of like, no. There are going to be people who are not going to benefit from this, but they are in these buildings, and the bureaucrats I met are talented and they are good people, but they are located at the wrong place to be making these kinds of decisions. It is going to be the people in these buildings, and it is going to be these bureaucrats, and it is going to be those people that believe in the vision that was highlighted in that memo that said Washington bureaucrats and Washington politicians know more about educating our children in Colorado and Michigan than what parents and teachers and school administrators do at the local level.

That is the debate.

Mr. BOB SCHAFFER of Colorado. Before our colleagues walk on this floor tomorrow and engage in this debate, I would urge them to do a couple things that they still have doubts about the importance and significance of this bill tomorrow, the Dollars to the Classroom bill. I would urge them to make a phone call back home in the morning before they come to the floor. Call your local school principal at the local elementary school or junior high school. Then ask the question: Do you think you can spend the money on a program designed to help the children you are responsible for better or worse than a Federal bureaucrat here in Washington, D.C.?

Call your child's teacher tomorrow. Call the teacher and ask them: If you had more money in your classroom, do you think you could make the decisions that would result in a better education for the children in your charge than somebody in Washington, D.C. designing the rules and regulations and all the accountability measures with those dollars? Who can make the better decision?

I will guarantee you that every Member of Congress placing those kinds of phone calls, asking those very simple questions, will hear the exact same response that you and I heard as we traveled around the country with the Education at a Crossroads project when we asked that question. When we asked that question of teachers and of superintendents and of school board members and of principals, those education professionals told us almost to the last one of them, cut the red tape, get the Federal Government out of my hair, give me the resources to do the job that I am trained to do and that I know to do, and get these people out of my way, Washington, D.C. They do not understand my neighborhood, they do not understand the children I am responsible for, they do not understand the issues that we have to deal with at our school, and they do not know how to spend the money in a way that is actually going to work. Get this bureaucracy out of my way and sit back and watch us improve dramatically the way we educate children in America.

Mr. HOEKSTRA. Reclaiming my time, I believe the other thing that we learned and why you and I are so confident of this alternative vision, a vision that returns power back to the local level that focuses on parents, that focuses basically on academics, that focuses on getting dollars back into the classroom is the wonderful success stories that we saw wherever we went whether we were in L.A. and we saw Yvonne Chan in her charter school, whether we were in San Jose and saw the technology school, whether we were at the school that we saw in Colorado or the one in Nillageville, there are tremendous success stories and there are tremendous people involved in education at the local level who are doing phenomenal things with our kids each and every day, and what they are asking for is they are asking for a little bit more freedom from Washington so that they can do what they know they want to do for their kids versus what Washington is telling them they have to do, and they are saying:

I will do what you tell me to do, but, boy, if I had the freedom, there are some other things that I really would like to do in my school, and when you take a look at the success stories and what the commitment of the teachers and the administrators and the parents at the local level, it is: let them go, give them the freedom, they are accountable. Teachers and administrators at the local level, they are not accountable to bureaucrats in Washington, they do not even know their name. They are accountable to the parents, and the kids and the school. Let us make that accountability, the one that we are really focusing on, and that is what this will start in enabling us to do.

Mr. BOB SCHAFFER of Colorado. You know freedom is the operative word here, and you hit the nail right on the head, the freedom to teach and the liberty to learn.

Let me tell you what freedom means with respect to the Dollars to the Classroom bill. It means that without appropriating a single additional dollar out of the education budget we will free up $2.7 billion that can then be spent on classrooms.

Let me state that again. It does not mean that we are going to spend more money in Washington, D.C., in the education budget, but it does mean that through efficiency mechanisms that you will find in the Dollars to the

Classroom bill $2.7 billion will be freed up to help children instead of being wasted on bureaucrats. That is what we are going to vote on tomorrow, $2.7 billion that will be liberated, freed from this bureaucratic nightmare in Washington and released upon the States in a way that those teachers, those administrators, those principals at the local level can utilize to do what they do best, and that is to help children.

Mr. HOEKSTRA. I thank the gentleman, and I think it is about time to wrap up this debate, although we have not had much of a debate. But we ought to also remember and say, you know, why did we do this discussion tonight?

We did this discussion tonight, number one, to prepare our colleagues for the debate that we are going to have tomorrow and also because we know it is going to be a vigorous debate because talking to the chairman of the full committee, Mr. GOODLING, and asking him, you know, do we have time to talk about all of the points that we want to talk about on Dollars to the Classroom tomorrow, and he said, boy. He said I already got 30 to 40 people who are asking to speak on this bill tomorrow, and you know there may not be enough time to get all of the points in, and so we have had an opportunity, I think tonight, to prepare our colleagues for this debate and to lay the framework about the alternative visions for education, the bureaucratic vision which says move accountability to Washington, move standards and testing to Washington, you know move dollars to Washington, move almost everything to Washington. And that is the debate. Or are we going to be in the debate on opportunity and freedom?

So we have had the opportunity tonight to lay the groundwork for that debate, to get that information on to the record and to prepare our colleagues for this debate which is going to be so critical tomorrow on a very important issue, a very important issue.

I will yield.

Mr. BOB SCHAFFER of Colorado. The interest groups that will be represented by some of our Democrat colleagues on the other side of the aisle is the National Teachers Union, the administrators associations. Those are the groups that will have real champions that they will find on the Democrat side of the aisle fighting very strenuously to prevent us from turning $2.7 billion back to the States and back to the children.

The children have no lobbyists, they have no children's association, they do not pay dues to an organization that hires professional lobbyists to represent them here on the House floor. Those children are counting on you and I and others like us who will come to this floor tomorrow and will fight as passionately as we possibly can to make sure that that $2.7 billion is pried from this quagmire of bureaucratic red tape here in Washington and is redirected to those children who are counting on us back home. That is what real freedom to teach entails, that is what real liberty to learn is all about, that is what Dollars to the Classroom bill is, what it represents, and that the real opportunity, the real opportunity that we have tomorrow, to place out for the American people real hope, real education reform and a program that is really going to make a difference for the children of America and allow them an opportunity to thrive academically and professionally eventually.

Mr. HOEKSTRA. Reclaiming my time, we will be able to start moving towards the vision that many of their colleagues in 1979 had for the Department of Education. It is a vision Mr. Dodd had, it is a vision that Mr. Bayh had, it is the vision that Mr. Levin had.

This is an opportunity to focus on kids, not on bureaucracy and to get dollars to our children and to their classroom.

I thank the gentleman from Colorado for not only participating in this special order this evening but for the help that you have been in the last 18 months as we have gone around the country and as we have studied this issue, as we have had the 22 or 23 different hearings, and being there to go through a learning process with us to find out what is working and what is not working in education in America today.

□ 2258

It has been a tremendous process. There has been tremendous learning, some great things and some frustrations, but we are making progress, and I think we can move this education bureaucracy in the right direction to really help kids.

I thank the gentleman for being here tonight.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. UNDERWOOD (at the request of Mr. GEPHARDT) for today and the balance of the week on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. BERRY) to revise and extend their remarks and include extraneous material:)

Mr. LANTOS, for 5 minutes, today.

Mr. BERRY, for 5 minutes, today.

Mr. FALEOMAVAEGA, for 5 minutes, today.

Mr. MINGE, for 5 minutes, today.

(The following Members (at the request of Mr. COBURN) to revise and extend their remarks and include extraneous material:)

Mr. COBURN, for 5 minutes, on September 18,

Mr. METCALF, for 5 minutes, today.

Mr. REGULA, for 5 minutes, on September 18.

Mr. FOX of Pennsylvania, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. BERRY) and to include extraneous material:)

Mr. KIND.
Mr. NEAL of Massachusetts.
Mr. VENTO.
Ms. JACKSON-LEE of Texas.
Ms. DELAURO.
Mr. HAMILTON.
Mr. HOYER.
Ms. RIVERS.
Mr. NADLER.
Ms. ROYBAL-ALLARD.
Mr. KUCINICH.
Ms. EDDIE BERNICE JOHNSON of Texas.
Mr. MILLER of California.
Mr. ANDREWS.
Mr. RAHALL.
Mr. SERRANO.
Mr. BARCIA.
Mr. MENENDEZ.

(The following Members (at the request of Mr. COBURN) and to include extraneous material:)

Mr. RADANOVICH.
Mr. LEWIS of California.
Mr. NEY.
Mr. GANSKE.
Mr. CRANE.
Mr. DOOLITTLE.
Mr. MCKEON.
Mr. CRAPO.
Mr. GILMAN.
Mr. ROGAN.
Mr. PACKARD.

ADJOURNMENT

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock p.m.), under its previous order, the House adjourned until tomorrow, Friday, September 18, 1998, at 9 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

10988. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule — Propyzamide;

Pesticide Tolerances for Emergency Exemptions [OPP-300699; FRL-6022-5] (RIN: 2070-AB78) received September 11, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10989. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule — Myclobutanil; Pesticide Tolerances for Emergency Exemptions [OPP-300705; FRL-6025-1] (RIN: 2070-AB78) received September 11, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10990. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule — Desmedipham; Extension of Tolerances for Emergency Exemption [OPP-300707; FRL-6026-4] (RIN: 2070-AB78) received September 11, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10991. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule — Trichoderma Harzianum Strain T-39; Exemption from the Requirement of a Temporary Tolerance [OPP-300698; FRL 6022-1] (RIN: 2070-AB78) received September 11, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10992. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule — Bacillus Sphaericus; Exemption from the Requirement of a Tolerance [OPP-300701; FRL-6024-2] (RIN: 2070-AB78) received September 11, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10993. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule — Cypermethrin; Pesticide Tolerance [OPP-300706; FRL-6025-6] (RIN: 2070-AB78) received September 11, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10994. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule — Esfenvalerate; Pesticide Tolerance [OPP-300708; FRL 6026-5] (RIN: 2070-AB78) received September 11, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10995. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule — Metolachlor; Pesticide Tolerances for Emergency Exemptions [OPP-300685; FRL-6017-9] (RIN: 2070-AB78) received September 11, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10996. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule — Sulfosate; Pesticide Tolerance [OPP-300709; FRL 6026-6] (RIN: 2070-AB78) received September 11, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10997. A letter from the Director, Washington Headquarters Services, Department of Defense, transmitting the Department's final rule — Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); TRICARE Program; Reimbursement (RIN: 0720-AA37)received September 10, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on National Security.

10998. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule — Control of Emissions of Air Pollution From Nonroad Diesel Engines [AMS-FRL-6155-3] (RIN: 2060-AF76) received September 11, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10999. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule — National Emission Standards for Hazardous Air Pollutants for Source Category: Pulp and Paper Production [FRL-6157-1] (RIN: 2060-AH76) received September 11, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11000. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule — Georgia: Final Authorization of State Hazardous Waste Management Program Revisions [FRL-6161-5] received September 11, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11001. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Commonwealth of Pennsylvania; Interim Final Determination that Pennsylvania Continues to Correct the Deficiencies of its Enhanced I/M SIP Revision [PA 122-4078c; FRL-6160-8] received September 11, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11002. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Commonwealth of Pennsylvania; Enhanced Motor Vehicle Inspection and Maintenance Program [PA 122-4078a; FRL-6160-6] received September 11, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11003. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule — Revision of Standards of Performance for Nitrogen Oxide Emissions From New Fossil-Fuel Fired Steam Generating Units; Revisions to Reporting Requirements for Standards of Performance for New Fossil-Fuel Fired Steam Generating Units [FRL-6159-2] (RIN: 2060-AE56) received September 11, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11004. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule — State of Alaska Petition for Exemption from Diesel Fuel Sulfur Requirement [FRL-6159-1] received September 11, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11005. A letter from the Acting Director, Regulations Policy and Management Staff, Office of Policy, Food and Drug Administration, transmitting the Administration's final rule — Amended Economic Impact Analysis of Final Rule Requiring Use of Labeling on Natural Rubber Containing Devices [Docket No. 96N-0119] received September 10, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11006. A letter from the Director, Fish and Wildlife Service, transmitting the Service's final rule — Endangered and Threatened Wildlife and Plants; Determination of Threatened Status for Four Plants From the Foothills of the Sierra Nevada Mountains in California (RIN: 1018-AC99) received September 10, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

11007. A letter from the Director, Fish and Wildlife Service, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Final Rule to Determine Endangered or Threatened Status for Six Plants from the Mountains of Southern California (RIN: 1018-AD34) received September 10, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

11008. A letter from the Director, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Designated Critical Habitat; Green and Hawksbill Sea Turtles [Docket No. 971124276-8202-02; I.D. No. 110797B] (RIN: 0648-AH88) received September 10, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

11009. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule — Guidance For Fiscal Year 1999 Interstate Discretionary (ID) Funds — received September 15, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11010. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule — Hazardous Materials: Withdrawal of Radiation Protection Program Requirement [Docket No. RSPA-97-2850 (HM-169B)] (RIN: 2137-AD14) received September 10, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11011. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Superior Air Parts, Inc., Piston Pins Installed on Teledyne Continental Motors Reciprocating Engines [Docket No. 97-ANE-37-AD; Amendment 39-10745 AD 98-98-19-02] (RIN: 2120-AA64) received September 15, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11012. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule — Low-Stress Hazardous Liquid Pipelines Serving Plants and Terminals [Docket No. PS-117; Amdt. 195-64] received September 10, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11013. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 757-200 Series Airplanes [Docket No. 97-NM-54-AD; Amendment 39-10747; AD 98-19-05] (RIN: 2120-AA64) received September 15, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11014. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule — Special Local Regulations; Rising Sun Regatta [CGD08-98-051] (RIN: 2115-AE46) received September 10, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11015. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule — Special Local Regulations: City of Clarksville Riverfest; Cumberland River mile 125.5 to 127.0, Clarksville, TN [CGD08-96-058] (RIN: 2115-AE46) received September 10, 1998, pursuant to 5

