

welfare dependency, welfare that became a narcotic, and it trapped people. I think that our reform of the welfare system was good, intended and long overdue.

However, there have been some unintended consequences that are devastating. I do not believe we ever wanted to take 500,000 basically senior citizens and say that "you're going to be cut off," senior citizens who are here in this country legally, receiving SSI benefits, who abided by the rules, and now simply terminate them.

Let me give you a profile of these legal immigrants who received their notice of termination. Seventy-two percent of them are women. They are over the age of 65. Forty-one percent of them are over the age of 75. And almost 20 percent, or close to 100,000, are over the age of 85.

Are we really going to say that we are going to take close to these senior citizens, the vast bulk of them women, who have infirmities, who have problems with the language, and say, "Come August 22, you are off the roll notwithstanding that you came here legally, notwithstanding that you met all of the requirements"?

What our amendment does is simply say we are giving, to October 1, the continuation of assistance. And, hopefully, many of these people who have these infirmities will be able to qualify as citizens. It will give us additional time to deal with what otherwise would be a catastrophe for many of these people.

Mr. President, young, able-bodied recipients should be required to report to a job. They should be challenged. There should not be an automatic pass to welfare assistance. But certainly not the aged, the infirmed, those who need help.

We are a country of compassion. That is why I urge my colleagues to support this amendment, which is sensible.

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

Who yields time in opposition?

The time will run.

The time allocated has expired.

The question is on agreeing to amendment No. 145.

The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 89, nays 11, as follows:

[Rollcall Vote No. 58 Leg.]

YEAS—89

Abraham	Chafee	Feinstein
Akaka	Cleland	Ford
Baucus	Cochran	Frist
Bennett	Collins	Glenn
Biden	Conrad	Gorton
Bingaman	Coverdell	Graham
Bond	Craig	Grams
Boxer	D'Amato	Grassley
Breaux	Daschle	Hagel
Brownback	DeWine	Harkin
Bryan	Dodd	Hatch
Bumpers	Domenici	Helms
Burns	Dorgan	Hollings
Byrd	Durbin	Hutchinson
Campbell	Feingold	Hutchison

Inouye	Lugar	Santorum
Jeffords	Mack	Sarbanes
Johnson	McCaIn	Sessions
Kempthorne	McConnell	Shelby
Kennedy	Mikulski	Smith (OR)
Kerrey	Moseley-Braun	Snowe
Kerry	Moynihan	Specter
Kohl	Murkowski	Stevens
Kyl	Murray	Thompson
Landrieu	Reed	Thurmond
Lautenberg	Reid	Torricelli
Leahy	Robb	Warner
Levin	Roberts	Wellstone
Lieberman	Rockefeller	Wyden
Lott	Roth	

NAYS—11

Allard	Faircloth	Nickles
Ashcroft	Gramm	Smith (NH)
Coats	Gregg	Thomas
Enzi	Inhofe	

The amendment (No. 145) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, we had 5 minutes before that vote. I ask unanimous consent that there be 1 more minute added so that we have 4 minutes on this one.

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

Mr. STEVENS. I yield 1 minute to the Senator from New York. I think every Senator would like to hear the Senator from New York on this one.

The PRESIDING OFFICER. The Senator from New York is recognized.

#### HAPPY BIRTHDAY, SENATOR DOMENICI

Mr. D'AMATO. Mr. President, I am just going to be a few seconds. Twenty-five years ago, a young man came to the Senate. He, indeed, has enriched the Senate with his leadership, with his integrity, and with his very presence. The fact of the matter is, he is the son of Italian immigrants and comes from the great State of New Mexico. It is Senator PETE DOMENICI's 65th birthday. Senator DOMENICI, happy birthday.

[Applause.]

Mr. DOMENICI. I want you all to know that is why I was so careful to protect senior citizens in the budget deal.

[Laughter.]

Thank you all very much. It is great to be with you. I love the Senate. I hope I am doing my share, like all of you are, to keep this a great institution and an important part of American history and our future. Thank you very much.

#### SUPPLEMENTAL APPROPRIATIONS AND RESCISSIONS ACT OF 1997

The Senate continued with the consideration of the bill.

AMENDMENT NO. 64

The PRESIDING OFFICER. Under the previous order, amendment No. 64 is now in order. There are 4 minutes of debate equally divided.

Who yields time?

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Mr. President, in 1866, Congress passed a mining law called Revised Statute 2477. Here is what it said:

The right-of-way for the construction of public highways across public lands, not reserved for public uses, is hereby granted.

That was the law until 1976 when we repealed it. And we repealed it because there are literally thousands and thousands of potential rights-of-way, which the States could claim for purposes of building a highway across Federal lands. In 1988, Donald Hodel, who was the Secretary of the Interior at the time, established a policy. Listen to this:

Under that policy, a right-of-way could be established by mowing high vegetation, by moving a few rocks, by filling in low spots.

The State of Alaska has passed a law making every section-line in the State a right-of-way, over 900,000 miles. Here is the kicker, Mr. President. These rights-of-way would cross national parks, wilderness areas, national monuments, and other protected areas. These highways cross all of those areas that we have since taken out of the public domain and made national parks and other reserved areas.

If we don't pass this amendment, every State—but particularly Alaska, Utah, and Idaho—will have the right to build roads on every one of those claimed rights-of-way, according to the language of the Stevens amendment. This issue is not an emergency. To hold the people in the Dakotas and Arkansas and other States hostage for something as foolish as this is, would be foolish in the extreme.

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

Mr. STEVENS. Mr. President, I yield myself 1 minute. Alaska has not even been surveyed yet. There aren't many surveyed section-lines in my State yet, except in very few portions of the State. The Nation's national parks have coexisted safely under Revised Statute 2477 for over 100 years. Our wilderness areas have not been paved, despite all the threats we have had. We have had 30 years of the Wilderness Act under Revised Statute 2477 and there has been no complaint at all.

Last fall, we put in the appropriations bill for the Interior Department this section:

No final rule or regulation of any agency of the Federal Government pertaining to recognition, management, or validity of a right-of-way pursuant to Revised Statute 2477 shall take effect, unless expressly authorized by an act of Congress subsequent to enactment of the date of this act.

That was agreed to by the administration. The President signed that bill. It came about after negotiation with the President, as a matter of fact.

Now, by edict, the Secretary of the Interior has determined a new policy will go into effect and he will make

property laws for the Federal Government establishing how rights-of-way are created on Federal lands throughout the West. It should not happen.

I yield to the Senator from Arizona.

Mr. MCCAIN. Mr. President, we have heard a very spirited debate on the issue of rights-of-way across Federal land today. Both sides are passionate.

On one hand, States worry that the Federal Government will exercise their authorities to invalidate, bona-fide historic rights-of-way. On the other hand, the Interior Department worries that States will liberally define their rights-of-way which could pose environmental threats to Federal lands, including parks and wildlife refuges.

Mr. President, I believe that there is ample room for principled compromise in this dispute. States should not be denied their bona-fide rights-of-way, nor should excess or unreason be permitted to threaten our Nation's parks and pristine areas.

Clearly this situation must be resolved, because if this stalemate persists, and the Secretary is precluded from proceeding under reasonable parameters, I don't believe we will have any official process or method for administratively assessing a claim. Such a stalemate serves the interest of no one and cannot stand.

I've been engaged in an effort to find a process by which the Secretary, Governors, and local officials can work together to determine what constitutes a valid right-of-way; what methods and standards will be used to recognize the claim, and how such rights will be managed.

I believe we can achieve a reasonable compromise and an appropriate process. While time does not permit us to reach an agreement before we must vote now, I will continue to work with the Senators from Alaska, Senator BUMPERS, and the Interior Department to try and reach some agreement that we can all be proud of, one which will protect States rights, Federal interests and most of all the public interest.

I appreciate the Senator from Alaska's support for that effort and I look forward to working with him to resolve this matter before the conference.

Mr. STEVENS. Mr. President, I move to table the amendment and 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 question is on agreeing to the motion of the Senator from Alaska to lay on the table the amendment of the Senator from Arkansas. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

The PRESIDING OFFICER (Ms. COLLINS). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 51, nays 49, as follows:

[Rollcall Vote No. 59 Leg.]

#### YEAS—51

Abraham	Enzi	Mack
Allard	Faircloth	McCain
Ashcroft	Gorton	McConnell
Bennett	Gramm	Murkowski
Bond	Grams	Nickles
Brownback	Grassley	Roberts
Burns	Gregg	Santorum
Campbell	Hagel	Sessions
Coats	Hatch	Shelby
Cochran	Helms	Smith (NH)
Conrad	Hutchison	Smith (OR)
Coverdell	Inhofe	Specter
Craig	Inouye	Stevens
D'Amato	Kempthorne	Thomas
DeWine	Kyl	Thompson
Domenici	Lott	Thurmond
Dorgan	Lugar	Warner

#### NAYS—49

Akaka	Ford	Lieberman
Baucus	Frist	Mikulski
Biden	Glenn	Moseley-Braun
Bingaman	Graham	Moynihan
Boxer	Harkin	Murray
Breaux	Hollings	Reed
Bryan	Hutchinson	Reid
Bumpers	Jeffords	Robb
Byrd	Johnson	Rockefeller
Chafee	Kennedy	Roth
Cleland	Kerrey	Sarbanes
Collins	Kerry	Snowe
Daschle	Kohl	Torricelli
Dodd	Landrieu	Wellstone
Durbin	Lautenberg	Wyden
Feingold	Leahy	
Feinstein	Levin	

Mr. HATCH. I move to reconsider the vote.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

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

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

Mr. STEVENS. I move to reconsider that action.

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

The motion to lay on the table was agreed to.

Mr. HOLLINGS addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

#### AMENDMENT NO. 231

Mr. HOLLINGS. Madam President, the distinguished chairman, Senator STEVENS, and myself, Senator GLENN, Senator LAUTENBERG, Senator GREGG, and others now have worked out the Department of Commerce compromise on the census. I have an amendment that reflects that compromise at the desk, and I ask unanimous consent that the amendment be in order and the clerk be allowed to report.

The PRESIDING OFFICER. Is there objection?

Mr. STEVENS. What was the request?

The PRESIDING OFFICER. The request is that the amendment from the Senator from South Carolina be in order.

Mr. STEVENS. We have no objection.

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

Mr. HOLLINGS. I thank the distinguished Chair.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from South Carolina [Mr. HOLLINGS], for himself, Mr. STEVENS, Mr. GREGG, and Mr. GLENN, proposes an amendment numbered 231.

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

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

The amendment is as follows:

On page 47 strike lines 14 through 18 and insert the following:

SEC. 303. None of the funds made available in any appropriations Act for fiscal year 1997 may be used by the Department of Commerce to make irreversible plans or preparation for the use of sampling or any other statistical method (including any statistical adjustment) in taking the 2000 decennial census of population for purposes of the apportionment of Representatives in Congress among the States.

Mr. HOLLINGS. Madam President, what it allows is the Census Bureau to continue to plan to conduct a census that uses statistical sampling but the Congress under the leadership here of the distinguished Senator from Alaska, and our chairman and ranking member of the Governmental Affairs Committee, which has jurisdiction as the authorizing committee, can change that in the future after careful review and oversight.

There is a deep misgiving among some of the Members with respect to any kind of taking of polls or handling of numbers or statistics particularly after somehow the Immigration and Naturalization Service at the Department of Justice naturalized a million immigrants to be able to vote last November. And so it is natural that they wanted to make certain that the statistical sampling related to the year 2000 census be taken in a totally professional manner. We have it, we think, on course to be as professional as it can be. Ms. Riche and the professional staff at the Bureau of the Census are just outstanding.

What the Members need to understand that what really occurred after the 1990 census was it became clear that all kind of undercounting and overcounting occurred, varying in areas. The undercount was especially severe among low-income people, minorities, and rural areas. Congress told the Census to find a way to conduct the next census in a more accurate way at less cost. The Census Bureau went to the National Academy of Sciences. The National Academy of Sciences, after a thorough study, says go ahead, send the forms out, which are really reported back about some 60 percent or so. We get another 30 percent by going around door to door, through telephone calls, and followup. That last 10 percent is next to impossible in some

places to find, in the innercity, in the rural areas, and in areas with high native American populations. Some of the census takers themselves—we got some 300,000 earning around \$13 an hour—they might get fatigued some afternoons or near a weekend, or not be willing to enter into some areas or buildings. The way it was handled in 1990, the followup was far too subjective.

So the Academy of Sciences looked at, studied, and have had the best of minds in a bipartisan fashion—this has not been a partisan issue—and they recommended that census find a new way to estimate those hard to reach populations. They told census to use the same statistical methodologies that the bureau uses for all its products that this Nation relies on. They recommended to go ahead with this kind of sampling advancing forward to take the census for fiscal year 2000.

We really were disturbed in the Appropriations Committee that if we did not allow it to continue at this particular point—this is absolutely not final, of course—that we were going to set a course whereby we were going to have to spend another half a billion bucks trying to go door to door with the same ailments and disturbances and inaccuracies that we suffered back in the 1990 census. And we would end up not only paying more but getting back into court with lawsuits again and everything else of that kind.

Mind you me, there is over \$100 billion in Federal programs allocated according to this census data, the Members of the House of Representatives are apportioned according to this census, and we want to be as nonpartisan and as thorough and as scientific as we can possibly be in its taking.

To the credit of the Governmental Affairs Committee, which is the authorizing committee, they have been working diligently on this issue. Our distinguished chairman, Senator THOMPSON of Tennessee, I have talked with him, and our ranking member, Senator GLENN. They have already experienced two hearings which have more or less confirmed that we are on course, but they have yet to finalize any action taken this particular year.

So what we wanted to do at the moment in this particular emergency supplemental was not stop anything but express our outright concern that this particular census is not to be used politically. It has to be done professionally.

I thank the distinguished chairman of our Appropriations Committee, Senator STEVENS, and his distinguished staff for going along working with the Department of Commerce and myself all last evening and this morning. I think this particular compromise here will allow us to continue on course but not lock in the short form irrevocably. Census can continue to do its planning and dress rehearsals to ensure that the next census is more accurate.

With that said, I yield the floor.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. GLENN. Madam President, I commend my colleagues, Senator STEVENS and Senator HOLLINGS, for working out this amendment, because it will let the Census Bureau proceed with planning and testing of statistical sampling.

We need the best possible information before making a final call on the design of the 2000 census. The language we have agreed upon, as my distinguished colleague from South Carolina has just said, will let us get that information and get it in good shape, I believe. Thousands of Americans are waiting for the disaster relief to be provided by the legislation on the floor today, and they need this money to rebuild their homes and their lives. I am very relieved we are working together to get this aid to those needy people.

I know full well the Census Bureau's plan to use sampling is highly controversial. I do not like sampling any better than anybody else. The only problem is, there is no better way to get a more accurate count of all the people in this country than by using all the regular procedures we have used before plus the sampling. There is no better way, even though none of us like it. We wish it were a perfect situation where we could go out and count every single American, just like the Constitution says we are supposed to do. But, as Senator HOLLINGS said just a moment ago here, you cannot do that. We normally do not get full returns on all the census reports. We wind up traditionally with about 10 percent of the people not sending returns back, even though census takers call multiple times on their domicile or their businesses. So we wind up having to do some sampling to get a more accurate census, and that is what the whole thing is all about.

So, it is controversial. Some people say the sampling does not meet the constitutional requirement for an actual enumeration. Those are the words, "actual enumeration," in the Constitution. Some say sampling is inherently subjective because it is based on statistical assumptions, as it has to be.

We have been arguing about this ever since 1990, when post-census surveys showed that 1.6 percent of the population had been missed. That may not sound like a big figure, but it is big if you are laying out plans for Federal appropriations that have to apply to these certain areas. The Bush administration decided finally not to use sampling to adjust that census. They decided the census statistical adjustment plan had too many problems. Here we are 7 years later. I must admit that, like my colleagues on the Appropriations Committee, I, too, have some reservations about sampling.

But we have to remember that the Census Bureau is not looking at sampling because they think it is the ideal method. Quite the contrary, an accu-

rate, direct count would be the best. The problem is, a direct count has never worked in the past. And every census is more difficult than the last one. That is because our population keeps getting larger. It is more mobile. It is more culturally diverse, while public cooperation keeps declining. That is why the bureau is looking at new approaches.

A complete sampling ban would require the bureau to cancel current testing plans and contracts, and that would just waste money that has already been spent for good purposes.

A complete ban would require hurried development of new plans for next year's Census Dress Rehearsal. That would waste more money. Finally, a complete ban would require hurried development of a new plan for conducting the 2000 census. That would require many more census takers and would cost a lot more money. This is the tragic part, it might lead to a much less accurate census, more litigation, and more suspicion of Government. The language we have worked out prevents all that waste and keeps all our options open. At the same time, it lets the Census Bureau know the seriousness of our concerns.

Let me tell you a little bit about the 2000 census—something the Governmental Affairs Committee is looking at right now. The census will set a new record as the largest peacetime mobilization in American history. The Bureau will hire 600,000 temporary workers, knock on 120 million doors, and count about 270 million people.

By statute, the entire process has to play out smoothly over 9 months. The questions will begin on Census Day, April 1, and the results have to be given to Congress by December 31. Census Bureau officials tell us that, if they use sampling, they can keep the cost of the 2000 census down to about \$4 billion, a little less than the 1990 cost of \$25 per household. Without sampling, it will cost the taxpayers a whole lot more—perhaps as much as another billion dollars.

Most important of all, the census is a highly serious enterprise. It is the process we use to make sure that every American—every American—is fairly represented in the governing of this great country. It is so fundamental to our democratic system that the Constitution specifically requires an actual enumeration of our population once every 10 years.

These facts tell me that the decennial census calls for our very best thinking, our very best planning, and the very best scientific tools the statistical community has to offer. To quote the Commerce Inspector General:

We continue to believe that, if carefully planned and implemented, sampling can be employed by the Bureau in the 2000 census to produce overall more accurate results than were produced in the 1990 census, at an acceptable cost. We further believe that the Congress should allow the Bureau the freedom to complete its work on sampling and then select the optimal census design based

on all of the available information. According to the bureau's plan, fundamental work on all potential uses of sampling will be finished by December 1997. We do not believe an informed design decision can be made until this work is completed and the various design components are tested during the April 1998 dress rehearsal.

I think the Commerce IG gave us some very good advice, because some hard facts have begun to emerge from the wealth of opinion about sampling.

Fact: The Bureau has been using statistical sampling in the decennial census for decades. The census Long Form—which goes to only one in six households—is a perfect example of a kind of sampling that is widely accepted. If Congress bans sampling completely, we will not be able to use sampling for the Long Form any more. But the information gathered by the Long Form is still required by law. So we will have to send the Long Form to every single household across the country. And the American taxpayers will have to foot the bill.

Another fact: It is inherently impossible to count everybody correctly the traditional way. All the experts agree on that. There will never be enough time or money. There will always be people not at home no matter how many times the census taker calls. When President George Washington received the first census data in 1790, he also got an estimate of the undercount. That has been the story ever since. In 1990, the census missed 10 million people. It counted 6 million people twice. And it counted another 10 or 20 million people in the wrong place. After that experience, everyone involved agreed that a better plan, a scientific plan, had to be developed for 2000.

Another fact: The undercounted people are some of the most vulnerable in our society, minorities, poor people, both rural and urban, the non-English speaking, the homeless. These are the people we are excluding from the democratic process.

Still another fact: Virtually all statisticians say that our scientific tools have been developed and tested to the point that we can finally fix the undercount problem. That view is supported by GAO, the Commerce IG, the National Academy of Sciences and a host of other professional organizations.