U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11016. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Saab Model SAAB 2000 Series Airplanes [Docket No. 97-NM-144-AD; Amendment 39-10748; AD 98-19-06] (RIN: 2120-AA64) received September 15, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11017. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Aerospatiale Model ATR72-212A Series Airplanes [Docket No. 98-NM-159-AD; Amendment 39-10756; AD 98-19-16] (RIN: 2120-AA64) received September 15, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11018. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule — Drawbridge Operation Regulations; Sheboygan River, WI [CGD09-98-003] (RIN: 2115-AE47) received September 10, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11019. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Pratt & Whitney PW4000 Series Turbofan Engines [Docket No. 98-ANE-02-AD; Amendment 39-10746; AD 98-19-03] (RIN: 2120-AA64) received September 15, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11020. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Fitchburg, MA [Airspace Docket No. 98-ANE-93] received September 15, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11021. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; SOCATA — Groupe AEROSPATIALE Models TB20 and TB21 Airplanes [Docket No. 95-CE-64-AD; Amendment 39-10729; AD 98-18-13] received September 10, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11022. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule — Amendment to Class E Airspace; Bennington, VT [Airspace Docket No. 98-ANE-94] received September 15, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11023. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule — Correction to Class E Airspace; Akron, CO [Airspace Docket No. 98-ANM-10] received September 10, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11024. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; CFM International CFM56-3, -3B, and -3C Series Turbofan Engines [Docket No. 98-ANE-44-AD; Amendment 39-10752; AD 98-19-10] (RIN: 2120-AA64) received September 15, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11025. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Crosby, ND [Airspace Docket No. 98-AGL-42] received September 10, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11026. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule — Amendment to Class E Airspace Goodland, KS [Airspace Docket No. 98-ACE-35] received September 10, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11027. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Textron Lycoming Fuel Injected Reciprocating Engines [Docket No. 97-ANE-50-AD; Amendment 39-10728; AD 98-18-12] (RIN: 2120-AA64) received September 15, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11028. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A320 Series Airplanes [Docket No. 98-NM-18-AD; Amendment 39-10742; AD 98-18-26] (RIN: 2120-AA64) received September 10, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11029. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model MD-90-30 Series Airplanes [Docket No. 98-NM-255-AD; Amendment 39-10735; AD 98-18-19] (RIN: 2120-AA64) received September 10, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11030. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Stemme GmbH & Co. KG Model S10 Sailplanes [Docket No. 93-CE-24-AD; Amendment 39-10744; AD 98-19-01] (RIN: 2120-AA64) received September 15, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11031. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule — Revision of Class E Airspace; Refugio, TX [Airspace Docket No. 98-ASW-34] received September 10, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11032. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule — Revision of Class E Airspace; Pascagoula, MS [Airspace Docket No. 98-ASW-38] received September 10, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11033. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Bowman, ND [Airspace Docket No. 98-AGL-41] received September 15, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11034. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule — Revision of Class E Airspace; Cameron, LA [Airspace Docket No. 98-ASW-37] received September 10, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11035. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule — Revision of Class E Airspace; Morgan City, LA [Airspace Docket No. 98-ASW-36] received September 10, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11036. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Inc. Model Otter DHC-3 Airplanes [Docket No. 97-CE-120-AD; Amendment 39-10724; AD 98-18-08] (RIN: 2120-AA64) received August 31, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11037. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Theodore, AL [Airspace Docket No. 98-ASW-39] received September 10, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11038. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule — Revision of Class D Airspace; San Antonio, Kelly AFB, TX [Airspace Docket No. 98-ASW-35] received September 10, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11039. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Carlisle, PA [Airspace Docket No. 98-AEA-11] received August 31, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11040. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Section 411(d)(6) Protected Benefits (Taxpayer Relief Act of 1997); Qualified Retirement Plan Benefits [TD 8781] (RIN 1545-AV95) received September 10, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

11041. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Department's final rule — Rollover of gain from qualified small business stock to another qualified small business stock [Revenue Procedure 98-48] received September 4, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

11042. A communication from the President of the United States, transmitting the report of the Commodity Credit Corporation for fiscal year 1996, pursuant to 15 U.S.C. 714k; to the Committee on Agriculture.

11043. A letter from the Secretary of Defense, transmitting a report on the retirement of Lieutenant General Joseph E. DeFrancisco, United States Army; to the Committee on National Security.

11044. A letter from the Secretary of Defense, transmitting a report on the retirement of Lieutant General Dennis L. Benchoff, United States Army; to the Committee on National Security.

11045. A letter from the Director, Defense Security Assistance Agency, transmitting a copy of Transmittal No. 21-98 which constitutes a Request for Final Approval for a Project Agreement with Sweden for research into methods to synthesize nitrogen molecular compounds to improve explosive properties of munitions that would also be "environmentally friendly," pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

11046. A letter from the Director, Defense Security Assistance Agency, transmitting

notification concerning the Department of the Air Force's Proposed Letter(s) of Offer and Acceptance (LOA) to United Arab Emirates for defense articles and services (Transmittal No. 98-45), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

11047. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 12-422, "Board of Elections and Ethics Subponea Authority Temporary Amendment Act of 1998" received September 10, 1998, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform and Oversight.

11048. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 12-434, "Vendor Payment and Drug Abuse, Alcohol Abuse, and Mental Illness Coverage Temporary Relief Act of 1998" received September 10, 1998, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform and Oversight.

11049. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 12-421, "Oyster Elementary School Construction and Revenue Bond Act of 1998" received September 10, 1998, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform and Oversight.

11050. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 12-420, "Drug-Related Nuisance Abatement Temporary Act of 1998" received September 10, 1998, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform and Oversight.

11051. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 12-418, "Arson Investigators Amendment Act of 1998" received September 10, 1998, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform and Oversight.

11052. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 12-419, Office of the Inspector General Law Enforcement Powers Temporary Amendment Act of 1998, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform and Oversight.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BLILEY: Committee on Commerce. H.R. 4017. A bill to extend certain programs under the Energy Policy and Conservation Act and the Energy Conservation and Production Act, and for other purposes; with an amendment (Rept. 105-727). Referred to the Committee of the Whole House on the State of the Union.

Mr. BURTON: Committee on Government Reform and Oversight. Report on the Refusal of Attorney General Janet Reno to Produce Documents Subpoenaed by the Government Reform and Oversight Committee (Rept. 105-728). Referred to the House Calendar.

Mr. McINNIS: Committee on Rules. House Resolution 544. Resolution providing for consideration of motions to suspend the rules (Rept. 105-729). Referred to the House Calendar.

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. CASTLE:

H.R. 4590. A bill to allow all States to participate in activities under the Education Flexibility Partnership Demonstration Act; to the Committee on Education and the Workforce.

By Mr. STARK (for himself and Mr. CARDIN):

H.R. 4591. A bill to amend title XVIII of the Social Security Act to provide for home health case manager services under the Medicare Program; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STARK:

H.R. 4592. A bill to amend titles XI and XVIII of the Social Security Act to establish a program to ensure that home health agencies do not employ individuals who have a history of patient or resident abuse or have been convicted of certain crimes; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CRAPO:

H.R. 4593. A bill to establish a National Resources Institute at the Idaho National Engineering and Environmental Laboratory; to the Committee on Science.

By Mr. FOSSELLA (for himself, Mr. KING of New York, Mr. BLILEY, Mr. BUNNING of Kentucky, Mr. WELDON of Pennsylvania, Mr. FORBES, Mr. ENSIGN, and Mr. KLUG):

H.R. 4594. A bill to provide funds to States to establish and administer periodic teacher testing and merit pay programs for elementary and secondary school teachers; to the Committee on Education and the Workforce.

By Mr. REGULA (for himself, Mr. LIPINSKI, Mr. GUTIERREZ, Mr. JACKSON of Illinois, Mr. WELLER, Mr. HYDE, Mr. DAVIS of Illinois, Mr. SHIMKUS, Mr. FAWELL, Mr. MANZULLO, Mr. HASTERT, Mr. DICKS, Ms. NORTON, Mr. COSTELLO, Mr. CRANE, Mr. PORTER, Mr. LAHOOD, Mr. POSHARD, Mr. BLAGOJEVICH, Mr. EVANS, Mr. RUSH, Mr. EWING, Mr. MILLER of Florida, Mr. SKEEN, Mr. KOLBE, Mr. WAMP, Mr. SKAGGS, Mr. MCDADE, and Mr. MURTHA):

H.R. 4595. A bill to redesignate a Federal building located in Washington, D.C., as the "Sidney R. Yates Federal Building".; to the Committee on Transportation and Infrastructure.

By Mr. SMITH of Michigan (for himself and Mr. THUNE):

H.R. 4596. A bill to amend the Internal Revenue Code of 1986 to provide that certain farming-related section 1231 gains and losses shall not be taken into account in determining whether a taxpayer is eligible for the earned income credit; to the Committee on Ways and Means.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 68: Mr. BLILEY and Mr. GOODE.

H.R. 326: Mr. BLILEY, Mr. FROST, Mr. McINNIS, and Ms. DANNER.

H.R. 902: Mr. BILIRAKIS and Mr. ENSIGN.

H.R. 1126: Mr. LUTHER.

H.R. 1134: Mr. PEASE.

H.R. 1231: Mr. COYNE.

H.R. 2670: Mr. MARTINEZ.

H.R. 2819: Mr. BALDACCI.

H.R. 2879: Mr. GOODLATTE.

H.R. 2882: Mr. SHADEGG and Mr. BARR of Georgia.

H.R. 2914: Mr. ENGLISH of Pennsylvania and Mr. HILLIARD.

H.R. 2939: Ms. DANNER.

H.R. 3261: Mrs. MYRICK.

H.R. 3523: Mr. ROGERS.

H.R. 3792: Mr. ENGLISH of Pennsylvania.

H.R. 3831: Ms. KILPATRICK.

H.R. 3925: Mr. BORSKI.

H.R. 4018: Mr. DOYLE, Mrs. CLAYTON, and Mr. LAMPSON.

H.R. 4121: Mr. PRICE of North Carolina and Mr. LAHOOD.

H.R. 4132: Ms. PELOSI.

H.R. 4157: Mr. HILLIARD.

H.R. 4204: Mr. BALLENGER and Mr. CALVERT.

H.R. 4217: Mr. CAMPBELL.

H.R. 4220: Ms. KILPATRICK.

H.R. 4229: Mr. NEY.

H.R. 4235: Mr. HINOJOSA.

H.R. 4242: Ms. STABENOW.

H.R. 4249: Mr. NORWOOD.

H.R. 4251: Mr. BARR of Georgia and Mr. KINGSTON.

H.R. 4266: Mr. UNDERWOOD and Mr. KUCINICH.

H.R. 4281: Mr. CAMPBELL.

H.R. 4339: Mrs. EMERSON, Ms. JACKSON-LEE of Texas, and Ms. BROWN of Florida.

H.R. 4402: Mr. ENGLISH of Pennsylvania and Mr. COOKSEY.

H.R. 4404: Mr. COOKSEY and Mr. JENKINS.

H.R. 4415: Mr. KINGSTON and Mr. NEY.

H.R. 4447: Mrs. CHENOWETH.

H.R. 4461: Mr. KINGSTON and Mr. LEWIS of Georgia.

H.R. 4472: Mr. HALL of Texas and Mr. MCGOVERN.

H.R. 4567: Mr. CARDIN, Mr. RAMSTAD, Mr. ISTOOK, Mr. CONDIT, Mr. WELLER, Mr. ADAM SMITH of Washington, and Mr. EHLERS.

H.R. 4577: Ms. KILPATRICK and Ms. RIVERS.

H.R. 4587: Mr. HEFLEY.

H. Con. Res. 210: Mr. STENHOLM.

H. Con. Res. 264: Mr. MOLLOHAN.

H. Con. Res. 295: Mr. GILMAN and Mr. HOYER.

H. Res. 532: Mr. COBLE, Mr. MANZULLO, and Mr. UPTON.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 4569

OFFERED BY: MR. CAMPBELL

AMENDMENT NO. 41: Page 110, strike line 2 and all that follows through line 15.

H.R. 4569

OFFERED BY: MR. DAVIS OF ILLINOIS

AMENDMENT NO. 42: Page 141, after line 18, insert the following:

TITLE VII—ADDITIONAL GENERAL PROVISIONS

PROHIBITION ON PROMOTION OF TOBACCO FARMING IN MALAWI

SEC. 701. None of the funds appropriated in this Act under the heading "Development Assistance" may be made available for the promotion of tobacco farming in Malawi.

EXTENSIONS OF REMARKS

THE LIQUIDATION OF ASSETS FROM THE POLISH-AMERICAN ENTERPRISE FUND

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 1998

Mr. HAMILTON. Mr. Speaker, 9 years ago President Bush requested, and the Congress authorized, the creation of Enterprise Funds for Poland and Hungary, in order to spur economic reform and the growth of private enterprise in these countries.

The Polish-American Enterprise Fund (PAEF) has succeeded in its mission, and is now prepared to return the funds it originally received from the U.S. government.

Because there are so many views inside and outside the government about what should happen to assets of the PAEF, and because the guidance provided by the Congress 9 years ago on the disposition of those assets was neither clear nor explicit, I believe the Congress should authorize, by statute, how the assets of the PAEF are distributed. It is important for Congress to make a decision on this matter because it will establish a precedent for the distribution of assets from other Enterprise Funds in the future.

The text of my August 10, 1998 letter to Secretary Albright and the Department of State's reply of September 11th follow:

CONGRESS OF THE UNITED STATES,
COMMITTEE ON INTERNATIONAL RELATIONS, HOUSE OF REPRESENTATIVES,
Washington, DC, August 10, 1998.

Hon. MADELEINE K. ALBRIGHT,
Secretary of State, Department of State, Washington, DC.

DEAR MADELEINE: I write regarding any decision you may reach with respect to the distribution of assets resulting from the liquidation of assets of the Polish-American Enterprise Fund (PAEF).

The SEED Act of 1989 does not give clear or explicit guidance on how assets from Enterprise Funds should be distributed, once these Funds are liquidated, and I believe Congress should be involved in a decision on how assets from them are distributed.

In particular, in the case of the Polish-American Enterprise Fund, valued at over $250 million, I believe Congress should authorize by statute how assets from this Fund are distributed. I appreciate that the legislative process can be slow, but I believe a decision reached in this way will best represent a consensus that reflects the views of the entire U.S. government.