Yes, 1990 sampling methods were flawed. That is precisely why the Census Bureau has spent 7 years developing a reliable plan for 2000. It is precisely why the Census Bureau needs to keep testing and planning, and it needs to go on with that right now and not have it cut off.

What about the constitutional arguments? On April 16, at one of our committee's two recent hearings on the census, we heard testimony from Wisconsin's Attorney General James Doyle. He led the charge against sampling in 1990 because statistical adjustment of that census would have given California an additional House seat at Wisconsin's expense. Mr. Doyle testified recently:

I think the Constitution requires that we make the best effort we can to an actual headcount, and I recognize that is a very complex task, and I recognize that within that task, we have to leave a good deal of discretion to the Census Bureau to, in fact, make some counts where you are not actually counting actual human beings.

For example, you go to a locked apartment building and you go back there 5, 6, 7 times. At some point, somebody has to make a reasonable estimate on how many people are in that locked apartment building, and there are other kinds of procedures that the Census Bureau has built up over time to try to build that accuracy.

So I recognize that there has to be a good deal of discretion given to do things other than summon everybody to Bethlehem and count how many people are there.

At the same hearing, we also heard testimony from Stuart Gerson, the Assistant Attorney General who advised the Bush administration not to adjust the 1990 census.

Mr. Gerson said, and remember, this is a person who advised against sampling in the Bush administration:

Whatever an enumeration means, it does mean an accurate count and that should be our guideline—it does appear that the Constitution would permit a statistical adjustment if it would contribute to an accurate count.

Note the caveat: "if it would contribute to an accurate count." Both of those legal experts agree, and again, one of them led the fight against adjustment in 1990, that the key to the constitutional requirement for an "actual enumeration" is accuracy. They both agree that sampling is legally acceptable under two conditions: The Census Bureau has to make a good faith effort to count everybody the traditional way; and the Bureau has to demonstrate that sampling improves accuracy.

Let us look at whether the Census Bureau's plan can meet those requirements. The plan itself was described in our committee hearing of March 11. We heard from Commerce Secretary William Daley, from Ev Ehrlich, the Commerce Under Secretary for Economic Affairs, and from Martha Richey, Director of the Census Bureau. As they explained, the first proposed use of sampling is to help count people who don't send back their census questionnaires by mail. The Bureau won't even start this sampling until after they have first made the greatest effort in the history of census-taking to convince Americans to send back their questionnaires.

First, questionnaires will be mailed to every household found on the combined Census/Postal Service national address list. To insure the most complete national address list possible, the Bureau will also get several updates from local governments. Every household in America will get precensus letters and post-mailout reminders. Questionnaires will be available in town halls, post offices, community centers, and even stores. And finally, the Bureau plans an aggressive outreach campaign of school presentations, commu-

nity meetings and paid advertising—all to give every single American every possible opportunity to participate and be counted in the time-honored way. I would say that passes the first test of constitutionality, a good faith effort to do an actual head count.

Even with all this effort, experts project that only 65 percent of the American public will be counted using these methods. Our population is just too big, too mobile, too diverse, and too apt to ignore Government requests for information—even when it is this important.

The question for the Bureau is, how do we count that last 35 percent? As the lawyers have told us, the Constitution and Federal law require our best effort.

The census plan is to follow up the mail process with a large sample of those who did not send back a questionnaire. That sample will be large enough to make sure that census takers contact at least 90 percent of the people in each census tract. Yes, that means census enumerators will go into communities, just as they always have, to count at least 90 percent of Americans in the traditional way, by headcount. Then, and only then, will statistics be used to estimate the last 10 percent of the population.

What about the second constitutional requirement? Can the Bureau demonstrate that sampling improves accuracy? At our second oversight hearing on April 16, we heard testimony from Prof. Lawrence Brown of the Wharton Business School. He strongly opposed adjustment of the 1990 census based on the sampling plan the Bureau used to generate the "corrected" counts. Professor Brown didn't think the Bureau's sample was large enough, and he didn't think the statistical model was valid. But he told our committee last month that the Census Bureau's plan for 2000 addresses the concerns he had in 1990. He told us the Bureau's plan can work. And he told us we will again have an undercount if we do not use sampling.

On the charge that sampling is inherently subjective, Professor Brown said:

Certainly, there is some subjectivity in how the process is designed and how the analysis is—conducted. But if all of this planning is done in advance, it is very hard for me to see how one could direct these subjective decisions towards any desired goal.

Notice the caveat: "if all of this planning is done in advance. \* \* \*" That is just what the Census Bureau proposes to do over the next year. And this new language we have agreed on today will permit that work to move ahead and still give Congress the final decision.

As Professor Brown's testimony proved—even for experts who questioned sampling in 1990—the Census Bureau seems to be on the right track for 2000. At this point in time, it is very hard to find even one statistician who doesn't think that sampling should be able to improve the accuracy of the 2000 census. The Bureau is doing its research; it is testing its plans; and it is having its plans reviewed by experts.

Everything the Governmental Affairs Committee has learned so far tells me we need to keep the sampling debate open. And we need to give the Census Bureau a fair hearing. To disrupt the planning process now would set the Bureau back a year or more. And it would lock the Bureau and the Congress into a traditional census that we know will cost much more and we know will be inaccurate.

I have already told you that I have some personal reservations about sampling. I wish it were possible to get an actual head count directly on every single American. I am sure the American public has concerns as well. We all get survey calls at home, around dinner time, usually. We also know about polls—surveys that conclude one thing or another—often depending on who paid for the poll. We know all this. We know that surveys can be used in many different ways. So, we have to agree that the Census Bureau has a very heavy burden to prove to Congress and the American people that its survey methods are objective and scientifically sound, and that they will produce accurate, reliable information. The Constitution requires no less.

What is critical right now is for census to continue its planning process—continue to appear before congressional committees—as it is doing before our committee—and continue to explain and review its plans. Only after this process is complete can we decide if the 2000 census will be a success.

At this point in the debate, I am less worried about the constitutional and scientific issues than I am about the Census Bureau's management capacity. GAO and the Commerce IG agree with me on that. The viability of sampling depends on the Bureau's capacity to design and faithfully execute a good plan. Our debate here today proves that Congress is not yet sure of the Bureau's abilities.

The Bureau has to give us more information. And we have to be willing to listen. The Bureau also has to show us that they have the management capacity to carry out a sampling plan if we approve it. These are the questions I think we should be focusing on.

It is time for some plain talk—about the stakes involved here. Most of those people undercounted in last census were poor, and many of them belong to ethnic and racial minorities. We cannot tolerate any undercount. Our system of government guarantees equal representation for all Americans—regardless of race, ethnicity or economic circumstances—certainly regardless of political affiliation. I can only hope that my colleagues will not trade off this fundamental principle of democratic government for assumptions about partisan political advantage.

Let me remind you about where the undercount is found. Look at the States that had high undercounts in 1990—New Mexico, 3.1 percent; Montana, 2.4 percent; Texas, 2.3 percent; Mississippi, 2.1 percent; Idaho, 2 per-

cent. This is not a Democratic versus Republican issue. The undercount is a problem for every Member of this body. We undercount people in rural areas—that is a third of the 1990 undercount. We undercount people who are renters rather than homeowners. And we undercount over 12 percent of native Americans who live on reservations.

Let's not throw away our opportunity to fix the undercount, without taking a good hard look at whether we have to and what are our options. Funding formulae, equal protection, civil rights, State and local planning, school building, targeted aid, business planning—almost every aspect of American life—would benefit from the best possible census in the year 2000.

My heart goes out to all the Americans who are counting on us for the disaster relief this bill will provide. I want to give them that relief. I want to vote for this bill. So, I strongly urge my colleagues to join me in supporting this amendment. I congratulate Senator HOLLINGS, Senator STEVENS, and their staff for working this out. Let the Census Bureau get on with planning what could be the best census, the finest census in American history. And let us get on with providing relief to those tens of thousands disaster victims who are counting on us.

Madam President, I yield the floor.

Mr. THOMPSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. THOMPSON. I thank the Chair.

Madam President, I commend and agree with my colleague on the Governmental Affairs Committee, Senator GLENN, with regard to the purpose of the census and how important it is. I commend Senator HOLLINGS and Senator STEVENS for working out some language that will get us over this temporary hurdle and will not cause us to have to stop in midstream and make a decision today as to exactly what we ought to do, because I do not think anybody knows exactly what we ought to do right now. I do not think attention has been focused on this issue.

We in the Governmental Affairs Committee, however, have been focused on it for a while. When I became chairman, we had a meeting on the staff level and started to engage the people at the Census Bureau and the Department of Commerce and explained to them what our intentions were in terms of having hearings and gathering information as to the right way to proceed.

We have had two hearings, as Senator HOLLINGS has pointed out, considering specifically these sampling issues that we are talking about, keeping in mind how important it is.

It is important that people have confidence in this census. Clearly, we base a lot of things on it in terms of distribution of Federal moneys, academic research, and things of that nature that are dependent on it, and last, but not least, the apportionment for the House of Representatives. So we need

to do it cautiously and carefully and not based on who is going to benefit politically in the outcome, not based on some supposition of what the outcome is going to be.

I made a commitment early on that we would hear this fairly, we would bring in the experts and proceed carefully, but that the administration was going to have to convince us and the American people that the way they were going to proceed would be a fair, objective way. Of course, that brings us to the heart of the sampling issue, and it is not an easy issue to resolve. In fact, I think we are right in the middle of resolving it. We have asked for a lot of additional information in order that the Census Bureau can convince us that this will be done in the right way.

Everybody is for doing something about the undercount, which I think most people agree that we have. We need to do something about this. We need to proceed in the fairest, most objective way in order to address that particular problem.

But the question still is out there whether or not sampling is the right way to proceed. In the first place, I think we need to realize that the proposal that is on the table now really involves two levels of sampling: 90 percent is contact directly, 10 percent is sampling, and then there is another level of sampling which is supposed to take care of the undercount. So we have a couple of different levels of sampling. It has not been perfected yet.

Back in 1990 when they did the census, they considered adjusting the census numbers based on sampling. Based upon the information that they initially had there, they made an error of one seat. One State would have improperly gotten a seat and another State would have improperly lost a seat. They caught it in time and decided not to use sampling back then.

There are constitutional issues; there are legislative issues. It is not just a constitutional question. We are familiar with the fact that the Constitution requires, in some people's minds, an actual head count. It is somewhat debatable, but to some legal experts, it is even a greater question as to whether or not Congress has constructed a legislative pattern that would forbid sampling.

There has been a lot of sampling legislation passed and some of it is inconsistent. It would be a tragedy, indeed, if we went through all this process and we used sampling and spent \$4 billion in order to carry this out and then find out we did not have the constitutional authority or that we have the constitutional authority but did not have the legislative authority. So if we go through with sampling, I think we are going to need additional legislation to clear that up.

There is another question involved as far as the expense. Some of the witnesses originally told us that if we did not sample, it would cost us an extra billion dollars. We are getting information now which says the cost would be

much less than that. We need to clear that up.

I think this is an appropriate way to proceed, but I want to emphasize to the administration, and I want to emphasize to the Census Bureau, that those of us who will be dealing with this thing directly are going to be looking to them to convince us and convince the Senate and convince the American people that they will conduct this thing in a fair and objective way. A lot of people are concerned that this administration, which has shown in times past the willingness and the ability to use the authority of the administration for political purposes—witness the Immigration and Naturalization Service before the election last time—that an administration that is willing to do that would be willing to tamper with this process.

It is a matter that is somewhat new to us in this body for this particular purpose—that is, one of apportionment—and it is not going to be something we will readily latch on to. I am not saying it is the wrong thing to do, but I am saying the burden is on the administration, the burden is on the Census Bureau, not only that this is scientifically acceptable, which I think a lot of people think it is, but, second, that we are not going to have to be worrying about some people in a bureaucracy somewhere who are going to be having their fingers on the scales of justice, as has happened in other instances.

So, with that, I leave it for another day. I look forward to working with the members on the committee and others on the Appropriations Committee in trying to come up with the best system that is fair to everybody, not based on who benefits or who suffers from a political standpoint, but based on what is fair and accurate, not only in terms of the result, but in terms of the process in getting to that result.

With that, I thank the Chair.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Madam President, the amendment that Senator HOLLINGS has presented is acceptable, and I am pleased to cosponsor it. It is a provision that I put in the bill, or I offered as an amendment to the bill when it was in committee.

A full count of the population for the purpose of apportioning seats in the House of Representatives is required by the Constitution. Article I calls for an "actual Enumeration \* \* \*" and section 2 of the 14th amendment reads: "Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State \* \* \*". Title 13 U.S.C. section 195 states: "Except for the determination of population for purposes of apportionment of Representatives in Congress among the several States, the Secretary shall, if he considers it feasible, authorize the use of the statistical

method known as "sampling" in carrying out the provisions of this title."

When the Secretary of Commerce declined to approve a statistical adjustment to the 1990 census, at least 50 law suits were filed. The Supreme Court upheld the Secretary's decision in one of these cases, *Wisconsin versus City of New York*. The Court held that the Constitution "vests Congress with virtually unlimited discretion in conducting the 'actual Enumeration' \* \* \* Through the Census Act, 13 U.S.C. section 141(a), Congress has delegated its broad authority over the census to the Secretary." The Court noted that the adjustment being recommended to the Secretary in 1990 differed from other statistical adjustments used in 1970 and 1980 because it "would have been the first time in history that the States' apportionment was based upon counts in other States."

If a sample is employed for the 2000 census, endless litigation challenging the constitutionality of using this technique is likely. By directing the Census Bureau today to employ a full count, we are giving the Bureau sufficient time to redirect their efforts before 2000. The additional cost of a full count is estimated to be \$400 million. The increase is bound to be less than the Government's cost of defending against lawsuits which will result from using a sample.

There is also an issue of fairness. The Census Bureau will get a 90-percent count of a census tract and use sampling to determine the remaining 10 percent of the population in that census tract. An estimation does not seem to be a fair way of determining the population.

The Census Bureau has claimed a full count of the population without sampling will cost an additional \$400 million. As soon as this amendment prohibiting the use of sampling appeared, the cost went up to \$1 billion.

I have reviewed the most recent Census Bureau cost sheet, and it seems to me the Census Bureau can do a full count well within the range of \$400 to 500 million. Any attempt to claim it will cost a billion dollars is a red herring to deflect attention away from the real issue, and that is the constitutionality of conducting the count by sampling.

The cost of the census should not be an issue. Under the Constitution, Congress has the duty to direct an "actual Enumeration" of the American public for purposes of apportionment. When carrying out our constitutional responsibilities, cost is immaterial.

In 2000, The Census Bureau wants to estimate 10 percent of the population of this country. In 2010, the Census Bureau may want to estimate 30 percent of the population. The Census Bureau claims sampling will solve the problem of undercounting. It is difficult for me to accept that an estimation will ensure everyone is counted.

Concern about not counting all Americans is not a new issue. Then-

Secretary of State Thomas Jefferson was in charge of the first U.S. census in 1790, and he was gravely concerned that there had been an undercount.

The Census Bureau, in an effort to devise new techniques to ensure the most complete count possible, has determined that conducting a sample of nonrespondent citizens on a census tract level is the most effective means of achieving numerical accuracy. Which is more important? Numerical accuracy or distributive accuracy?

On March 20, 1996, the Supreme Court held that distributive accuracy was more important than numerical accuracy in deciding *Wisconsin versus City of New York*. In this case, the Court upheld the Secretary of Commerce's decision not to approve statistical adjustment to the 1990 Census. The Census Bureau plans to sample in each census tract across the nation. They plan to estimate who lives in a neighborhood or village based on a sample.

The Census Bureau claims the language in this bill as reported from committee will require them to send a long form to all households.

The Census Bureau says sending a long form to one out of every six households is a sample, and thus the language in this bill would require them to send the long form to all homes. The language in this bill was not intended to prohibit the Census Bureau from using the short form. I would have no objection to amending the language to ensure the Census Bureau can continue to use the long and short forms.

The question arose: what would happen to a census form that was mailed in late, after the Bureau had begun a post-census sampling process? The original answer was that the late response would be discarded because it would interfere with the sample established by the Census Bureau. Since the actual enumeration of citizens has a long and venerable history, this answer was a shocker.

The Bureau now says that a late response will be counted, even if it came from a household that was not in the followup sample area. They admit this will complicate the estimation process. Obviously the inconvenient appearance of a real person's response does damage to a theoretical sampling construction.

The Governmental Affairs Committee has held two hearings on the plans for Census 2000, including one exclusively on the legal and statistical propriety of using sampling. There are many troubling questions about the Census Bureau's plan to implement sampling techniques in the next census.

The problem of undercounting in the cities has been a problem, and the Bureau says sampling will help correct this undercount. But what about the problem of undercounting in rural areas? Does the Census Bureau really know what it doesn't know? We are asking to take the remainder of this year to scrutinize the Census Bureau's

plans for the next census, and particularly their plans to use sampling techniques.

Sampling could well be inaccurate, illegal, or unconstitutional. Congress must decide whether sampling is consistent with the Constitution's requirement that the census should be an "actual Enumeration" of the American public for the purpose of providing a basis for apportioning Congressional representation among the States.

In the 1990 census, the Bureau made extensive efforts to reduce the undercount of actual persons. It sought out "traditionally undercounted populations" and expanded assistance for non-English-speaking residents. But there was no plan to create hypothetical respondents, although there was an effort to statistically adjust the total. This adjustment was ultimately rejected by the Secretary of Commerce.

That is the problem now. The sampling would be the basis for an educated guess under the proposal that was presented to us. I am pleased to see the text has been modified so what we are concentrating on is the constitutional requirement to enumerate the population for the next census, and on that basis, I support the amendment.

I yield the floor.

Mr. HOLLINGS addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Madam President, when it comes to sampling, I think everyone should understand that we are very familiar with it. Almost every product put out by the census, or from data supplied by the Census Bureau is based on sampling. We quote the gross domestic product. The Federal Reserve, Alan Greenspan and others use GDP and inflation statistics based on very small samples. The monthly unemployment rate that all the members listen for. Well that is based on sampling of some 60,000 household of the 115 million households in this Nation. That is less than 1 percent. And, with the full decennial census, the Bureau has been using sampling for the long form for almost 60 years.

And if there is one group that really believes in sampling, it is Members of Congress. We come here with a poll taken, every one of us. And for a State my size with 3.5 to 4 million people, a sample of 870 to represent that number of people is readily considered authoritative. So we are doing the best and we are doing it professionally. I believe that we are on course now with this particular compromise.

Madam President, I ask unanimous consent that my complete statement be printed in the RECORD.

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

STATEMENT BY SENATOR HOLLINGS REGARDING THE CENSUS

Madam President, the bill before us is an emergency supplemental appropriations bill to deal with flooding, other natural disas-

ters, and support for our troops in Bosnia. It also includes a provision that was inserted by the majority that prohibits the Census Bureau from using funds to conduct or plan to use statistical sampling in any way in the conduct of the year 2000 decennial census.

The census of the United States is required under Article I, section 2 of the Constitution. Since the original census in 1791, it is a basic government function that is performed every ten years. To many in this body it probably seems like a dry, academic subject. The census is about data and numbers. It is the sport of demographers and statisticians.

Yet, the census impacts Americans' daily lives in so many ways. Clearly, as noted in Article I, it is the basis for apportionment in the House of Representatives. It also has become the basis upon which over \$100 billion in Federal program aid is allocated. Programs from Low Income Energy Assistance to Community Development Block Grant to Transportation grants all rely on census data. But, the census also is the main vehicle with which we are able to describe the characteristics of our democratic society. It tells us how many men and women live in each State and in our nation. It tells us about racial diversity and employment and literacy. Having accurate and unbiased population and economic statistics is a basic requirement for a democratic nation as diverse and geographically varied as the United States.