The consensus-building process is especially important because a decision on the Polish-American Enterprise Fund will establish a precedent for the distribution of assets from other Enterprise Funds in the future.

I appreciate your attention to this issue.

With best regards,

Sincerely,

LEE H. HAMILTON,
Ranking Democratic Member.

U.S. DEPARTMENT OF STATE,
Washington, DC, September 11, 1998.

Hon. LEE H. HAMILTON,
Committee on International Relations, House of Representatives.

DEAR MR. HAMILTON: Thank you for your letter of August 10, 1998, to the Secretary, concerning the distribution of funds resulting from any liquidation of assets of the Polish-American Enterprise Fund (PAEF). The Secretary shares your concerns about this important issue, and is aware how any decision reached about the PAEF could establish a precedent for the future distribution of assets from other Enterprise funds.

As you well know, the fact that the PAEF has been so successful poses some unique problems when the issue of its dissolution is raised. Due to the wide interest in the Fund, a number of varied proposals have been given to the Administration regarding how reflow funds should be handled. Administration officials have been consulting with key members of the Congress and their staff (including those of your own), the PAEF Board of Directors, the Polish government and the Polish-American community, to arrive at a satisfactory solution. While a formula acceptable to all concerned has not yet been achieved, we have and will continue to consult with members and staff of the House International Relations Committee as part of this process.

We hope that this information has been helpful to you. Please do not hesitate to contact us if we can be of further assistance in this or any other matter.

Sincerely,

BARBARA LARKIN,
Assistant Secretary, Legislative Affairs.

CALIFORNIA AGRICULTURE IS IN CRISIS DUE TO LABOR SHORTAGE

HON. GEORGE P. RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 1998

Mr. RADANOVICH. Mr. Speaker, as a Member of Congress from the San Joaquin Valley of California, I am proud to represent the two largest agricultural producing counties in the United States. Currently, a severe shortage of labor is raising concern over the economic future of the agriculture community throughout California. Agricultural production is nearly a $25 billion industry in the State, and California has the largest agricultural economy in the Nation. Right now, farmers are competing for the same scarce labor force as the raisin, table and wine grape harvest is entering its peak and tree fruit growers are also harvesting in California. Simultaneously, apple farmers are beginning to pick their fruit in the State of Washington and are in need of labor. California has not seen a labor shortage of this magnitude since World War II.

The agricultural community has worked with numerous San Joaquin Valley Social Services Departments and Employment Development Departments to provide needed labor from individuals who are unemployed or entering the workforce after receiving welfare. Such actions have failed to supply adequate labor for harvest.

The agricultural labor situation can be alleviated through action by the Federal Government. Under a reformed agricultural worker program, substantial opportunities will be given to foreign workers who can often earn significantly more in the United States than in their own country. Such reform reduces illegal immigration by creating a streamlined process to temporarily legalize individuals who choose to work in the agricultural sector of the United States.

I am working to include the Agricultural Job Opportunity, Benefits and Security Act, authored by Senator GORDON SMITH (R–OR), in the final conference language of the Commerce, Justice, State and Judiciary appropriations measure. The act was approved as an amendment to S. 2260, the Senate Commerce, Justice, State and Judiciary appropriations bill. It passed by a bipartisan vote of 68–31 in the Senate. Related House legislation did not contain the agricultural worker provision. The Senate measure establishes a national registry within the Department of Labor to track agricultural job seekers. Employers are required to first hire domestic workers from the registry and are able to hire foreign workers if domestic workers are not available. Housing or a housing allowance must be provided by growers, and the prevailing wage rate must be paid. The prevailing wage rate is the mid-point of all wages earned, and it is always higher than the minimum wage.

On behalf of the farmers in the San Joaquin Valley in California, I urge the Commerce, Justice, State, and Judiciary conferees to include the Agricultural Job Opportunity, Benefits, and Security Act in the final bill. I also strongly encourage all Members of the House to support its passage. A stable, reliable and affordable food supply is dependent upon congressional approval of this measure.

A SPECIAL TRIBUTE TO THE BELLEVUE CITY SCHOOL DISTRICT ON BEING SELECTED AS ONE OF "OHIO'S BEST PRACTICES"

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 1998

Mr. GILLMOR. Mr. Speaker, it is with great pleasure that I rise today to pay special tribute to an outstanding educational program from Ohio's Fifth Congressional District. Today, the Bellevue City School District is receiving recognition for its excellence in education by

being named as one of "Ohio's Best Practices."

Mr. Speaker, Ohio's BEST, which stands for Building Excellent Schools for Today & the 21st Century, is an education partnership that seeks to identify and celebrate exemplary grassroots educational programs that have proven to be successful in improving the performance of Ohio's students.

The students, parents, teachers, and administrators of the Bellevue City School District and the entire Bellevue, Ohio community have a great deal to be proud of in receiving this prestigious award. Without question, it takes a special group of people and an enormous amount of effort and ingenuity to be selected as one of Ohio's BEST practices.

In being selected for this honor, the Bellevue City School District displayed its success in designing and implementing effective approaches to improving the educational results of its students. Ohio's BEST schools are chosen based on several criteria including commitment to the cornerstone principles of: (1) high academic standards, (2) world-class teaching and professional development, (3) providing safe, secure schools for better learning environments, and (4) state-of-the-art infrastructures for the 21st Century.

Mr. Speaker, the future education of our children is paramount to the future of our great nation. Each day, our schools provide our leaders of tomorrow with the skills they need to begin the next century. The Bellevue City School District is working to ensure our children are prepared to face the challenges of today and seize the opportunities of tomorrow. I would urge my colleagues to stand and join me in paying special tribute to one of Ohio's BEST practices—the Bellevue City School District, and in wishing them continued success in the future.

WESTERN HEMISPHERE DRUG ELIMINATION ACT

SPEECH OF

HON. JERROLD NADLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1998

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 4300) to support enhanced drug interdiction efforts in the major transit countries and support a comprehensive supply eradication and crop substitution program in source countries:

Mr. NADLER. Mr. Chairman, I rise in opposition to H.R. 3975, controversial legislation that would impose expensive, highly intrusive criminal background checks on our nation's port employees. It is significant that this bill—with all its ramifications—has never been the subject of a hearing by the Judiciary Committee and to this day is not understood by most of the Members in this chamber.

Today the House accepted by voice vote this controversial legislation as part of H.R. 4300, the Western Hemisphere Drug Elimination Act. This is no way for the House to conduct the people's business.

At a time when we in Congress are attempting to stem the flow of drugs into our communities and schools, we are engaging in a broad brush rush to judgment about America's port-side workers. The way to accomplish our anti-drug trafficking goals is not by declaring that all longshore workers, including those with 20 or more years of service, are guilty. That is exactly what we are doing if H.R. 3975 is enacted.

No one quarrels with the goal of finding methods to stem the flow of illegal drugs into this country. No one quarrels with the need to use any and all means to achieve this goal including seeking out those who would use their place of employment to give drug dealers and smugglers a free ride into our cities and towns. And no one quarrels with the notion that if we have a few bad apples working in our ports, let's stop them from helping those who would poison this country with illegal drugs.

But make no mistakes about it. H.R. 3975 does not accomplish this goal and, in fact, would likely have adverse consequences on those who are serious about blocking illegal drugs at our borders and in our ports. It takes little imagination to conclude that if you want to stop the infestation of our citizens with dangerous drugs, then make working men and women employed at the transportation choke points—such as longshore workers—a major part of the solution by enlisting them as partners in this crucial endeavor.

Let's not, because of political convenience, demonize hard working port employees by making all of them subject to expansive criminal background checks with no limit and no protections. By doing so we are passing value judgments about their criminal records or intentions with no justification other than anecdote. Perhaps worst of all we are passing these judgments without even giving all sides an opportunity to express their views before the committee of jurisdiction.

If we have drug problems in a particular port let's do something about them. If drugs are passing through our transportation choke points let's give law enforcement authorities the tools and resources to do their job. But let's not demoralize potential allies in the war on drugs by declaring them a major criminal threat and making them all prove their innocence.

Stopping the use of our nation's ports to ship illegal drugs in the United States is a goal I strongly support. H.R. 3975 does not accomplish that objective. I urge my colleagues to join me in opposing H.R. 3975 as a stand alone bill or as part of any legislation to be consideration by this House.

IN HONOR OF THE UNIVERSITY OF MICHIGAN MARCHING BAND

HON. LYNN N. RIVERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 1998

Ms. RIVERS. Mr. Speaker, I rise today to recognize the University of Michigan Marching Band and their milestone Centennial Season. In the fall of 1898, the Michigan Band first appeared at a football game, with 25 members performing only from the stands. From these humble beginnings the Michigan Band has grown in both size and stature to be widely recognized as the pre-eminent college Michigan Band in the country.

The Band has had a rich history, full of notable events. On January 1, 1948, the Michigan Marching Band was the first Big Ten Conference Band to appear at the Rose Bowl in Pasadena, California. Travelling to Los Angeles in 1973, the Michigan Band was the first collegiate band to perform at a Super Bowl. In 1983, the Band was honored as the first recipient of the Louis Sudler Trophy, an award given annually to a college marching band of particular distinction and excellence.

Longtime Michigan radio announcer Bob Ufer declared that "the four most anticipated words on a football Saturday in Ann Arbor" were "Band take the field!" The spirit and energy the Band brings to each football game is a source of great pride to all Michigan fans. There is nothing that can equal the experience of being at Michigan Stadium and joining "all the Maize and Blue Faithful in a rousing chorus of "The Victors," as the Band marches down the field forming the Block "M".

A source of inspiration for all of the University of Michigan family, we offer the heartiest thanks and congratulations to the Michigan Marching Band as they celebrate their Centennial Season.

INTRODUCTION OF THE NATURAL RESOURCES INSTITUTE ACT

HON. MICHAEL D. CRAPO

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 1998

Mr. CRAPO. Mr. Speaker, I rise to introduce the Natural Resources Institute Act. This legislation will help find solutions to many of the problems that affect the health of our environment.

The United States is faced with the challenge of protecting the environment, while maintaining economic growth. The use of our Nation's natural resources has resulted in a strong economy, but has left a legacy of fragmented land-use and regions of environmental degradation, including areas in my home State of Idaho. Unfortunately, there has not been a comprehensive and coordinated effort to address these environmental issues or an organized effort to help other communities from making similar mistakes. I believe that many of these problems could be avoided or remediated if the communities faced with land-use decisions had access to sound scientific research.

Mr. Speaker, the Natural Resources Institute, using expertise from national laboratories and universities, will provide communities with access to sound scientific research when making environmental and land-use decisions. In addition, the Natural Resources Institute will coordinate research efforts to solve real-world environmental problems. It will be particularly helpful in addressing problems associated with agriculture, logging, grazing, hydro-power, fishing, mining, recreation, and other natural resource activities.

TRIBUTE TO JOHN LAPWORTH

HON. FRANK A. LoBIONDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 1998

Mr. LoBIONDO. Mr. Speaker, John Lapworth is the Cal Ripken of Postal Carriers. Lapworth who is a mail carrier in Cape May County in my district recently received the National Safety Council's Million Mile Club's Safe Driver Award. Lapworth, who works out of the Villas post office branch and lives in Rio Grande, has gone 35 years on the job without an accident or a road violation. He has not even been involved in accident that was not his fault. He estimates he has driven more than 250,000 miles since joining the Postal Service in 1964. He has traveled this vast distance without so much as a speeding ticket or a fender bender.

John was honored recently at a breakfast with his coworkers where he received a trophy, a plaque, and a $500 check for his accomplishment. I want to commend John Lapworth for his achievement and for his dedication to safety in the workplace. In our fast-paced society where everyone seems to be in a hurry and terms like road rage are commonplace, John Lapworth's defensive driving and commitment to caution is refreshing.

TRIBUTE TO STEVE MANNING OF EAST LONGMEADOW, MA

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 1998

Mr. NEAL of Massachusetts. Mr. Speaker, I rise today to pay tribute to a exemplary public servant whose roots lie in my home district of Massachusetts. For over 20 years, Steve Manning has shown undivided dedication to the people of Western Massachusetts.

Steve is a highly respected attorney and a dedicated community activist. Mr. Manning has been engaged in private law since June, 1996 concentrating in property law, estate and corporate business matters. In 1976, he was admitted to the Massachusetts Bar and U.S. District Court for the District of Massachusetts. In addition to his tremendous achievements, Mr. Manning serves as adjunct faculty member at Western New England College, Business Division.

Under his inspired leadership, he was elected and appointed to many public offices throughout Western Massachusetts. For the last 18 years, Steve has served as a remarkable Selectmen for the town of East Longmeadow. He is a true family man and extraordinary friend who I proudly commend and honor.

Mr. Speaker, I am privileged to represent such an outstanding individual and I join with the citizens of the Second Congressional District in offering a most heartfelt thank you for the service he has given to Western Massachusetts.

DRUG DEMAND REDUCTION ACT

SPEECH OF

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 1998

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 4550) to provide for programs to facilitate a significant reduction in the incidence and prevalence of substance abuse through reducing the demand for illegal drugs and the appropriate use of legal drugs:

Mr. UNDERWOOD. Mr. Chairman, I rise in support of curtailing the use of drugs in America. The bill before us today is not bad legislation. It certainly provides the states and the territories an opportunity to incorporate new anti-drug programs, along with other measures they are using, to fight the epidemic that has settled in our communities.

Often times, I hear people speak of how isolated the Island of Guam appears. My island is in the middle of the Pacific Ocean and thousands of miles away from the mainland United States. But, on Guam, we feel and suffer alongside any other small American town or metropolis.

In fact, it is speculated that Guam is fast becoming a location for the transshipment of illegal drugs into America. Along this route, from Asia to America, many of the drugs make their final destination my island and their presence has affected our way of life—much like it has done across the United States.

This legislation is good because it continues the dialogue that needs to be discussed. The very fact that we are on this floor today and our words and gesticulations broadcast across America keep this issue in the minds of our constituents.

I want to thank Mr. PORTMAN for the hard-work he has put into this legislation and encourage for continuing dialogue on this issue to bring new programs and ideas, such as the Drug Free Prisons and Jails provisions in this bill and the assurances for Drug Free Schools.

We need to continue our fight for our communities, our families and our children.

TIM HARTMAN, AN IOWA HERO

HON. GREG GANSKE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 1998

Mr. GANSKE. Mr. Speaker, I rise to pay tribute to a young Iowan, Tim Hartman.

As reported in the Des Moines Register, this 17-year-old high school senior from Earlham rescued an elderly man from a fire in the senior's barn. Tim saw smoke from Willard Barnett's barn on the morning of Thursday, September 2, 1998. Mr. Barnett, who is 93, was inside, having broken his hip while fueling his tractor.

Tim Hartman dragged Mr. Barnett to safety shortly before the barn erupted in flames. His quick thinking and commitment to his neighbor helped save Willard Barnett's life.

At a time when the media likes to paint teenagers as self-absorbed and apathetic, I am pleased to share the story of Tim Hartman with you. We would all do well to remember his selfless heroism.

Mr. Speaker, I am pleased to take this occasion to salute Tim Hartman.

HONORING MAJOR GENERAL DAVID H. OHLE

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 1998

Mr. NEY. Mr. Speaker, I rise today to pay tribute to a man who has dedicated 29 years of his life protecting the people of this great Nation and ensuring the American way of life. This gentleman has distinguished himself as a community leader, a dedicated family man, and a decorated officer in the U.S. Army. The man I speak about today is Major General David H. Ohle.

The distinguished career of Major General David Ohle began as he completed a Bachelor of Science degree from the U.S. Military Academy in 1968. His military service spans more than 29 years at various levels of command and staff positions. He began his career as an Infantry Officer. A few of his commands include a Ranger company in Vietnam, an infantry battalion at Fort Campbell, Kentucky, and an infantry brigade at Schofield Barracks, Hawaii.

Major General Ohle exemplifies the ideal of citizen-soldier. He has earned every decoration he wears, among which are a Silver Star, three Legions of Merit, and the Defense Meritorious Service Medal. He has served his country well, and will continue to do so in the future.

Mr. Speaker, I ask that you join me in congratulating Major General Ohle on his new assignment as Deputy Chief of Staff for Personnel. Along with his new position, he will be promoted to the rank of three star Lieutenant General. On behalf of the Congress of the United States and the people of this great Nation, I offer our heartfelt appreciation to Major General Ohle for a job well done and best wishes for continued success.

FRANCIS J. SALVERON, DISTINGUISHED VETERAN AND COMMUNITY LEADER

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 1998

Mr. HOYER. Mr. Speaker, I rise today to pay tribute to Francis J. Salveron. Mr. Salveron, 88, a retired Air Force master sargeant and personal aide to General Douglas MacArthur during the general's triumphant return to the Phillipines, died August 23, 1998 at this Bladensburg home.

Mr. Salveron was about 32 years old when he enlisted in the U.S. Army in Australia. He served for 10 years as a purser on a luxury

liner sailing between the Phillipines and Australia. In 1942, Mr. Salveron's ship, the S.S. *Mactan*, was one of the few ships to survive the Japanese invasion.

In February 1942, Mr. Salveron was aboard a U.S. transport ship sailing from Melbourne to the Phillipines where the ship was met by Japanese zero fighter planes and sunk. Mr. Salveron and about one-third of the ship's crew survived. They floated in the sea for almost 12 hours before being picked up. The survivors were then transported to Melbourne for a recovery period. It was shortly after that Mr. Salveron was ordered to join General MacArthur in New Guinea to be his personal aide. For three years he personally served the general. Mr. Salveron was with General MacArthur as they took the first step off the landing barge to wade ashore on October 20, 1944 on Red Beach, Leyte. General MacArthur had fulfilled a promise to the Phillipine people and spoke those famous words, "I have returned."

After the war, Mr. Salveron left General MacArthur and reenlisted in the Air Force, where he became part of the official flight crew of, then, General Dwight D. Eisenhower. Mr. Salveron went on to serve as part of the crew for the U.S. Secretaries of Defense and State until his retirement in 1963.

Upon retirement, Mr. Salveron went on to devote his life to volunteer work in the city of Bladensburg, in my home State of Maryland, and to preserving the MacArthur legend. He went on to found the General Douglas MacArthur Post of the Veterans of Foreign Wars and was commander for 21 years. Mr. Salveron was also active in the Bladensburg promotion committee. He distinguished himself by restoring the Bladensburg Peace Cross Memorial, and establishing the town's Korean and Vietnam memorials. In 1983, he was named outstanding senior citizen by the Prince George's County Maryland Jaycees. His military honors include a bronze star, a purple heart and three Presidential distinguished citations. Mr. Salveron is survived by his wife of 66 years, four children, nine grandchildren and two great grandchildren.

Mr. Salveron dedicated his life to service in both the public and private sector. He was an individual who stood out among his fellow soldiers and showed strength of character during some very difficult times. I join the citizens of Bladensburg in recognizing his commitment to our country, our State, and their great city.

THE 125TH ANNIVERSARY OF ST. PAUL UNITED METHODIST CHURCH OF DALLAS, TEXAS

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 1998

Mr. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise to recognize the 125th anniversary of St. Paul United Methodist Church in Dallas, Texas. St. Paul has a rich history of service and contribution to the surrounding community, It is indeed a historical pillar in the city of Dallas that has strengthened its congregation. Throughout St. Paul's 125 years of service, the church has successfully created innovative ministries to assist all segments of the community.

A historical landmark site located in the arts district of Dallas, St. Paul is one of the oldest congregations in the entire D.F.W. Metroplex. St. Paul reaches out to many individuals in our diverse community.

The congregation began as a mission from the Wesley Church in New Orleans, Louisiana, in 1873. This great beginning was followed by St. Paul becoming the first African-American Methodist Church to be organized in Dallas by the direction of its first pastor, Rev. H. Boliver in addition, the first church building served as a school to educate the minds of African-American children while serving as a church. The significance of this achievement was that it was the only vehicle to formally educate Dallas African-American children until the city built its first public school for African-Americans in 1884 across the street form the church.

Two years later the Reverend G.W. Richardson organized Samuel Huston College, (presently Huston-Tillotson College, now in Austin, Texas) on February 22, 1876 at Dallas, where its first classes were held in the St. Paul Methodist Episcopal Church.

Mr. Speaker, this was the beginning of St. Paul's mission to proactively reach out to the community and making the tenets of the Methodist Church active and service-oriented. St. Paul's current pastor, Dr. Henry L. Masters Sr., not only continued that proactive service, but has also been the driving force in increasing membership growth, creating an improved infrastructure and doubling the church staff and budget. Along with this work, new ministries have been developed to feed the homeless, to take inner-city youth to summer camp and to teach pastors business skills.

Mr. Speaker, the work of St. Paul's is innovative, compassionate and much-needed. This has all resulted in a Dallas Community that is much stronger and closer. Therefore, the anniversary of the church means more than just a celebration for its leaders and congregation. It means that countless citizen from all walks of life and backgrounds in the Dallas area are beneficiaries of St. Paul's 125 years of service. I join the many in congratulating St. Paul's on this achievement and also in extending the church the best wishes for another 125 years of successful service.

CHALLENGES FACING IMMIGRANT COMMUNITIES AND SOCIAL SERVICE AGENCIES

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 1998

Mr. VENTO. Mr. Speaker, I rise to express my deep sadness over a tragedy that occurred in my district of Saint Paul, Minnesota. A young mother, Khoua Her, aged 24, is suspected of strangling her three sons and three daughters, ages 5 to 11. When Saint Paul police responded to the 911 call on September 3, they found the six children dead and Khoua Her semiconscious after trying to take her own life. Khoua Her has been charged with six counts of second-degree murder in the deaths of her children: Koua Eai Hang, 11; Samson Hang, 9; Nali Hang, 8; Tang Lung Hang, 7; Aee Hang, 6; and Tang Kee Hang, 5. She is currently under psychiatric evaluation to gauge her mental competence at the time of the slaying and ability to stand trial.

This is an occasion not only to mourn, but to reflect. I certainly do not excuse these horrific actions and am confident that law enforcement officials in Saint Paul are taking the steps necessary to investigate this case. This chilling incident does shed some light on special problems and significant challenges facing our Minnesota community.

Recent press accounts highlight a 1995 study conducted by the University of South Carolina profiling mothers who have taken the lives of their own children. The study cites that 8 in 10 were mentally ill or had a low intelligence quotient. They also share what mental health professionals call "life stressors," such as poverty, many children, limited education and low-paying jobs. This incident is just one of many recent examples demonstrating the need to make social services more accessible, particularly in the area of mental health. The federal government has a responsibility to provide leadership in making mental health services more accessible to the public. Congress must continue to demonstrate its commitment to mental health by supporting legislation and programs that treat mental health problems as seriously as physical ailments and also provide a seamless safety net which catches parents with such problems, placing their children at grave risk.

Cultural isolation is another factor social service experts cite as a factor leading to crimes of desperation. This incident brings to light the problems new Americans face as they try to integrate into our communities. Too often due to cultural conflicts, social service agencies have a difficult challenge effectively reaching out to new immigrants. This is particularly true with the new Southeast Asian community in such places as Minnesota. Many came to the United States after fleeing their ravaged villages and living in refugee camps as a result of the Vietnam War. Now in the United States, many Southeast Asians are fractured families dealing not only with the mental scars associated with war, they are also trying to break the cycle of dependency and cope with the breakdown of the traditional extended family structures.

The City of Saint Paul has in recent years become the home to the third largest population of new Southeast Asian refugees in the nation. Our community has been both blessed and challenged by this sudden demographic change. Today, Southeast Asians compose 30% of the students in Saint Paul's public schools. Although many of these students are succeeding academically and holding leadership positions in their classes, the integration of the Southeast Asian community has been uneven. A popular radio station in my area recently broadcast some remarks about the Hmong community that were both culturally demeaning and racist in nature. Such messages of intolerance not only serve to alienate new members of our community, they are bad for the psyche of our nation and tear at the fabric of our society. This tragic loss of life is

certainly not solely the result of ethnic intolerance, but certainly needs to be a recognition that harsh ridicule and insults leave such a minority feeling isolated and desperate. As a nation of immigrants it would be my hope that we will greet new Americans with the openness and hospitable responses extended to many of our grandparents and families.

The City of Saint Paul and surrounding communities are greatly shaken and concerned by this tragedy. Our state and communities have been pro-active reaching out to these new Americans, but it is evident that more must be done and that Minnesotans are painfully aware of the challenge. Hundreds of mourners have gathered to pay their respects to these six innocent children. My deep sorrow is mixed with new hope that tragedies of this magnitude can be prevented as we all work together to reach out and address the problems in our communities.

NATIONAL HUMANITARIAN AWARD FOR CHRISTINE BURRAGE

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 1998

Mr. NEAL of Massachusetts. Mr. Speaker, I would like to call to your attention the actions of a spectacular humanitarian, Christine Burrage. She is a letter carrier in my home town of Springfield, Massachusetts. Ms. Burrage has recently been honored as the National Association of Letter Carriers' National Humanitarian Award winner, an event I was proud to attend.

The letter carriers employed by the United States Postal Service have the opportunity to positively influence the neighborhoods in which they work. Though the opportunity may present itself daily, not every letter carrier is willing to become a part of the community to which they deliver mail. On the other hand, there are a number of letter carriers that become deeply involved with the people in the communities through which their route takes them. Christine Burrage is one such person.

Christine Burrage delivers mail in a poor, downtrodden neighborhood. She learned Spanish from her patrons in order to interact with them more effectively, and interact she has. Ms. Burrage gives food to those who cannot afford groceries, toys and clothing to children in need, and all manner of relief for victims of fire. The people to whom she delivers mail know that if they have a problem, Christine Burrage will do whatever she can to help.

There are many children along her route whose family life is less than ideal. For these children, and for many adults as well, Ms. Burrage serves as a role model. She reminds the children who follow along with her of the value of an education and the rewards for hard work. She is also willing to take the time to explain the many dangers associated with drugs. Christine Burrage does not only deliver the mail. She also plays the roles of social worker, counselor, and teacher. She has become an indispensable member of the Memorial Square community.

In a time when the people of the United States are searching for heroes to look up to, some need only look down their own street. The real heroes are ordinary people who take the opportunity to do extraordinary acts of kindness. People who are willing to take risks for the welfare of others are a credit to their town, their state, and their country. Christine Burrage is that kind of person and I feel honored and privileged to serve as her representative in Congress.

TRIBUTE TO WILFREDO BENITEZ

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 1998

Mr. SERRANO. Mr. Speaker, I rise today to pay tribute to Mr. Wilfredo Benitez, an outstanding Puerto Rican athlete, who has been a successful boxer. He was honored on Friday, September 11, at the "Centro Cultural Latino" in my Bronx congressional district.

Mr. Benitez was born in the Bronx, New York, on September 12, 1958. His record speaks volumes about his achievements: 53 wins, 8 losses, 1 draw, 31 knockouts. He has been in the Boxing Hall of Fame in Canastota, New York, since 1996.

On March 6, 1976, at the age of 17, he defeated Antonio Cervantes for the Junior Welterweight title in 15 rounds. He is the youngest in boxing history to capture the World Boxing Association (WBA) title.

On January 14, 1979, he defeated Carlos Palomino for the World Boxing Council (WBC) Welterweight title.

On May 23, 1981, he defeated Maurice Hope by knockout in the 12th round for the Junior Welterweight title.

Through his long dedication and success in boxing, Mr. Benitez has served as a role model for millions of youngsters in the United States and Puerto Rico who, like him, dream of succeeding in the world of sports.

Mr. Speaker I ask my colleagues to join me in recognizing Mr. Wilfredo Benitez for his contributions and dedication to boxing, as well as for serving as a role model for the youth of Puerto Rico and America.

CHAMBER AMBASSADORS SCORE AN ACE AT TEE OFF FOR SUCCESS '98

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 1998

Mr. BARCIA. Mr. Speaker, if anyone wants to see the ingenuity of America, the spirit of innovation, or the day-to-day application of the work ethic that has made our nation the envy of the world, there is no need to look further than the members of the Chamber of Commerce. These men and women who provide opportunities for literally millions of Americans, never tire in trying to find new ways to run their own businesses more efficiently.