#### CENSUS HAS STRIVEN FOR MORE ACCURACY

The history of the census has been one of progressively seeking more detailed information about our people. And, it is a history of striving for more accuracy in the accounting for the residents of this nation.

The Senators who put this prohibition in the bill seem to think that by proposing the use of statistical sampling to aid the census enumeration, that the Census Bureau has broken new ground. Well, that's just not the case. The accuracy of the census was brought into question with the very first census. When Thomas Jefferson transmitted the census data in 1791, he also provided his own estimates. He stated that "we are upwards of four millions; and we know in fact that the omissions have been very great." You might say that he provided the first "post enumeration survey." Through much of the 19th Century, the Census was run by Marshals who reported to the U.S. Senate. They didn't have standard procedures and census forms did not exist until the 1830's. In fact, the Census Bureau itself was not created until 1902.

Statistical sampling dates back to 1940. In that year Dr. Demming, the noted management expert who once worked for the Bureau, proposed the use of sampling in the conduct of census. It was adopted to reduce the number of Americans who received detailed questions that we now call the census Long Form. Similarly, the issue of undercounting the poor and minorities always has been a problem. When this nation adopted the draft to prepare for the Second World War, the census first realized the magnitude of this problem. When the call went out to serve the nation, we found that 3 percent more men were in this country than the Census Bureau had estimated in the 1940 decennial census. Among black males, 13 percent more showed up to the call of duty than the census said even resided in America.

Relative to statistical sampling, it is used in almost every type of data that the Census Bureau collects and uses for its products. It is used in the Long Form so that only 1 in 6 Americans are asked detailed questions about employment, housing, family background, etc. A very small sample is used to get economic data every month so we can tell Alan Greenspan and Wall Street if Gross

Domestic Product increased, or if inflation has increased. Take unemployment. Every month every Senator listens to what the monthly unemployment rate is. "It's about jobs" as our former Trade Representative Mickey Kantor would say. Well that unemployment data is collected by the Census Bureau. It is based on a survey of only 60,000 households out of 115 million households in this country. That is a sample of far less than 1 percent! So with this census issue, let's not act as though the use of statistical sampling is something new or some gimmick adopted by the census. The fact is that our Census Bureau is the Federal Government's premier statistical agency.

#### THE 1990 CENSUS DEBACLE AND STATISTICAL SAMPLING

Now, the current situation we find ourselves in is an outgrowth of the 1990 census debacle. The 1990 census was the most expensive census we had ever conducted and for the first time it was LESS accurate than previous censuses. It is widely acknowledged that it was seriously flawed. Nearly 10 million people were NOT counted and 6 million people were counted twice. There were lawsuits by groups that were undercounted. Suits that ended up in the Supreme Court six years later. So Congress told the Census Bureau to figure out how to do a census that is: (1) more accurate and (2) more cost effective.

The Census Bureau did the right thing. It went to an outside group of experts. They went to the National Academy of Sciences in 1993 and asked for their recommendations. The Academy studied the issue and recommended that the Census Bureau incorporate statistical sampling in the conduct of the year 2000 census. The academy concluded that a rerun of the 1990 process would produce even less accurate data in the year 2000 and would cost more per household, primarily because voluntary citizen cooperation with the census is declining. They concluded that traditional census taking methods will always yield a differential undercount because some populations are just hard to count, such as rural and inner city poor people. The Academy recommended, in fact, that the Census Bureau continue to work until it achieved a 70 percent response from residents and then use statistical sampling for the remaining 30 percent.

The professionals at the Census Bureau adopted the Academy's recommendation—a well designed statistical sample to correct over and undercounting before the census counts are finalized. The only change they made was to reduce the amount of sampling. They concluded that they would work until 90 percent of residents were counted and use direct statistical sampling to estimate the remaining 10 percent.

Now, Madam President, I think there is a great deal of confusion on how the census is conducted and what is meant by these numbers. The Federal Government sends every resident a census short form. The Census Bureau makes extensive efforts to get these forms returned. Approximately 65 percent of the population does so. After that the greatest expense of the census comes into play. The question is how much effort and how much do we have to spend to get people to respond who have not sent back their questionnaires. The Census Bureau makes phone calls, goes door to door, and literally employs an army of 300,000 census takers to find individuals and households who did not respond. In the past, one of the reasons for inaccurate counts, is that finding those "hard core" of non-respondents is quite subjective. It isn't easy. These are in remote rural areas and in poor urban areas. It is commonly acknowledged that follow-ups are not conducted in a scientific fashion. It is a well



known fact that census takers would rather falsify data than go into some of those areas.

In the case of the Census Bureau's plan, they are proposing to estimate those remaining 10 percent of impossible to reach non-respondents. They are proposing to do so in a scientific way that is statistically reliable. It is a methodology that takes subjective judgement out of the process.

#### THIS AMENDMENT CASTS A WIDE NET

The amendment in this bill not only prohibits the Census Bureau from moving forward with its statistical sampling plans I've discussed, but it also casts a very wide net and prohibits all other statistical sampling. It would prohibit the Long Form from being sent to 1 in 6 Americans. This type of sampling has been underway for almost sixty years. So, the Census lawyers tell us that every American would have to be sent the Long Form under this congressional prohibition. It would prohibit the Census from working with the Postal Service and sampling to find vacant housing units that are currently on address lists. It would prohibit the Census from carrying out statistical sampling in its dress rehearsals that are now underway. It would prohibit the Census from planning to do quality assurance samples to ensure that census data is not falsified by census takers. It is, in short, a clumsily worded amendment that is quite far reaching in its consequences.

Now during our debate in Committee, the Chairman criticized the Long Form. I believe the gist of what he said was that the Long Form asks too many questions of too many people. Well, Mr. President, I'd like to know which questions. Questions about industry were added in 1820. Veteran status in 1840. Education in 1850. Housing in the 1930's and 1940's. Income level in 1940. We added a category to determine if a respondent considered themselves to be of Hispanic origin in 1970. Telecommunications questions began in 1980. In each case these questions came about because Congress directed them in statute.

#### ISSUE BELONGS WITH THE AUTHORIZATION COMMITTEE

This amendment doesn't belong in an appropriations measure, especially an emergency appropriations bill. It belongs with the Committee of oversight, the Governmental Affairs Committee. Now the irony is that the Senate Governmental Affairs Committee has been, in fact, holding oversight hearings on the year 2000 decennial census. They have heard from a number of outside witnesses and they have been hearing the pros and cons on statistical sampling.

Senator Glenn has written to Senator Stevens and Senator Byrd requesting that his Committee be allowed to continue to do its job. That the Appropriations Committee not interfere. He is right.

#### INCREASES COSTS

What the Appropriations Committee should be concerned about regarding this issue is the cost. The irony is that the amendment inserted by the Chairman will greatly increase the costs of the year 2000 decennial census. The current estimate for the total cost of the 2000 census is \$4 billion! If the Census Bureau is required to make a full enumeration effort and NOT allowed to sample for 10 percent, then the costs will increase to \$4.4 billion to \$4.5 billion. That's because we will keep on the payroll that army of door-to-door census takers who will make around 13 dollars an hour.

The Commerce Department tells us that if you look at the cost impact of all the ramifications of this prohibition, including prohibiting sampling for the Long Form—then the cost of the year 2000 census will be about \$1 billion higher. So through this amend-

ment the Appropriations Committee, which is supposed to be concerned about the budget and costs, will be taking a \$4 billion census and turning it into a \$5 billion census.

So we tasked the National Academy of Sciences to come up with a methodology is more cost effective and accurate census. If we approve the prohibition in this bill we will be doing the opposite. We will be conducting a less accurate and more costly census.

There is a sense of absurdity about all this. The costs I have cited are the full multi-year costs of conducting the census. We are starting from a fiscal year 1997 Census Bureau year 2000 decennial census appropriation of only \$84 million. That was a cut of about 21 percent from the President's FY 1997 request of \$106 million. Under the Census Bureau's \$4 billion plan using sampling, the appropriation needs to grow to \$2.3 billion within three years. Dollars are tight. Our section 602(b) allocations for our Commerce, Justice, and State Subcommittee have been billions below the President's request for our Subcommittee. And, the Census Bureau competes against the Justice Department and the Judiciary which now account for two-thirds of our bill.

The reality is that Senator Stevens and the Committee are not going to give us the money to fund the Census Bureau's less expensive \$4 billion plan using sampling let alone his notion of a \$5 billion census that employs no sampling.

And that is what disturbs me most. We have an agency that is trying to economize and find a way to save costs. And here is the Appropriations Committee getting into an area outside our jurisdiction and then telling them to do their job in a more expensive way. I truly fear that we are going to mess up the year 2000 census. That it will be the least accurate census ever.

#### CONCLUSION

I have received a number of letters from outside interest groups, from demographers and statisticians asking me to get this onerous language out of the bill. Senator Glenn's observations have been especially forceful. Yesterday, our Committee received a letter from the Commerce Department's Inspector General who has done a great deal of work on the Census. I will include the full statement in its entirety, but let me just quote a few lines:

"We strongly disagree with this provision. We believe that such a prohibition would make it almost impossible for the Census Bureau to carefully research, test and implement an optimal design for the 2000 census. Over the past two years, we have issued reports, testified, and briefed bureau, departmental, and congressional principals and their staff members on our support for the use of statistical sampling in the 2000 census. We continue to believe that, if carefully planned and implemented, sampling can be employed by the bureau in the 2000 census to produce overall more accurate results than were produced in the 1990 census, at an acceptable cost. We further believe that the Congress should allow the bureau the freedom to complete its work on sampling and then select the optimal census design based on all of the available information. Halting the design effort at this critical juncture would mean that the substantial effort made to date would be left incomplete and unevaluated.