Next week the Michigan State Chamber of Commerce will hold their Ambassador Conference at Saginaw Valley State University, hosted by the Saginaw Chamber of Commerce. Nearly 200 Chamber members from throughout the state have registered for this conference, more than for any prior conference.

There will be an outstanding program that will provoke and challenge those attending to think more about how to be more successful in business, increasing one's network, balancing work, family and volunteer obligations, expanding sponsorship of Chamber activities, and earning the continued support of existing members. Given the outstanding efforts of the Saginaw County Chamber of Commerce in planning this event for the past two years, I am confident that the time spent at this conference will be amply rewarded.

The Chairperson of this event, Jean George, has committed herself to making this event the best one of its kind, and I have every confidence that she will succeed.

Mr. Speaker, the community of business men and women around this country have a great deal of wisdom and real life experiences to share with their colleagues and to share with us. It is my pleasure to welcome the 1998 State Ambassador Conference to Tee Off for Success '98 at Saginaw Valley State University. I look forward to learning from them, and wishing them a most successful event.

REMARKS ON HILL INTERNATIONAL CLAIM AGAINST THE KINGDOM OF SAUDI ARABIA

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 1998

Mr. ANDREWS. Mr. Speaker, I rise today to join my colleagues in support of the claim filed by Hill International, Inc. against the Kingdom of Saudi Arabia. I have been involved in this fight with Hill since they approached Members and Senators for help more than five years ago, and I am dismayed by the refusal of the Saudis to settle their debts with American businesses.

In the late 1970's, the Saudi Royal Commission refused to pay for $55 million in additional engineering work required on a desalination plant in Yanbu City, Saudi Arabia. A compromise negotiated three years ago by the late Representative Bill Emerson remains unpaid by the Saudis. Saudi Ambassador Bandar is now refusing to admit he ever asked Representative Emerson to help broker the claim. This is unconscionable.

In a recent discussion with Assistant Secretary of State Martin Indyk, I reiterated Hill International's request for a meeting with Ambassador Bandar and interested Members of Congress. With the expected visit of Crown Prince Abdullah to Washington, DC on September 24th, I would hope Ambassador Bandar would want to avoid an embarrassing situation and arrange our meeting promptly. To continue his present course of action would reflect poorly on our friendly relations with our ally in the Persian Gulf.

Hill International employees about 100 people in Willingboro, New Jersey which I represent. The failure of the Saudis to pay this

claim put the jobs of my constituents at risk. I urge a quick resolution on this matter.

IN HONOR OF STEVEN D. JACOBS

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 1998

Mr. LEWIS of California. Mr. Speaker, today Congressman GEORGE BROWN and I rise together to honor a great American, Steven D. Jacobs. I am proud to say that Steven is my constituent, living with his wife, Deborah, in Victorville, California. Important to add, however, is that Steven's tireless and selfless work crosses the boundaries of Congressional districts. As a very active member of the Veterans of Foreign Wars (VFW) since 1981, Steven represents not only the vets in my district but also many of the veterans who live in the Congressional district of my friend and colleague, GEORGE BROWN. However, his service does not end there. As two time All-American Commander, Steven has represented the veterans of the entire State of California. Furthermore, at this year's convention in Modesto, Steven D. Jacobs was elected State Commander for the 1998–1999 year.

Born in Hawthorne, California on October 27, 1949, Steven joined the Marine Corps after graduating from high school in 1967. In April 1968, Steven was sent to Vietnam to serve with the Marine Air Group 30 in Quang Tri. Upon his return stateside, Steven was stationed at Twentynine Palms, California until he left the service to go to college. Since 1990, Steven has worked for Target Distribution in Fontana, California where he is currently the Planner and Scheduler for the Maintenance Department. Also a family man, Steven and his wife are the proud parents of six children, four girls and two boys, and three grandchildren.

Mr. Speaker, on October 3d, a reception will be held in Steven's honor in Ontario, California. Since we can not be present for this event, Congressman BROWN and I would like to honor Steven D. Jacobs today. We would ask our colleagues to join us in celebrating the life and great contributions of a great American.

CONGRESSIONAL RECOGNITION OF KCOH, HOUSTON

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 1998

Ms. JACKSON-LEE of Texas. Mr. Speaker, Whereas, in recognition of KCOH's original owners Dr. John B. Coleman, Judson Robinson, Jr., Travis Gardner, Skipper Lee Fraizer, and General Manager/Owner Michael Petrizzo; and

Whereas, KCOH was the first Black oriented radio station in Texas and has been a source of entertainment to the Houston community since 1952; and

Whereas, within the years of operation, KCOH has evolved from a sun up through sunset broadcaster to a twenty four hour broadcaster, continuing to provide quality programming to the Houston community; and

Whereas, former air personalities Gladys "Gee Gee" Hill, Perry "Deep Throat" Caine and Clifton Smith set a precedence in the broadcasting profession; and

Whereas, the current air personality Michael Harris, having over 20 years of service, along with air personality Wash Allen, continues to abide by the standard of excellence by providing quality programming; and

Wheras, programming like Person to Person with Michael Harris and Confession with Wash Allen provide mediated forums for the community to express itself and discuss pressing issues that affect the individual, community, as well as, the nation.

Now therefore, be it resolved that KCOH is most deserving for any and all applause and commendations for their work in the area of broadcasting and community service to all people and on behalf of the constituents of the Eighteenth Congressional District of Texas, I extend a sincere and hearty congratulations on your 46th Anniversary. Furthermore, I hereby grant Congressional Recognition to KCOH for Broadcasting Excellence and Quality Community Programming.

IN HONOR OF THE 25TH ANNIVERSARY OF THE IMMACULATE HEART OF MARY GOLDEN AGERS

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 1998

Mr. KUCINICH. Mr. Speaker, I rise to honor the Immaculate Heart of Mary Golden Agers in celebration of their 25th anniversary on September 20, 1998.

The Immaculate Heart of Mary Golden Agers Club was founded on September 18, 1973, by a group of parishioners who recognized the need to increase social activities for the senior members of the parish. Eleven charter members, along with Father Frank Bartnikowski, met and chose Helen Skuza as their first president. In 1985, Helen Skuza retired, and Joseph Sommerfelt was elected to serve as the next president.

Traveling is the favorite activity of the group. However, when traveling is not an option, social events prevail. Picnics, bingo and raffles are enjoyed by the group on the holidays as well as manning the Winter and Ice Cream Socials, Tumbola, Maverick, Instant Bingo and the Split Raffle.

Throughout the last 25 years, the Golden Agers have also promoted many philanthropical events. They have made generous contributions to the Friends and Parents of Retarded Children, Inc., the annual fireworks display at Morgana Park and continue to give money and food to the needy of their community during the holidays. The Golden Agers also hold an annual Rummage Sale and Card Party to raise funds to provide scholarships for the eighth grade graduates of Jesus and Mary School.

While organizing and participating in extracurricular activities, the Golden Agers have never lost touch with their parish or their community. Over the past 25 years they have generously donated their time and their money to better their community. We owe the Golden Agers a sincere "Thank you".

TRIBUTE TO WILFREDO VASQUEZ

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 1998

Mr. SERRANO. Mr. Speaker, I rise today to pay tribute to Mr. Wilfredo Vasquez, an outstanding Puerto Rican athlete who has been a successful boxer. He was honored on Friday, September 11, at the "Centro Cultural Latino" in my Bronx congressional district.

Mr. Vasquez was born on August 2, 1961 in Bayamón, Puerto Rico. His record speaks volumes about his achievements: 50 wins, 8 losses, 3 draws, 37 knockouts.

On October 3, 1987, he defeated by knockout Chan Yong Park for the Bantamweight title in 10 rounds in the World Boxing Association (WBA). On March 27, 1992, he defeated Raul Perez in 3 rounds for the Junior Featherweight.

On May 18, 1996, he defeated Eloy Rojas by knockout for the Featherweight title. He is the only three-time champion in the same organization.

Through his long dedication and success in boxing, Mr. Vasquez has served as a role model for millions of youngsters in the United States and Puerto Rico who, like him, dream of success in the world of sports.

Mr. Speaker, I ask my colleagues to join me in recognizing Mr. Wilfredo Vasquez for his contributions and dedication to boxing, as well as for serving as role model for the youth of Puerto Rico and America.

TRIBUTE TO WEST VIRGINIA JOURNALIST ERNIE SALVATORE

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 1998

Mr. RAHALL. Mr. Speaker, I want to congratulate Mr. Ernie Salvatore on his 50th anniversary as a journalist for newspapers serving Huntington, West Virginia.

Mr. Salvatore began his career as a journalist at age 15 taking sports scores over the telephone. A year later, he covered traffic court for the Greenwich Times in Connecticut and served as sports editor for his high school newspaper.

In 1942, Mr. Salvatore joined the U.S. Army and served in World War II. After his discharge as a staff sergeant in 1948, he enrolled at Marshall University in Huntington, West Virginia where he met his future wife, Joanne Pinckard. Following graduation, Mr. Salvatore worked for the Huntington Advertiser as radio-TV editor until being named sports editor in 1953. After 14 years as sports editor, he became executive sports editor for both the Huntington Advertiser and the Herald-Dispatch. In 1986, Mr. Salvatore retired from the

Herald-Dispatch, but continues to submit columns from his home office.

Mr. Salvatore hired the first woman to write about sports at the Advertiser and has many admirers in West Virginia including Bobby Pruett, the Marshall University football coach. "He's an honest person," Pruett said. "He tells it like it is. In all dealings with me he's been very honest, straightforward and he's treated me fairly. I've known him since 1961, . . . and the thing I've learned about Ernie is that he loves Huntington and he loves Marshall University. But even though he has that strong love, he's going to be honest to his profession and honest to his reading public."

He and his wife, who will celebrate their 50th anniversary in January, have raised five children and are the proud grandparents of six grandchildren. I salute Mr. Ernie Salvatore for his tireless dedication to the Huntington community, the State of West Virginia, and his chosen profession.

TRIBUTE TO AKTINA PRODUCTIONS

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 1998

Mr. MENENDEZ. Mr. Speaker, I rise today to pay tribute to AKTINA Productions, a nonprofit Greek-Cypriot-American radio program which offers stellar bilingual programming on the airwaves of public station WYNE 91.5 FM in the New York Metropolitan area.

AKTINA Productions is unique not only because it is the only bilingual Greek-American Radio Show presently airing in the United States, but also because it caters to all ethnic groups and ages. Its programming includes Greek songs and music, as well as hard news, special news reports and feature stories of wide public interest, including folk arts, sports, radio, theater and the latest Greek hits. Its informative newscasts and reports from Cyprus and Greece, inform listeners of the Greek and Cypriot national issues.

Every year, AKTINA Productions organizes a cultural event to acknowledge the Greek and Cypriot heritage. This year's event will celebrate the unique customs and traditions of Asia Minor. The well-known dance Group Terpshichore will present a Dance-Music Journey from the Waterfront of Smyrna to the Black Sea of Pontos and into the caves of Cappadocia.

This event will also mark the tragic anniversary of the Greek expulsion from Asia Minor following the catastrophe at Smyrna in 1922. It was at Smyrna in 1914, that the Turkish Nationalists regime initiated a systematic campaign to eradicate the ethnic Greek population in Asia Minor, consigning and killing thousands of male conscripts into forced labor battalions and destroying Greek towns and villages and slaughtering hundreds of thousands of civilians in areas where Greeks composed a majority, including the Black Sea port of Pontos and the areas surrounding Smyrna.

Through this production AKTINA will be paying tribute to many Greeks who lost their lives during the tragic events at Smyrna, including Metropolitan Chrysostomos, the spiritual leader of the Orthodox Christians in Smyrna who refused to abandon the city and was brutally murdered by Turkish mobs with the consent of the Turkish police forces.

I would like to take this opportunity to congratulate AKTINA Productions both for the service they provide to listeners in the tri-state area, for ensuring that we never forget the tragic events at Smyrna by staging this production, and to wish them well as they come together on September 20, 1998 to celebrate their Greek and Cypriot heritage.

A TRIBUTE TO THE 100TH ANNIVERSARY OF THE LEAGUE OF CALIFORNIA CITIES

HON. JERRY LEWIS

OF CALIFORNIA

HON. LUCILLE ROYBAL-ALLARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 1998

Mr. LEWIS of California. Mr. Speaker, my colleague Ms. LUCILLE ROYBAL-ALLARD and I rise today in order to pay tribute to the League of California Cities, the organization that represents the 471 incorporated cities of our home state, California.

The League of California Cities was founded a century ago by a small group comprised of 13 cities. In the century that has passed since its inception, the League has served as a vibrant, active forum where California city officials can exchange information and ideas in their work that keeps the great state of California moving up and moving on.

What the League of California Cities does is strive to protect the local authority and autonomy of the city government and assist California cities in offering their citizens the best services possible. To help its members meet the everyday challenge of running a city government, the League offers services, training, and other programs—all of which equip California's cities to meet their tremendous responsibilities far into the future.

On any given day here in the House or across the way in the Senate, you will find several legislators who have previously served as mayors and council members of California's cities and who have worked closely with the League for the good of those cities.

It seems appropriate that the theme for the League's Centennial is: "100 Years of Working Together: Better Cities—A Better Life." For the 32 million citizens of the state of California, the cities where they live and work and play and grow offer them just that opportunity—a better life, a better chance, thanks to people working together.

Mr. Speaker, it is with great pleasure that we recognize the League of California Cities for 100 years of service to the people of the great state of California. And it is with sincere wishes that our successors here in the House of Representatives have the privilege of working with this same institution 100 years hence.

THANKS TO A DEVOTED EDUCATOR AND LEADER

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 1998

Mr. BARCIA. Mr. Speaker, the future of our Nation is in the hands of our young people, and our young people are both guided and molded by caring people who serve in our educational system. While there is no doubt as to the incredible value of the effort provided by teachers, it must be remembered that without strong school boards to guide local education policies, teachers would have a far more difficult time achieving the goals that the public has set for them.

For the past thirty years, the Bay-Arenac Intermediate School District has been well served by Angela V. Fenton, a dedicated lady who had set her own clear goals when she started. She has served longer than any other board member, and has now retired, having successfully fulfilled each and every one of these goals. She is being honored on September 21 for her accomplishments and her lifetime of dedication.