Madam President, I have been working with Chairman Stevens and Senator Gregg trying to find a reasonable compromise on this issue. It clearly was not their intention to require the long form to be sent to every American. And, it is the concern of many members on the opposite side of the aisle

that the Census Bureau not proceed with statistical sampling for the short form in a manner that is irreversible.

Accordingly, I am pleased to report that we have worked out a compromise amendment that achieves both aims. It allows planning and preparation by the Census Bureau to continue and it allows the Committee of Jurisdiction, the Senate Government Affairs Committee, to continue its review and oversight of the Census' plan for the year 2000 decennial census. Finally, the compromise allows the Census Bureau to continue to send the long form to only 1 in 6 Americans and to therefore get essential data.

Madam President, I think this is a good compromise and I trust my good friend the senior Senator from Alaska will uphold the Senate position in Conference with the House.

Mr. HOLLINGS. Madam President, I ask unanimous consent that the letter from the inspector general, the Department of Commerce, and the letter from Secretary Daley be printed in the RECORD.

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

DEPARTMENT OF COMMERCE,  
THE INSPECTOR GENERAL,  
Washington, DC, May 5, 1997.

Hon. ROBERT C. BYRD,  
Ranking Minority Member, Committee on Appropriations, U.S. Senate, Washington, DC.

DEAR SENATOR BYRD: We have learned that S. 672, the Supplemental Appropriations and Rescissions Act of 1997, as reported out of the Committee on Appropriations, includes a provision that would prohibit any appropriated fiscal year 1997 funds to be used to plan for the use of statistical sampling in the 2000 decennial census. We strongly disagree with this provision. We believe that such a prohibition would make it almost impossible for the Census Bureau to carefully research, test, and implement an optimal design for the 2000 census. Over the past two years, we have issued reports, testified, and briefed bureau, departmental, and congressional principals and their staff members on our support for the use of statistical sampling in the 2000 census. We continue to believe that, if carefully planned and implemented, sampling can be employed by the bureau in the 2000 census to produce overall more accurate results than were produced in the 1990 census, at an acceptable cost. We further believe that the Congress should allow the bureau the freedom to complete its work on sampling and then select the optimal census design based on all of the available information. Halting the design effort at this critical juncture would mean that the substantial effort made to date would be left incomplete and unevaluated.

The bureau has only recently decided on the type and degree of sampling to be used in the 2000 census. These decisions are driving the bureau to complete the required research on important details. According to the bureau's plan, fundamental work on all potential uses of sampling will be finished by December 1997. We do not believe an informed design decision can be made until this work is completed and the various design components are tested during the April 1998 dress rehearsal. Even if the prohibition against the use of funds for sampling is lifted in fiscal year 1998, we believe that the bureau will simply not have enough time to develop a complete, detailed sampling design for testing in the dress rehearsal. Consequently, the bureau will not be able to conduct a "one-number census" using sampling in 2000 without a significant risk of reduced accuracy,



increased cost, and delay. Some of our specific concerns are discussed below.

#### SAMPLING AND ESTIMATION RESEARCH

If appropriated funds cannot be used for sampling work, important research needed for key sampling design decisions will not occur. Various aspects of this research are interdependent, with one research result feeding into others. For example, according to its research plan, the bureau is scheduled to decide in October on the optimal sampling designs for both nonresponse follow-up and the postal vacancy check. Included in this research is determining how the different sampling applications affect one another at different levels of geography. This information will, in turn, feed into a decision on the optimal Integrated Coverage Measurement survey design, scheduled for December. Aspects of this decision include how to allocate the survey sample to each state to ensure equity among states; which combination of demographic characteristics to focus on to reduce the differential undercount; and how to deal with people who have moved either into or out of a household. Additionally, critical work on how to combine all the different enumeration methods into "one number" may be irretrievably delayed.

#### STAFFING

The bureau will not be able to hire or contract for the expertise needed to conduct and oversee the sampling and estimation work. Specifically, the bureau will not be able to acquire the staff resources it needs to complete work on the "one number census;" it will not be able to gain much needed information on the effects of sampling on accuracy at the block and small tract areas; and it will not be able to convene an expert oversight panel this summer, as planned.

#### COSTS

Prohibiting the use of sampling in the 2000 census would drive up cost and drastically reduce the accuracy of the census. Although, the cost increase cannot be precisely estimated, depending on the response to the initial mailing, it is clear that the additional costs would involve hundreds of millions of dollars.

We strongly urge the Committee to allow the bureau the freedom to complete its work on sampling and then select the optimal census design based on all of the available information. To do otherwise would leave the 2000 census in a most precarious position. We are available to discuss these concerns with you and/or your staff at your convenience. Please feel free to call me at (202) 482-4661 or Jessica Rickenbach, our Congressional Liaison Officer, at (202) 482-3052.

Sincerely,

FRANCIS D. DEGEORGE.

THE SECRETARY OF COMMERCE,  
Washington, DC, April 29, 1997.

Hon. ERNEST F. HOLLINGS,  
U.S. Senate, Senate Committee on Appropriations, Washington, DC.

DEAR SENATOR HOLLINGS: I am writing to urge deletion of language contained in the supplemental appropriations bill that would prohibit the Census Bureau from using fiscal year 1997 money to prepare for the use of sampling in the decennial census. The Administration strongly opposes this provision in the disaster relief supplemental.

This language is premature. It would short circuit a process that is underway in other Congressional committees to evaluate the use of sampling in the decennial census. This matter is far too important to be decided without full debate. A prohibition on statistical sampling this year also will seriously impair our ability to develop and plan for the best possible decennial census.

This provision will result in a less accurate, more costly Census 2000. The country deserves an accurate census count that is right the first time. We should not repeat the same mistakes of the 1990 decennial census which did not utilize sampling. Using the failed techniques of the 1990 census would result in an unacceptable undercount. This undercount can be virtually eliminated with statistical sampling.

Congress instructed us to convene the Nation's experts through the National Academy of Sciences. They concluded that statistical sampling is the most reliable method for ensuring an accurate census.

Sincerely,

WILLIAM M. DALEY.

Mr. HOLLINGS. I thank my distinguished chairman, Senator STEVENS.

Mrs. BOXER. Madam President, the emergency supplemental appropriations bill contains language that prohibits the Census Bureau from preparing to use any funds in the current fiscal year to "plan or otherwise prepare for the use of sampling in taking the 2000 decennial census." I opposed this provision in the committee mark-up because the National Academy of Sciences [NAS], at the request of Congress, found sampling resulted in a more accurate census and that without sampling, the national effects have long-standing negative ramifications. I support Senator HOLLINGS' amendment.

A statistical sampling study was done by the National Academy of Sciences at the request of Congress. Others continue to question if sampling produces accurate data. I welcome that debate, but I believe this is not an issue to be decided in the emergency supplemental appropriations bill. There have been several congressional hearings on this subject, and I support that those committees should be given the opportunity to finish their work. I believe it would be unwise for Congress to stop further work on this issue in an emergency supplemental. Other supporters of using statistical sampling include the American Statistical Association, the Population Association of America, and the National Conference of Mayors.

Sampling results in a more accurate census. The National Academy of Sciences concluded from their study that sampling was necessary for an accurate census count, and strongly recommended its use in the 2000 census to account for nonresponding households. The census is responsible for counting all residents in this country, including those overlooked by traditional polling methods. The process of sampling helps the Census Bureau count U.S. residents that may not respond to traditional outreach methods, that is, those who do not speak English well, or those who can not read or write proficiently. Big cities all across this country are home to many of these overlooked Americans. Relying solely on mailed responses and face-to-face visits, so-called direct enumeration, while critical, will guarantee an inaccurate census because we will essentially be saying if we can not find you, then we will

not count you, and therefore you do not exist. The Constitution does not tell us to only count those who are at home, or who has time to fill out the form. The Constitution says every resident must be counted.

Without sampling, the effects have long-standing negative ramifications. The National Academy of Sciences found in the 1990 census racial minorities were severely undercounted, compared to whites. Without sampling, the costs will increase due to added manpower and work hours involved. More census takers will have to be hired, trained and will have to knock on more doors, requiring a greater drain on the Nation's resources. For the 1990 census, those forms that were not returned by mail cost the U.S. Government at least 6 times more to enumerate than those who mailed back their forms. Using field staff to find the most reluctant respondents raised the cost as much as 18 times.

Because of California's large racial minority population, California was more severely harmed by the undercount than other States. We need an accurate census because many important Federal programs depend on census data to allocate funding. In the 1990 census, it is estimated that 837,557 Californians were not counted, which caused California to be shorted more than \$5 million in several Federal programs.

THE PRESIDING OFFICER. Is there further debate?

If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 231) was agreed to.

Mr. STEVENS. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. STEVENS. Madam President, we have five amendments that, as soon as Senator FEINGOLD has presented his position on one amendment, we will be able to handle by consent.

I urge Senators to come to the floor to see if we can work out these amendments. We still have some 26 eligible amendments. When I am able to confer with the Senator from West Virginia, I do want to announce a policy with regard to amendments that the Parliamentarian has indicated are not in order under cloture.

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. STEVENS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. FEINGOLD addressed the Chair.

THE PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. FEINGOLD. Madam President, what is the pending business?

The PRESIDING OFFICER. The pending business is the Reid amendment No. 171.

Mr. FEINGOLD. Madam President, I ask unanimous consent that the Reid amendment be temporarily laid aside.

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

#### AMENDMENT NO. 83

(Purpose: Prohibit use of funds for ground deployment in Bosnia after September 30, 1997)

Mr. FEINGOLD. Madam President, I call up my amendment No. 83 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Wisconsin [Mr. FEINGOLD] proposes an amendment numbered 83.

On page 7, line 24, insert before the period, the following: "Provided further, That none of the funds made available under this Act may be obligated or expended for operations or activities of the Armed Forces relating to Bosnia ground deployment after September 30, 1997".

Mr. FEINGOLD. Madam President, I rise today to offer an amendment to the Supplemental Appropriations Act that would effectively set an end date for deployment of ground troops in Bosnia.