Over the course of her tenure, Angela Fenton had three goals. She wanted to establish the Educational Center, which has been done with the praise of the community and to the great benefit of the many students who take advantage of it. She wanted to establish and manage the Vocational Center, and she has done exactly that, making what is known as the Career Center one of the best of its kind in Michigan. She also wanted to locate a permanent building to serve the needs of Special Education. This is in the process of being completed. Her vision, her efforts, and her devotion have left the Bay-Arenac Intermediate School District a far better entity than she found.

Her service as Secretary of the Board for two years and as President for nine years is testimony to both her commitment and her leadership. It is truly fitting that she be honored before the regular Board meeting on September 21.

Mr. Speaker, when we express concern about our young people, or worry about the quality of public education, let us all be thankful that people like Angela Fenton undertake that important work with a visionary sense of the future, a hard core realism of the needs of today, and an appreciation for what has come before them. I urge you and all of our colleagues to join me in thanking Angela Fenton for her years of exemplary service, and in wishing her the very best for all of the challenges that life still has in store for her.

POW/MIA RECOGNITION DAY

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 1998

Mr. GILMAN. Mr. Speaker, I rise today to remind my colleagues of the importance of National POW/MIA Recognition Day, which

falls on September 18, 1998. I urge my colleagues to participate in recognizing America's heroes; those who are presumed missing in action.

Our Nation has fought six major conflicts in its history. In those wars, over 500,000 Americans have been taken prisoner-of-war. Those servicemen and women experienced numerous hardships and treatment which could often be described only as barbaric during the course of captivity. Those Americans imprisoned by the Japanese during World War II faced the worst possible conditions on captivity and were firsthand witnesses to the utter depravity of their fellow men.

I have been a strong advocate of an accounting of our POW/MIA's since I first came to the Congress in 1973. I proudly supported the creation of the Select Committee on Missing Persons in Southeast Asia, the National POW/MIA Recognition Days, and POW/MIA legislation because I believe the families of those who are missing in action deserve no less. Hopefully, 1998 will be the last year that such an occasion will be necessary. My hope is that by this time next year, our Government will have obtained a full accounting of those brave Americans whose fates, at this time, are still unknown.

Permit me to focus special recognition on those POW/MIA's from Korea and Vietnam. Despite the administration's best assurances to the contrary, many of us remain unconvinced that the governments of North Korea and Vietnam have been fully cooperating with the United States on this issue. Regrettably, by normalizing relations with Vietnam, I believe that we have withdrawn our leverage over the Vietnamese Government on this issue.

In recent years, we have learned from testimony presented to congressional committees that Soviet and Czech military doctors performed ghastly medical experiments on U.S. POW's in North Korea during the Korean war. These experiments were used to test the psychological endurance of American GI's, as well as their resistance to chemical, biological, and radioactive agents. Moreover, Soviet and Czech intelligence agents helped organize shipments of POW's to the U.S.S.R. during the Vietnam war, and that, at least, 200 were sent between 1961 and 1968.

It is my hope that this information will lead to a further clarification regarding the safe return of any living POW's who may still be in captivity in Korea or elsewhere.

Americans should always remember the love of country that America's veterans have shown as well as their personal sacrifices, courage, convictions, and dedication to freedom that these individuals have exhibited.

Veterans Affairs Committee Chairman, the gentleman from Arizona, BOB STUMP quoted a portion of President Abraham Lincoln's letter to a mother who lost five sons on the battlefield:

> I cannot refrain from tendering to you the thanks of the Republic they died to save. I pray that our Heavenly Father may assuage the anguish of your bereavement, and leave you only the cherished memory of the loved and lost, and the solemn pride that must be yours to have laid so costly a sacrifice upon the altar of freedom.

May it be of some solace to the families and loved ones of our missing and POW's that there are many of us in the Congress committed to a full and final accounting of our missing.

TRIBUTE TO WILFREDO GOMEZ

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 1998

Mr. SERRANO. Mr. Speaker, I rise today to pay tribute to Mr. Wilfredo Gomez, an outstanding Puerto Rican athlete who has been a successful boxer. He was honored on Friday, September 11, at the "Centro Cultural Latino" in my Bronx congressional district.

Mr. Gomez was born on October 29, 1956 in Santurce, Puerto Rico. His record speaks volumes about his achievements: 42 wins, 3 losses, 1 draw, 40 knockouts. He is in the Boxing Hall of Fame in Canastota, New York.

On May 21, 1977, he defeated by knockout Dong Kyum Yum in the 12th round to conquer the World Boxing Council (WBC) Junior Featherweight title. He defended that title 17 times and won all the fights by knockout which set a world record.

On March 31, 1984, he defeated Juan Laporte for the World Boxing Council Featherweight title in 12 rounds and on May 19, 1995 defeated Rocky Lockridge for the World Boxing Association (WBA) Jr. Lightweight title.

Through his long dedication and success in boxing, Mr. Gomez has served as a role model for millions of youngsters in the United States and Puerto Rico who, like him, dream of succeeding in the world of sports.

Mr. Speaker I ask my colleagues to join me in recognizing Mr. Wilfredo Gomez for his contributions and dedication to boxing, as well as for serving as a role model for the youth of Puerto Rico and America.

GUNMEN IN EL SAUZAL, MEXICO

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 1998

Mr. PACKARD. Mr. Speaker, I rise today to inform the House that 19 men, women and children were brutally murdered early this morning in El Sauzal, Mexico. This small town, a suburb of Ensenada, is just an hour south of the Mexican border, and not far from my home district in Southern California.

According to news reports, some twenty people living in three neighborhood homes were jerked from their beds and lined up against a wall shortly after 4 a.m. this morning. They were then brutally gunned down execution style, murdered in cold blood.

Mr. Speaker, I hope the Mexican authorities find these killers and put an end to the violence which has plagued this region in years past. We cannot afford an increase in drug and gang-related violence along our southern border. I urge my fellow southern California colleagues to join me in urging that we continue to support our border patrol officers.

PERSONAL EXPLANATION

HON. MICHAEL D. CRAPO

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 1998

Mr. CRAPO. Mr. Speaker, I was not able to cast a series of votes on September 14, 1998. Had I been present, I would have voted in the following manner:

S. 2206, rollcall No. 426. I would have voted "aye".

H. Con. Res. 304, rollcall No. 427. I would have voted "aye".

H. Con. Res. 254, rollcall No. 428. I would have voted "aye".

H. Con. Res. 185, rollcall No. 429. I would have voted "aye".

HAPPY 130TH ANNIVERSARY ZION BAPTIST CHURCH

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 1998

Mr. BARCIA. Mr. Speaker, the strength and stability that people find within their church is a divine power. And nothing is stronger than the stability provided by longevity. On September 26, the Zion Baptist Church of Saginaw, Michigan, will celebrate its 130th anniversary in a fashion that is sure to inspire every one of its parishioners.

The members of today's church can look back fondly upon the church's history and learn great lessons from the church's history. While the church had a successful but noneventful first 59 years, it has had a very active period since then. Reverend Reid became pastor in 1928. He committed the church to a $10,000 expansion package, only to have the Great Depression place demands on the church that it would not place on itself. It fell to the next pastor, Reverend Arnold, to find the funds necessary to pay off the debt. He succeeded.

Reverend Schatine then came, and wanted to help build a parsonage. The project once again proved to be overwhelming and satisfying at the same time, as Brother Hawkins exercised his leadership of the parish. Reverend Toomey completed this phase before Reverend Johnson came in 1942, who then oversaw a major expansion of the church. Reverend O.J. Steel organized the chorus and added a baptismal pool to the church.

In 1956, Reverend Roosevelt Austin became the Pastor, a post which he still holds today. His devotion and leadership have helped Zion Baptist Church grow, with a new edifice and an educational expansion. He has been a most positive force within the community, having been very active with the NAACP, OIC of Metropolitan Saginaw, Saginaw City Council, Second National Bank Board of Directors, President of the Wolverine State Congress of Christian Education, and many other civic and religious organizations.

Throughout this time, the people who have benefitted have been the thousands of parishioners who have found strength, guidance,

and solace from Zion Baptist Church, its Pastors, and its congregation. This 130 year testimony of faith is something to be truly celebrated. Mr. Speaker, I urge you and all of our colleagues to join me in wishing Pastor Austin and the congregation of Zion Baptist Church a most joyous 130th anniversary, and many more to come.

TRIBUTE TO THOMPSON VALLEY HIGH SCHOOL

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 1998

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, I rise today to pay tribute to some of the fine young people at Thompson Valley High School. The varsity cheerleading squad was awarded the Colorado High School Activities Association's academic champions award for having the highest grade point average of any school their size. I commend these young ladies for their great academic achievement in addition to their hard work on the cheerleading squad. Their dedication and drive is sure to carry them to a bright and opportunistic future. I applaud Shari Robinson, their coach, for her leadership. Mr. Speaker, I have no doubt that these young ladies: Allison Anderson, Laressa Branson, Shannon Curtis, Christine Foote, Jenny Giansiracusa, Sara Griebe, Sara Klaas, Elizabeth Leon, Kristen McTeer, Jodi Naylor, Hilary Pederson, Britni Rhodes, Kirsta Rinehart, Jeanell Santee, Dana Terry, Allysian Vissat, and Jamie Williams, will continue to excel in their academic and athletic endeavors. Thank you, Mr. Speaker.

AN AMERICAN SUCCESS STORY

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 1998

Mr. CRANE. Mr. Speaker, one of the saddest chapters in America's history is that of her Indians. The U.S. government has, over the years, waged wars against various tribes, as they forced others to relocate great distances from their ancestral lands. In the 20th century, Washington made American Indians virtual slaves to the federal welfare system.

As a student of history with some Cherokee blood in my veins, I have had a keen interest in the plight of the American Indian. For that reason, I have been very encouraged and impressed with the efforts of Chief Phillip Martin of the Mississippi Choctaws. I have had the privilege of meeting Chief Martin, who has presided over an economic renaissance in his tribe.

Instead of looking to bureaucrats on the Potomac, the Choctaws looked to themselves and took advantage of opportunities in the free market to lift themselves out of destitution. Now the reservation is a economic dynamo of industrial and commercial enterprises. In fact, the reservation is among the top ten employers in the entire state of Mississippi.

I commend to the attention of my colleagues an article from the Wednesday, September 16, 1998 edition of the Washington Times entitled "Choctaws' climb from despair" written by Grover Norquist. Mr. Norquist describes the achievements of Chief Martin and the Mississippi Choctaws which should be a good lesson for not only other Indian tribes across the country, but other communities as well.

[From the Washington Times, Sept. 16, 1998]

CHOCTAW'S CLIMB FROM DESPAIR

(By Grover Norquist)

Forty years ago, a long forgotten band of Indians, the Mississippi Choctaws, were mired in the deepest of poverty, after 150 years of decline from what was perhaps once the mightiest Indian nation in the South. Unemployment had long stood at about 75 percent, and those who did work were poorly compensated sharecroppers. Life expectancy was only 45 to 50 years, and infant mortality was the highest of any population in the United States. Eighty-five percent of Choctaw housing was classified as substandard. Local education stopped at the sixth grade. The only health care was from a nearby federally run hospital. Even in the 1960s, a local newspaper called the Choctaw tribe "the worst poverty pocket in the poorest state of the union."

Then Chief Phillip Martin took over the reigns of leadership for the tribe. Chief Martin's insight was that his people were never going to climb out of this swamp of despair by relying on federal handouts and bureaucrats. He realized instead that their only hope was to turn to the private market economy and earn their own way.

Remarkably, he understood that what seemed to others like an economically hopeless enclave of despair had much to offer business and industry. The tribe's reservation was effectively an Enterprise Zone, with tribal business exempt from all federal and state taxes, as well as all state regulations and many federal regulations. Moreover, the tribe had a ready and available work force eager to be trained and perform well.

Through long years of hard work, Chief Martin turned these assets into astounding success. Today, the Choctaws are an economic powerhouse, proprietors of a sprawling, multi-enterprise, industrial and commercial empire. They are the largest employer in Neshoba County, and among the 10 largest employers in the state. They now have industrial plants on their reservation under contract with Ford, Chrysler, AT&T, Xerox, Navistar, American Greetings, McDonald's and others. They also now run one of the most successful casinos in the state, the Silver Star, opened just four years ago.

As a result, average family income has soared from about $2,000 per year 35 years ago to around $24,000 per year today. Unemployment has been all but eliminated, and only about 3 percent of Choctaw tribal members are on welfare. Life expectancy is now 65–70 years, an increase of almost 20 years from four decades ago. Infant mortality has now plummeted to below state and national averages.

The average educational level of adult tribal members has climbed from sixth grade in 1975 to almost 12th grade today. Substandard housing is virtually gone from the reservation, replaced by modern homes. In short, on indicator after indicator, the Chocataws are now approaching middle class American status.

In leading this long climb from the depths of poverty and despair, Chief Martin has achieved many accomplishments that show he well deserves the Hero of the Taxpayer Award we will happily present to him today:

He has shown the way for American Indians and tribes across this nation to climb out of government dependency and join in the mainstream American economy.

He has shown that the Enterprise Zone model of economic development, with greatly reduced tax and regulatory burdens and local control, can work incredibly well in the most difficult of circumstances.

He has been the leader and innovator in contracting out services and programs from the Bureau of Indian Affairs and Indian Health Service, so that now virtually all Federal Indian programs and services for the Mississippi Choctaws are run by the tribe rather than the federal government. He has consequently shown how the federal role in Indian affairs can be greatly diminished and the role of tribes in running their own affairs greatly increased.

Even though the tribe is effectively the state and local government for the Mississippi Choctaws and provides all state and local services, Chief Martin runs it and has accomplished all of the above to boot with virtually no tribal taxes.

INTRODUCTION OF THE MEDICARE HOME HEALTH CASE MANAGER ACT

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 1998

Mr. STARK. Mr. Speaker, I rise today with Representative BEN CARDIN (D–MD) to introduce the Medicare Home Health Case Manager Act of 1998. The Medicare home health benefit has received much attention this year. The reason for that attention has been the dramatic growth of home health services over the past decade.

The Balanced Budget Act of 1997 (BBA) made a number of changes to the home health benefit to help stem that growth. However, much more needs to be done.

The Medicare Home Health Case Manager Act is a double winner. It would simultaneously reduce Medicare spending on home health while improving the quality of the benefit. It does this by introducing a new component to the benefit: an independent case manager.

Today, home health care is prescribed by a patient's physician, but then the actual plan of care is executed by the home health agency treating the patient. This creates incentives that have nothing to do with quality or appropriateness of care. Under the cost-based reimbursement system that existed before passage of BBA, the incentive to home health agencies was to over-utilize services for patients because that is how the agency made more money. In the BBA's prospective payment system (PPS) of the future, the incentive will be the opposite and there are real concerns about potential under-utilization of services.

The Medicare Home Health Case Manager Act would ensure that home health care decisions for long-stay patients were being made by an independent case manager who in no way financially benefited by the length or type

of home care provided to a patient. They would be paid by a Medicare fee-schedule that would in no way be influenced by the amount or type of care they recommend.

This idea is endorsed by the Medicare Payment Advisory Commission (MEDPAC), a Commission appointed by Congress to provide expert advice on Medicare and Medicaid policy. In their March 1998 report to Congress they recommended that such a case manager be adopted for the home health benefit.

Their report states:

Such an assessment would help to minimize the provision of services of marginal clinical value, while ensuring that patients receive appropriate care. *Requiring case management of long-term home health users could improve outcomes for individuals with long-term home health needs and at the same time slow the growth of Medicare home health expenditures.* (emphasis added)

There are also real-life examples of case management systems saving money and improving care. For example, Maryland's Medicaid program has a high cost user initiative which in FY 96 saved the state $3.30 for each $1 spent—a savings of 230%. The Health Insurance Association of America also commissioned a study of its member plans and found that rehabiltation/case management programs return an investment of $30 for every $1 spent.

History has shown us that simply throwing more money into home health is not the answer for assuring that patients receive appropriate care. Let's use this opportunity to make a real, tangible improvement in the quality of care obtained by Medicare patients and simultaneously save Medicare spending by reducing inappropriate visits. I look forward to working with my colleagues for passage of this important legislation.

MEMBER OF INDIAN PARLIAMENT CRITICIZES INDIAN GOVERNMENT'S ACTIONS

HON. JOHN T. DOOLITTLE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 1998

Mr. DOOLITTLE. Mr. Speaker, on August 14, News India-Times reported that Kuldip Nayar, a member of the Rajiya Sabha, the upper house of India's Parliament, came under verbal attack for saying that Pakistan's attack at the town of Doda came in retaliation for similar acts by Indian agents in the Pakistani state of Sindh.

For this admission, some Indian Americans are trying to have him removed from Parliament, according to the article. Mr. Nayar has forthrightly stated Indian responsibility for the situation in Kashmir and has opposed the Indian government's nuclear tests.

Indian governments haven't always been the close friends with the United States and have often destabilized the region. It put the Prithvi missile on the export market a few years ago, some of which can even reach parts of the United States. It has provided nuclear technology to repressive, anti=American regimes such as Iran. The Indian government votes against the United States at the United Nations more often than any other country except Cuba, yet it remains one of the top five recipients of U.S. aid.

Not only India's neighbors, but also several of its constituent peoples have suffered at the hands of violent Indian governments. Internally, the Indian government has murdered over 250,000 Sikhs since 1984, more than 200,000 Christians in Nagaland since 1947, almost 60,000 Kashmiri Muslims since 1988, and tens of thousands of Assamese, Tamils, Manipuris, Dalits, and others. In November 1994 the Hitvada newspaper reported that India paid the last Governor of Punjab, Surendra Nath, $1.5 billion to foment terrorism in neighboring Kashmir and in Punjab, Khalistan as well. According to the State Department, between 1992 and 1994 the Indian government paid over 41,000 cash bounties to police officers for murdering Sikhs. In one case, the police event went so far as to kill a three-year-old boy and his father and uncle to collect one of these bounties.

We should also go on record demanding that India fulfill its half-century-old promise of a plebiscite in Kashmir and that it hold an internationally-supervised plebiscite in Punjab, Khalistan to decide the future of that country in a free and fair vote.

I would like to submit the News India-Times article for my colleagues.

[From the News India-Times, Aug. 14, 1998]

KULDIP NAYAR FLAYED FOR "ANTI-INDIA" REMARKS

NEW DELHI: The recent statement allegedly made by Kuldip Nayar, veteran journalist and nominated member of the Rajya Sabha on the Doda massacre has created a furor in the country.

Nayar is now looked upon as a "treacherous, anti-national element" for suggesting that the massacre at Doda is only a retaliation by Pakistan for similar actions by Indian agents in Sindh.

The comment which has been so strong has even taken up editorial columns of the country's leading newspapers and magazines.

One such editorial piece has even called it a blasphemous statement and that patriotism has been turned into a dirty word by a "coterie of influential so-called intellectual."

It added that such a statement would not have been made even by a spokesperson of Pakistan's notorious Inter-Services intelligence as that would have indicated its involvement in the Doda massacres.

Meanwhile, American Friends of India condemning Kuldip Nayar have circulated a release questioning Nayar's credibility as a representative of the nation. "This preposterous action by Kuldip Nayar brings several issues into question. Can he be trusted to be our representative in the Upper House of the

It may be noted here that Nayar represents a lobby of so called intellectuals that blames the Indian government for Pakistan-sponsored massacres in Kashmir, and vehemently supports the U.S. government protests against the Indian nuclear tests. Does this lobby stand for India's unity or does it wish for its dismemberment?

Nayar and his fellow co-conspirators will do well to note that Kashmir is not about religion. It is about freedom of religion. We urge the government of India and the Indian National Human Rights Commission to treat the Kashmiri Pandits as "internally displaced people" and stress the importance of providing conditions for their safe return to the valley.

In light of such terrible tragedy of fellow Indians in Kashmir, Nayar should be expelled from the Rajya Sabha. We also urge the patriotic parliamentarians to take immediate action against Nayar for his treacherous and anti-national actions in the Rajya Sabha," the organization stated.

TRIBUTE TO MANHATTAN VALLEY GOLDEN AGE SENIOR CENTER, INC.

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 1998

Mr. SERRANO. Mr. Speaker, it is with joy and pride that I rise to pay tribute to the Manhattan Valley Golden Age Senior Center, Inc., which will celebrate its 25th anniversary of services to the seniors and the community on Friday, September 18, 1998.

Manhattan Valley Golden Age Senior Center, Inc. was founded in 1973 by a group of civic leaders and community residents of the Upper Westside of Manhattan District Board #7 who understood the need to provide a variety of educational and recreational activities to our senior citizens.

The Center began its operations in two small rooms in the basement of the Grace Methodist Church before relocating in 1981 to a modern building in a residential area on 106th Street between Columbus and Amsterdam Avenues.

The center provides advocacy and entitlement benefit services to help enhance an individual's self-esteem and foster a greater sense of independence and self-reliance.

On a daily basis, the Center, which is open Monday thru Friday from 8:30 a.m. to 4:00 p.m., serves hot, nutritious meals to over 150 seniors.

Mr. Speaker, I applaud the commitment and the efforts of the Manhattan Valley Golden Age Senior Center, Inc.'s board, staff, and supporters for the assistance they provide to the elderly.

With the collaboration of a qualified staff, Manhattan Valley Golden Age Senior Center, Inc. networks with other agencies that offer assistance to help keep our senors vital and part of the community.

I would like to especially compliment this year's honoree, Mr. Joseph Unanau, president of Goya Foods, who will be recognized during the 25th anniversary for his support in improving the quality of life of the seniors in our community.

Mr. Speaker, I ask my colleagues to join me in recognizing the Manhattan Valley Golden Age Senior Center, Inc. and the individuals who have made 25 years of service possible.

THANK YOU, RICHARD A. BRZEZINSKI

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 1998

Mr. BARCIA. Mr. Speaker, the quality of our lives is often measured by the people who we

have the good fortune to know. For others, the quality of their lives is the direct result of the efforts by the people they are privileged to know. For virtually twenty-five years, the people of Bay City most definitely benefited from the concern and outstanding leadership of Richard A. Brzezinski. This unequalled gentleman passed away this summer, and will be honored at a special meeting of the Bay City Housing Commission on September 24.

Richard Brzezinski was married to his wife, Pat, for forty-four years. Their two children Rick Brzezinski and Terri Jozwiak, and five grandchildren learned well from a man who was active in his community, active in his church, and committed this personal sense of justice and his personal obligation to help those in need.

Dick worked at Dow Chemical for more than thirty years. He was actively involved in his union, the United Steelworkers of America, where he served as President of Local 12075 from 1982 to 1988. He worked extensively on programs for the placement of the disadvantaged and handicapped, helping many disadvantaged and handicapped individuals to find employment.

He was elected to the Bay City Commission in 1973, until his election as President in 1977. He has been a member of the Bay County Democratic Executive Board for the past twenty years, and has been an individual who has honored me with his support. Since 1980, he served as a member of the Bay County Housing Commission which oversees federally assisted housing programs in Bay County. He was honored earlier this year with the Alvira Long Memorial Award for Commissioners of the North Central Regional Council of the National Association of Housing and Redevelopment Officials for his commitment to his agency and to the citizens of Bay City.

Perhaps the highest tribute that can be paid to him is the appreciation of his friends. In support of the NAHRO award to Dick, his friend Richard Zmyslony wrote:"I count it a privilege to have him as a friend, and he has been a mentor to myself and many others in these areas." We should all be so fortunate as to have our friends think that well of us.

Mr. Speaker, Richard Brzezinski will be missed by his family, his friends, and the people of Bay City. It is only fitting that as he is honored in a few short days, we all pause to say "thank you" to a man who did so much for so many, and continues to show all of us that there is always something more that we can do to make life better for those who need assistance during those days that challenge even the best of us.

ANNIVERSARY OF TRAGIC COUP IN CHILE AND THE ROLE OF THE CIA

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 1998

Mr. MILLER of California. Mr. Speaker, September 11 was the 25th anniversary of the military overthrow of the democratically elected government of Salvador Allende in Chile, a country which had a long and democratic history. The National Security Archives has just released on the Internet dramatic documents they obtained through the Freedom of Information Act and elsewhere clearly showing the United States' efforts to overthrow the Chilean government. U.S. officials had maintained that they had no organized effort to topple Allende's government.

In the end, the bloody 1973 coup that ushered in almost 20 years of brutal military dictatorship was the work of Gen. Augusto Pinochet and the Chilean Army under his command. They newly declassified documents, however, show extensive U.S. covert operations to try to prevent Allende from taking office in 1970, to encourage a military coup and to destabilize his government and the Chilean economy until the coup took place.

During the subsequent congressional investigation of U.S. covert activities in Chile, then CIA director Richard Helms told Congress that the CIA and other national security agencies of the United States had not attempted to destabilize or overthrow the Allende government. Helms was later convicted in federal court for lying to Congress and was fined $2,000. The documents below clearly show that President Richard Nixon could not tolerate the presence of socialist President Allende, despite his having won office in a free and fair democratic election.

This is what New York Times reporter Tim Weiner wrote about the documents in an article this past Sunday. "They show how much the United States was committed to thwarting Mr. Allende even before he took office, and they illustrate a fact that was not well understood during the cold war: The CIA very rarely acted as a rogue elephant. When it plotted coups and shipped guns to murderous colonels, it did so on orders from the President."

One of the most important things about the documents, however, is what is missing from them. It is widely believed that the United States has additional key documents that would help resolve ongoing legal battles concerning responsibility for acts of terrorism that took place on behalf of the Pinochet dictatorship in Chile and around the world, including the United States. U.S. officials, however, continue to refuse to declassify or share with prosecutors in other countries these key documents.

The United States, which has an avowed interest in the rule of law, the elimination of international terrorism, and the promotion of justice and democracy in Latin America and throughout the world, should make available documents that will reveal critical additional information concerning the perpetrators of crimes and human rights atrocities committed on behalf of Pinochet dictatorship.

Below is a New York Times summary of the documents on the National Security Archives website (http://www.seas.gwu,edu/nsarchive/), as well as two newspaper columns from the Boston Globe and the Miami Herald about the significance of the anniversary of Chile's bloody coup and of these new documents.

I commend these materials to my colleagues' attention.

[From the New York Times, September 13, 1998]

ALL THE PRESIDENT HAD TO DO WAS ASK; THE C.I.A. TOOK AIM AT ALLENDE

(By Tim Weiner)

From 1970 to 1973, the United States sought to overthrow the Government of Chile and its democratically elected President, Salvador Allende, whom it deemed a Marxist threat to American interests. Under orders from President Richard M. Nixon, the Central Intelligence Agency mounted a full-tilt covert operation to keep Dr. Allende from taking office and, when that failed, undertook subtler efforts to undermine him. Those efforts "never really ended," the C.I.A.'s director of operations at the time, Thomas Karamessines, later told Senate investigators.

Twenty-five years ago this week, on Sept. 11, 1973, the Chilean military seized power. The junta, under Gen. Augusto Pinochet, ruled until 1990. Its death squads murdered more than 3,000 people, and it jailed and tortured thousands more. Chile is still trying to come to terms with the damage done to its democratic institutions.

The declassified Government documents excerpted below were collected by the National Security Archive, a nonprofit research group in Washington that has sought to uncover secret records since 1985. They were posted on its website (www.seas.gwu.edu/nsarchive) on Friday. They show how much the United States was committed to thwarting Mr. Allende even before he took office, and they illustrate a fact that was not well understood during the cold war: The C.I.A. very rarely acted as a rogue elephant. When it plotted coups and shipped guns to murderous colonels, it did so on orders from the President.

United States Ambassador Edward Korry, in a cable titled "No Hopes for Chile," advised Washington on Sept. 8, 1970:

Civility is the dominant characteristic of Chilean life . . . And civility is what makes almost certain the triumph of the very uncivil Allende. Neither the President nor the Armed Forces have the stomach for the violence they fear would be the consequence of intervention.

The Ambassador followed up on Sept. 11 with a new cable, "The Communists Take Over Chile."

There is a graveyard smell to Chile, the fumes of a democracy in decomposition. They stank in my nostrils in Czechoslovakia in 1948 and they are no less sickening today.