The Supplemental Appropriations Act of 1997 provides an additional \$1.5 billion in fiscal year 1997 funds for the ongoing Bosnia operation. But what my amendment will do, Madam President, is seek to set a date certain for the withdrawal of U.S. troops from participation in the NATO-led Stabilization Force, or SFOR. Specifically, it prohibits the use of funding provided for under the Supplemental Act for United States Armed Forces in Bosnia and Herzegovina after September 30, 1997, the end of our current fiscal year.

Madam President, I recognize very sincerely that the Dayton Accord and the deployment of the NATO-led Implementation Force, IFOR, to enforce it, has not been without some real benefit. People are no longer dying en masse in Bosnia. And U.S. troops, in conjunction with troops from other countries, should be warmly applauded for having largely succeeded in enforcing the military aspects of the agreement. We should also be very thankful that there have been virtually no casualties.

I think a special note should be made to commend the courage and the dedication of the U.S. military personnel in the region. These men and women continue to work tirelessly in an environment which has been challenging and very complex. Service men and women from across the United States have served in this mission with distinction and there should be no confusion between the honor and the admiration which they have earned and, Madam President, the need to terminate this operation.

The issue of whether the United States should continue to deploy ground troops in Bosnia is a separate

question from the outstanding performance of our military forces.

Madam President, I have had strong reservations about United States troop deployment in Bosnia ever since it was initially announced in 1995. As some in this Chamber may recall, I was one of only a few Members of Congress, and the only Democrat in the Senate, to vote against the deployment of U.S. men and women to support the Dayton Accord.

I said then that I doubted the value of a heavy U.S. investment in the region. I felt then that administration promises to have American men and women out of the region within a year's time were unrealistic and would not be kept. And I questioned then whether or not the Dayton plan would level the playing field between the Serbs and Moslems such that peace would reign in the region.

So where are we today, Madam President? United States troops have now been on the ground not just for a year in Bosnia, but for nearly 18 months. And the concerns that I had then remain with us today.

My concerns, Madam President, are twofold. One has to do with a mandate for a military operation that continues to grow, yet has increasingly less value. The other relates to the ever-spiraling cost of United States involvement in Bosnia.

Let me first take up the question of the mandate under which our troops are operating.

Madam President, when, in late 1995, the President first announced he would be sending United States forces to Europe to participate in the IFOR mission, he and many others promised the Congress and the American people that the IFOR mission would be over within 1 year. And this promise was reiterated by the President on several occasions and continually backed up by senior American military and diplomatic officials in public statements and in testimony before Congress, including in response to my own questions in the Senate Foreign Relations Committee. There were repeated assurances that this would be over within 1 year.

We all understood that that promise meant that our military men and women would be withdrawn from the region by December 1996, or at least very shortly thereafter. But, Madam President, in November 1996, the President announced that he would extend the U.S. mission for an additional 18 months. A mission that was promised to be only 1 year was just suddenly and very quietly extended by 18 months beyond that year through June 1998, for participation in the NATO force now known as the Stabilization Force, or SFOR.

Despite the baptism of a new mission, Madam President, we all know that SFOR, although a bit more limited in scope, in reality represents just an extension of the original IFOR mandate that was supposed to expire within 1 year. The President's announce-

ment of an extended deadline signaled that the United States would continue to be drawn deeper into a situation from which it has become harder and harder to extricate itself.

Madam President, the war in Vietnam was called a quagmire. We referred to continued United States troop deployment in Somalia as "mission creep." I fear that the Bosnia operation is presenting the same dilemma. With indicted war criminals still at large, refugees still unable to return to their homes, and the timing for upcoming local elections still in doubt, there will obviously continue to be many reasons to call for an ongoing U.S. military presence on the ground without any clear end in sight.

In the meantime, in the heart of the conflict is the fact that the strategic political goals of the warring factions remain unchanged.

Madam President, I have a copy of a November 26, 1996, editorial from the Wisconsin State Journal. I ask unanimous consent that it be printed in the RECORD.

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

[From the Wisconsin State Journal, Nov. 26, 1996]

#### BOSNIA MISSION DEVOID OF VISION

President Clinton said a year ago that most U.S. troops would be out of Bosnia within a year. Now he says the United States is prepared to keep troops in that shattered Balkans nation for another 18 months.

Here's a preview of what Clinton's decision could mean for those troops as the North Atlantic Treaty Organization mission in Bosnia drags on.

For 11 months, displaced Muslims have been waiting patiently for the NATO force to deliver on the biggest promise made to them through the Dayton peace agreement: The right to return to their homes.

For refugees living in camps near the town of Celic this month, patience ran out.

After learning that their empty homes in Gajevi and Koraj were being blown up by the Serbs, the refugees tried to take matters into their own hands. About 600 of them, mostly women and children accompanied by some armed men, tried to walk back to their villages.

They were turned back by American soldiers who got caught in a crossfire between the Muslims and the Serbs. No Americans were hit, but one Muslim man was killed by Serb gunfire.

When the American troops returned to Celic the next day to confiscate weapons from a Bosnian army storage site, an angry crowd of several thousand blocked their way. "Pretty soon rocks were bouncing off helmets and soldiers were being spit on," one soldier told the Chicago Tribune.

Almost a year after the Dayton peace agreement committed U.S. troops to Bosnia, U.S. commanders there describe the situation on the ground not as "peace" but rather the "absence of war." Almost no freedom of movement exists. Few refugees have been able to return to their homes and elections two months ago, while essentially fair, only served to harden deep ethnic divisions.

Nothing has been done to make the Serbs accept resettlement of the Bosnians, and NATO commanders have not been able to do anything to track down war criminals responsible for "ethnic cleaning" during Bosnia's long civil war.

So, what's the point? Why does Clinton propose to keep American troops in Bosnia, long past his original schedule?

U.S. Sen. Russ Feingold, D-Wis., said he believes the whole Bosnia policy was "sold on a phony basis" to Congress and the American people. Meeting this month with members of the State Journal editorial board, Feingold observed, "Three billion dollars later, we're still in this thing. We continue to be drawn deeper and deeper into a situation from which we appear unable to extricate ourselves."

By leaving the U.S. mission in Bosnia open-ended, Clinton gives the Serbs every reason to continue thumbing their nose at the Dayton agreement and our European allies less reason to take ownership of a peace-keeping mission that should be their primary concern.

Members of both parties in Congress are starting to ask hard questions about the goals and duration of the U.S. mission in Bosnia. It's time to hold Clinton's feet to the fire—before American troops find themselves caught in the middle again.

Mr. FEINGOLD. Thank you, Madam President.

This editorial, in one of our State's leading newspapers, notes as follows:

By leaving the United States mission in Bosnia open-ended, [President] Clinton gives the Serbs every reason to continue thumbing their nose at the Dayton agreement and our European allies less reason to take ownership of a peace-keeping mission that should be their primary concern.

By this analysis, the presence of U.S. troops may actually serve to harden rather than soften the ethnic tensions in the area. The longer the Moslem refugees are prevented from returning to their homes, the more determined they are of the right to do so. At the same time, the Serbs are thwarting resettlement efforts and ignoring indictments from the War Crimes Tribunal against their own leadership.

As this newspaper editorial reminds us, the "U.S. commanders [in Bosnia] describe the situation on the ground not as 'peace' but rather as the 'absence of war.'"

Madam President, I believe that the open-endedness of this mission may actually be helping to keep the warring parties from truly fulfilling their commitments under the Dayton accord.

Madam President, let me turn to my second major concern. And it is really the crux of this amendment. That relates to the bill that the United States taxpayer is bearing with regard to the Bosnia operation.

Congress and the American people were originally told that the Bosnia mission would cost the United States taxpayer some \$2 billion; a lot of money. Then sometime in 1996 that estimate was revised up to \$3 billion. But subsequent to the President's announcement extending the deadline for troop withdrawal, we learned that cost estimates have been revised again, and now, according to statements by the Department of Defense on this matter, the figure is estimated to be at a minimum, by the middle of 1998, \$6.5 billion for this Bosnia operation. Madam President, that represents a more than threefold increase from the administration's original estimate.

To put this in perspective, the United States over the course of 30 months in Bosnia—in Bosnia alone—expects to have spent an amount equivalent to just over half of what our country spends in the entire world in our foreign operations budget for the current fiscal year.

What we have here with United States involvement in the Bosnia operation is not just mission creep, it has become dollars creep for the United States Congress and the American people. And this is all happening at the very moment, at the very key moment when we are straining hard to eliminate the Federal deficit. We need to plug up the hole in the Treasury through which funds continue to pour into the Bosnia operation.

In the supplemental request before us today, the administration is asking the Congress now to sign off on an additional \$1.5 billion for the Bosnia operation. This request represents only a portion of the threefold increase in the estimate. So it is clear to me—and I think it is clear to everyone—that this request will not be the last. It is just another installment on this \$6.5 billion cost that we already know the Bosnia operation is going to involve.

Madam President, what my amendment would do is retain the Bosnia-related funding in the supplemental, but it would prohibit the use of those funds after the end of the current fiscal year. This amendment would then effectively establish an end date for the deployment of ground troops in Bosnia. This is the only hope we have to plug up that hole in the Treasury.

By establishing an end date for the funding of the deployment of U.S. troops, I would like to think that my amendment serves a dual purpose. First, it prevents mission creep, and, second, I think it would put an end to the dollars creep that is beginning to become very troubling with regard to the Bosnia operation.

At this point, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. HAGEL). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 177 TO AMENDMENT NO. 83  
(Purpose: To change the date for prohibition of use of funds for ground deployment in Bosnia)

Mrs. HUTCHISON. Mr. President, Senator FEINGOLD's amendment, I think, certainly lays down a marker. Senator FEINGOLD and I cosponsored an amendment—actually a resolution—earlier that asked that we have more parameters around this Bosnia mission because many of us were concerned that we did not know enough about what would be done.