On Sept. 15, Richard M. Helms, Director of Central Intelligence, took handwritten notes at a White House meeting with President Richard M. Nixon, Attorney General John Mitchell, and the national security adviser, Henry M. Kissinger.

1 in 10 chance perhaps, but save Chile!.. worth spending . . . not concerned risks involved . . . no involvement of embassy . . . $10,000,000 available, more if necessary . . . full-time job—best men we have . . . game plan . . . make the economy scream . . . 48 hours for plan of action.

On Sept. 16, William V. Broe, chief of the C.I.A.'s Western Hemisphere division, met with Mr. Helms and other senior C.I.A. officers.

The Director [of Central Intelligence] told the group that President Nixon had decided that an Allende regime in Chile was not acceptable to the United States. The President asked the Agency to prevent Allende from coming to power or to unseat him. The President authorized ten million dollars for this purpose, if needed. Further, the Agency

is to carry out this mission without coordination with the Departments of State or Defense. . . . The Director said he had been asked by Dr. Henry Kissinger . . . to meet with him on Friday, 18 September, to give him the Agency's views on how this mission could be accomplished.

On Oct. 16, a cable went out from C.I.A. headquarters to Henry Heckscher, C.I.A. station chief in Santiago, Chile, who had doubts about the plots.

It is firm and continuing policy that Allende be overthrown by a coup. It would be much preferable to have this transpire prior to 24 October but efforts in this regard will continue vigorously beyond this date. We are to continue to generate maximum pressure toward this end utilizing every appropriate resource. It is imperative that these actions be implemented clandestinely and securely so that the United States Government and American hand be well hidden. . . . Please review all your present and possibly new activities to include propaganda, black operations, surfacing of intelligence or disinformation, personal contacts, or anything else your imagination can conjure which will permit you to press forward toward our [deleted] objective.

Plans were already in motion. Five days earlier, on Oct. 11, Mr. Broe sent this cable from C.I.A. headquarters to the Santiago station:

SUB-MACHINE GUNS AND AMMO BEING SENT BY REGULAR [deleted] COURIER LEAVING WASHINGTON 0700 HOURS 19 OCTOBER DUE ARRIVE SANTIAGO LATE EVENING 20 OCTOBER OR EARLY MORNING 21 OCTOBER.

The United States did not spur the Chilean military to act, but it was not for want of trying, as shown by an internal C.I.A. report, "Chilean Task Force Activities," dated Nov. 18.

On 15 September 1970, C.I.A. was directed to try to prevent Marxist Salvador Allende's ascent to the Chilean Presidency. . . . A military coup increasingly suggested itself as the only possible solution to the Allende problem. Anti-Allende currents did exist in the military and the Carabineros, but were immobilized by the tradition of military respect for the Constitution. . . . [The C.I.A.'s propaganda efforts included] special intelligence and "inside" briefings given to U.S. journalists. . . . Particularly noteworthy in this connection was the Time cover story which owed a great deal to written materials and briefings provided by C.I.A. . . . . C.I.A. briefings in Washington [deleted] changed the basic thrust of the story in the final stages according to another Time correspondent. It provoked Allende to complain on 13 October, "We are suffering the most brutal and horrible pressure, both domestic and international," signaling out Time in particular as having "openly called" for an invasion of Chile.

Another report, "Postmortem on the Chilean Presidential Election," by Mr. Helms to Gen. Alexander Haig, Mr. Kissinger's military aide, weighted the stakes.

On 3 November 1970, Mr. Salvador Allende became the first democratically elected Marxist head of state in the history of Latin America—despite the opposition of the U.S. Government. As a result, U.S. prestige and interests in Latin America and, to some extent, elsewhere are being affected materially at a time when the U.S. can ill afford problems in an area that has traditionally been accepted as the U.S. "backyard."

From November 1970 until September 1973, when the military seized power, the C.I.A. spent $8 million undermining President Allende. When the coup came, the United States knew about the plans and encouraged them, but played no direct role. Three weeks later, a United States military intelligence officer reconstructed the day.

D-DAY 11 SEPTEMBER H-HOUR 0600

Chile's coup d'etat was close to perfect. Unfortunately, "close" only counts in horseshoes and hand grenades. . . . Original plan called for President Allende to be held incommunicado in his home until the coup was a fait accompli. H-hour delay in Santiago permitted Allende to be alerted at 0730. Allende immediately dashed to the palace . . . [where] he had access to radio communications facilities which permitted him to personally implore "workers and students, come to the Moneda and defend your Government against the Armed Forces." The hour was 0830. . . . Military had all roads to Santiago blocked. Lid was on TIGHT inside city. Everyone on streets not wearing right color jersey stood an excellent chance of getting shot. Allende managed to personally broadcast two "MAYDAY" messages. The first, at 0830, sounded strong and confident as he summoned the workers and students. The second at 0945 sounded morose, almost as if he was preparing the eulogy for his dying government. It was his last broadcast as the Air Force soon located and rocketed his antennae. The hour was 1015. . . .

Allende was found alone and dead in his office off the inner courtyard. He had killed himself by placing a sub-machine gun under his chin and pulling the trigger. Messy, but efficient. The gun was lying near his body. A gold metal plate imbedded in the stock was inscribed "To my good friend Salvador Allende from Fidel Castro." Obviously Communist Cuba had sent one too many guns to Chile for their own good. The hour was 1345. . . .

Semper Fidelis
Patrick J. Ryan
Lieutenant Colonel, USMC

Postscript: After 17 years as Chile's dictator, General Pinochet relinquished power to a civilian government in 1990. But he remained commander in chief of the armed forces, stepping down from that post only last March. In a farewell ceremony. the old general praised the armed forces as "the savior of democracy" in Chile.

[From the Boston Globe, September 13, 1998]

CHILE'S 'DISAPPEARED' PAST

(By Peter Kornbluh)

[Peter Kornbluh is a senior analyst at the National Security Archive, a Washington, D.C., documentation center. Declassified US documents on Chile can be accessed on the archive's website: www.seas.gwu.edunsarchive.]

Twenty-five years ago Friday—on Sept. 11, 1973—the country that Chilean poet Pablo Neruda once described as "a long petal of sea, wine, and snow" was transformed from Latin America's foremost social democracy to the region's darkest dictatorship.

The military takeover of Chile led by General Augusto Pinochet, a name that has since become synonymous with gross violations of human rights, market the beginning of a repressive 17-year regime. During that blighted time, Sept. 11 was designated a national holiday. No longer. Today, it is simply a day of reflection on the past for many Chileans whose lives were inalterably changed by the violent coup and its bloody aftermath.

But while many in both Washington and Santiago would like to forget those events, Chile's is a history that demands to be remembered.

Having launched a covert effort to overthrow the democratically elected socialist government of Salvador Allende in 1970, and having welcomed the coup with aid and support in 1973, the United States is inextricably tied to these events in Chilean history.

It was, after all, President Nixon who in September 1970 ordered the CIA to "make the economy scream" in Chile, to "prevent Allende from coming to power or to unseat him." It was Secretary of State Henry Kissinger, as recently declassified CIA records show, who told the agency that "it is firm and continuing policy that Allende should be overthrown by a coup" and directed that the agency "should continue keeping the pressure on every Allende weak spot in sight—now . . . and into the future until such time as new marching orders are given." Allende was assassinated in the coup.

At the time of Pinochet's takeover, the United States made every effort to stabilize the new military junta's grip on power. Even as reports of mass arrests, summary executions—including of two US citizens—widespread torture, and disappearances flooded the media, the CIA initiated new clandestine operations designed, according to their own documents, to "assist the junta in gaining a more positive image, both at home and abroad," The Nixon White House, in the meantime, opened the floodgates of economic and military support to the new regime.

The Central Intelligence Agency's actions in Chile also has a significant impact in the United States. Once the CIA's covert involvement in the overthrow of democracy there became known, that revelation helped fuel the first wide-scale national evaluation, in the mid-1970s, of the morality and propriety of covert operations abroad.

Similarly, the case of Chile established human rights as part of the lexicon of US foreign policy. Public outrage over White House acceptance of Pinochet's atrocities became the catalyst for organizing a permanent human rights movement in the United States. With Chile as their battle cry, US human rights advocates forced the passage of pioneering legislation in Congress mandating sanctions on governments that abuse their citizens—sanctions that were applied first to the Pinochet regime.

"I hold the strong view that human rights are not appropriate for discussion in a foreign policy context," Kissinger told Chile's foreign minister in 1975. It is the height of irony that, as a result of US intervention in Chile, public pressure forced future policy makers to incorporate the moral precepts of US democracy at home into the US posture abroad.

Yet, despite its historical importance, the coup and its aftermath have been institutionally expunged from the national consciousness—in both Chile and the United States.

In Chile, observes Isabel Allende, niece of the late president, discussions of events 25 years ago are considered "in really bad taste." The threatening shadow of the still powerful Chilean armed forces, the weakness of civilian rule, and the affluence of free-market capitalism has produced a self-imposed sociopolitical oblivion to the past.

In the United States, the national scandal over the Nixon administration's effort to overthrow a democratically elected government is considered ancient history—even as the full story of the CIA's role in the coup, and US knowledge of Pinochet's atroscities, remains buried in still classified US government archives.

In both countries, the powers-that-be would prefer that the skeletons remain locked in the national closet . . .

In the United States, there are victims of Chile's human rights atrocities who also deserve answers. There is the family of Charles Horman, executed in Chile's national stadium 25 years ago today (about whom the movie "Missing" was made). There are the families of Ronni Moffitt and former Chilean diplomat Orlando Letelier, both killed by a car bomb planted by Chile's secret police in September 1976—the most notorious act of international terrorism ever in Washington, D.C.

In Chile, history is easier to hide; General Pinochet, who designated himself a "senator-for-life" before relinquishing power in 1990, told Chile's leading newspaper this month that he "had nothing to do" with any human rights violations that took place during his rule. In Chile, there is neither the documentation nor the power to challenge him.

In the United States, however, keeping the secrets of the past is far more difficult. Slowly but surely, documents—CIA reports, National Security Council options papers, State Department cables—are being declassified under the Freedom of Information Act.

Moreover, Spain has asked the Clinton administration to release numerous documents relating Pinochet's "crimes against humanity"—part of an international human rights lawsuit the Spanish courts have filed against military authorities in Chile and Argentina.

Since many of the thousands of the still-secret US documents on Chile are now, or soon will be, more than 25 years old, they fall under President Clinton's 1995 executive order on national security information mandating that records of that age and older be fully declassified.

The CIA and other national security agencies are resisting compliance with the order, but with public pressure it is possible that the hidden story of the US role in Chile, and detailed US intelligence documentation on human rights atrocities there, will eventually be released.

"You shall know the truth and the truth shall set you free," reads the Gospel of John emblazoned in the foyer of CIA's headquarters. Indeed, the truth is a right of freedom that both Chilean and US citizens deserve.

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U.S. CRIPPLED CHILE'S DEMOCRACY

(By Saul Landau)

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Today is the 25th anniversary of the U.S.-supported coup in Chile. On Sept. 11, 1973, the Chilean military overthrew the elected government of Salvador Allende and established a dictatorship that ruled until 1990. The United States played a prominent role in these events.

The CIA began to instigate violence in Chile following the September 1970 election of Allende, who headed a socialist coalition. "I don't see why we need to stand by and watch a country go communist because of the irresponsibility of its own people," National Security Adviser Henry Kissinger said at the time. In testimony before a Senate investigating committee in 1975, CIA Director Richard Helms told of how President Nixon gave him "the marshal's baton" to conduct covert activities designed to stop Allende from being inaugurated in November 1970.

Helms's covert staff tried to bribe Chile's Congress and its military to deny Allende the presidency. Failing on that front, the agency paid an extreme right-wing group to assassinate Gen. Rene Schneider, Chile's chief of staff. When even that murder didn't succeed in blocking Allende's inauguration, the CIA began to destabilize his government.

For three years CIA officials helped instigate strikes in strategic sectors of the economy, promoted violence, and initiated smear campaigns against Allende in the media. Washington applied a credit squeeze to make Chile's economy squirm.

This destabilization campaign had its desired effect. Social conflict grew to the point where the Chilean military commanders, with U.S. encouragement, decided to stage a coup. As tanks and aircraft bombarded the presidential palace on Sept. 11, 1973, U.S. Navy vessels appeared off Chile's coast. U.S. intelligence vessels monitored activity at Chile's military bases to notify the coup makers, should a regiment loyal to the Allende government decide to fight.

Allende died in the assault, alongside dozens of his supporters. Cabinet ministers and other staff were arrested and thrown into a concentration camp. No charges were brought against them.

Chile's institutions were destroyed, including the Congress, the press, and trade unions. Troops burned books deemed subversive. The junta began a systematic terror campaign, arresting, torturing, and murdering thousands of "suspected subversives." A Chilean-government agency estimates that the reign of terror between 1973 and 1990 resulted in the deaths of some 2,300 Chileans.

Pro-Allende Chileans took refuge abroad, but even there the long arm of strongman Augusto Pinochet's secret police managed to reach them. In September 1976 in Washington, D.C., Michael Townley, a U.S. national and a bomb expert employed by Chile's secret police, recruited five anti-Castro Cubans to help him carry out an assassination. The assassins placed a bomb under the car of Orlando Letelier, Allende's former defense minister. The bomb killed Letelier and Ronni Moffitt. Both victims worked at the Institute for Policy Studies.

The FBI discovered that the Chilean dictatorship had organized a six-country alliance of secret-police agencies, which provided surveillance on each other's dissidents and helped assassinate the most troubling exiled opponents. FBI agents also learned that the CIA knew considerable detail about this "Condor Operation."

In the late 1980s the United States, embarrassed over Pinochet's "excesses," pushed for a referendum to end military rule. Pinochet was defeated, but he forced the civilian government to accept him as head of the army until he retired in March of this year. He then became "senator for life," a post that he had arranged for himself.

Fortunately, Chile has returned to democratic procedures. But 17 years of military rule have taken an immeasurable toll on its people.

How would we Americans feel if another government decided that our voters had exercised poor judgment and sent saboteurs to undo by force the results of our election?

This is what we did to Chile. We altered its destiny.