As you know, the administration has missed one deadline. It was supposed to

be a 1-year mission. That was passed 5 months ago. Now we are facing another commitment for a resolution that I think is June 30, 1998. Not only has the administration said that June 30, 1998, would be the end of the Bosnia mission, but Secretary Cohen has been very firm in saying I promise the Congress that is the end, and he is planning for that. I want to make sure that is set in concrete, that Congress speaks on this issue, and that Secretary Cohen has the ability to plan by knowing that the funds would be cut off in this supplemental appropriation at June 30.

Now, Senator FEINGOLD has a September 30, 1997, date in his amendment, so I am going to ask unanimous consent to call up second-degree amendment No. 177 to the Feingold amendment.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows.

The Senator from Texas [Mrs. HUTCHISON] proposes an amendment numbered 177 to amendment No. 83: Strike out "September 30, 1997" and insert in lieu thereof "June 30, 1998."

Mrs. HUTCHISON. This is a simple amendment. It basically says what the administration has promised is going to happen, and that is June 30, let us go ahead and plan so that we can let everyone know, our allies know, that that is a firm date. The President has said so. The Secretary of Defense has said so. As Senator FEINGOLD said earlier, I think we have accomplished the mission the President wanted to accomplish. I do not think it serves a purpose for us to be taking funds from training, from readiness of our troops for this mission in Bosnia. In fact, that is why we are here doing the supplemental today. We are trying to put the money that has gone into Bosnia back into the defense budget. We need money for parts. We need money for airplanes. We need money for training and retraining the troops that have come out of Bosnia. We need to have the money for the pay raises and the quality of life for our military.

That money has been spent in Bosnia. I am not going to quibble about spending the money in Bosnia because if my troops are there, I want them taken care of. But I do not want to hurt our ability to train the other troops for readiness to make sure we are able to fight two simultaneous or nearly simultaneous major regional conflicts.

So we have a job to do. That is what the supplemental is for. My second-degree amendment does in fact put a June 30, 1998, deadline, which is the promise of the President, onto this amendment. Then I think all of us will be ready to prepare for the eventual withdrawal of our troops and that money going into our training and our spare parts and our airplanes and all of the factors to make sure that our troops are ready to go in case of need.

I thank the Chair. I appreciate Senator FEINGOLD taking this initiative

and for his work on this very important issue.

Mr. FEINGOLD. Mr. President, I want to commend the Senator from Texas for her leadership regarding the issue of troop deployment in Bosnia, and will support her second-degree amendment.

The language drafted by the Senator from Texas changes the date of the funding prohibitions in my amendment, as she indicated, from September 30, 1997, which is the end of the current fiscal year, to June 30, 1998, which is the date the administration is now using as its target end date for this mission.

Of course, Mr. President, I would have preferred the earlier date, the September 30, 1997 deadline, which would effectively require the administration to begin plans to withdraw at least some of our troops starting tomorrow. That would be the quickest way for the United States to get out of a situation that, I think, is getting worse the longer we stay there.

But I, of course, recognize there are concerns from a number of Senators that trying to dismantle an operation the size of the United States troop deployment in Bosnia within a 5-month timeframe would be difficult to accomplish. I also recognize that there is more support in this body for the later date that the Senator from Texas has suggested. There are many Members who are willing to allow the mission to continue through June of next year if, in exchange for that, they get a solid, firm, and irrevocable commitment to an end date. So I am prepared to support the end date of June 30, 1998.

A point I want to emphasize is that if Congress does not establish an end date to our involvement in Bosnia, this mission will continue to drag on and on and on. Therefore, I am willing to accept the second-degree amendment of the Senator from Texas. I congratulate her for her efforts in this area. I have joined as a cosponsor of a freestanding bill that she is introducing to also help us accomplish this goal. Regardless of the result of today's debate, she and I will continue to press for an end date to this deployment.

Mr. STEVENS. Mr. President, the original amendment would prohibit the expenditure of funds after September 30, 1997. There are no funds in the bill for defense to be spent after September 30, 1997. The amendment of the Senator from Texas would prohibit spending funds after June 30, 1998. No funds in the bill will be expended after June 30, 1998. So the amendments take on an image perspective, from the point of view of this Senator. I am certainly not going to oppose them on that point. But I emphasize that they are just a statement of policy. It amounts to a sense-of-the-Congress position about the expenditure of funds. They would not be a barrier to the expenditure of funds under the circumstances of this bill.

Mrs. HUTCHISON. Will the Senator yield for a question?

Mr. STEVENS. Yes.

Mrs. HUTCHISON. I know what we are really doing is supplementing the money already spent on Bosnia. But I appreciate the fact that the Senator from Alaska says that this is a sense of the Senate and that it does say that all of us now are serious about the end strategy, the preparation for the end strategy. The President has promised it and the Secretary of Defense promised it. Now Congress will, in a sense, be saying, look, this is real, this is now something that we are all in agreement on; the time has come for us to make sure that we have that end game in sight and that the money for training and quality of life will be there for our troops all along the way.

So I appreciate the Senator from Alaska pointing that out. I do agree that it will be a sense of the Senate. I think it will be a unanimous one, and I think it will be significant.

Thank you, Mr. President.

Mr. STEVENS. Mr. President, I have been informed that others wish to speak on this amendment. Under the circumstances, 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.

Mr. STEVENS. Mr. President, I ask unanimous consent that the pending amendment be temporarily set aside.

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

#### AMENDMENT NO. 131

(Purpose: To provide funding for the Delaware River Basin Commission)

Mr. STEVENS. 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 Alaska [Mr. STEVENS], for Mr. BIDEN, Mr. REID, and Mr. ROTH, proposes an amendment numbered 131.

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

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

The amendment is as follows:

On page 48, strike lines 15 through 23 and insert the following:

#### SEC. 306. DELAWARE RIVER BASIN COMMISSION; SUSQUEHANNA RIVER BASIN COMMISSION.

(a) COMPENSATION OF ALTERNATIVE MEMBERS.—During fiscal year 1997 and each fiscal year thereafter, compensation for the alternate members of the Delaware River Basin Commission appointed under the Delaware River Basin Compact (Public Law 87-328) and for the alternate members of the Susquehanna River Basin Commission appointed under the Susquehanna River Basin Compact (Public Law 91-575) shall be provided by the Secretary of the Interior.

(b) IMMEDIATE CONTRIBUTION.—As soon as practicable after the date of enactment of

this Act, the Secretary of the Interior shall make a contribution to each of the Delaware River Basin Commission and the Susquehanna River Basin Commission for fiscal year 1997 an amount of funds that bears the same proportion to the amount of funds contributed for fiscal year 1996 as the number of days remaining in fiscal year 1997 as of the date of enactment of this Act bears to the number 365.

Mr. STEVENS. Mr. President, this amendment deals with Delaware and Susquehanna River Basin Commissions. It was offered by Senators BIDEN, REID, and ROTH. It would direct the Secretary of the Interior to provide compensation to the Federal representative to the Delaware and the Susquehanna River Basin Commissions, without indicating who that individual would be.

The second-degree amendment makes the Secretary of the Interior, or his designee, the representative. It does not provide for compensation above that otherwise earned by that employee of the Department of the Interior. I trust that both amendments will be before the Senate at the same time. The second one is amendment No. 224.

#### AMENDMENT NO. 224 TO AMENDMENT NO. 131

(Purpose: A 2nd degree amendment to amendment No. 131 providing that the Federal representative to the River Basin Commissions shall be the Secretary of the Interior or his designee)

Mr. STEVENS. 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 Alaska [Mr. STEVENS], for himself and Mr. DOMENICI, proposes an amendment numbered 224 to Amendment No. 131.

Mr. STEVENS. 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:

Strike line 5 of amendment No. 131 and all thereafter and insert the following:

The Secretary of the Interior or his designee shall serve as the alternate member of the Susquehanna River Basin Commission appointed under the Susquehanna River Basin Compact (Public Law 91-575) and the alternate member of the Delaware River Basin Commission appointed under the Delaware River Basin Compact (Public Law 87-328).

Mr. STEVENS. I urge adoption of Amendment No. 224.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 224) was agreed to.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the first-degree amendment No. 131.

The amendment (No. 131), as amended, was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

## AMENDMENT NO. 70

(Purpose: To set aside certain funds for the project consisting of channel restoration and improvements on the James River in South Dakota)

Mr. STEVENS. 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 Alaska [Mr. STEVENS], for Mr. JOHNSON, for himself, and Mr. DASCHLE, proposes an amendment numbered 70.

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

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

The amendment is as follows:

On page 19, line 6, before the period, insert the following: "Provided further, That, of the funds appropriated under this paragraph, \$10,000,000 shall be used for the project consisting of channel restoration and improvements on the James River authorized by section 401(b) of the Water Resources Development Act of 1986 (Public Law 99-662; 100 Stat. 4128)".

Mr. JOHNSON. Mr. President, I have to my right a satellite image of the James River in South Dakota; on the left, depicting the river in its normal course prior to the flooding. On the right is a satellite image showing the current state of the James River—swollen, in places miles across, with water in a circumstance where less than 5 percent of the farmland in the James River Valley, from North Dakota to Nebraska, will be planted this year. This imagery was provided by the aerial data center in South Dakota. I think it very ably shows the dire circumstances that people in the James River area are facing.

Amendment No. 70 is an amendment offered by myself and by my colleague, Senator DASCHLE, which addresses the extensive damage that has taken place in the James River Valley and which needs to be addressed. This amendment addresses the problem, where up to 75 percent of the trees in this area have been lost, where bank sloughing and levee sloughing has filled the channel and reduced its capability to handle water. The amendment would provide a \$10 million appropriation through the Corps of Engineers to the James River Water Development District to use for the badly needed repair and restoration work on the James River.

This is a 25-percent cost share. I am pleased that this amendment has been cleared and approved by the majority and the minority of the Environment and Public Works Committee. I thank Senator CHAFEE and Senator BAUCUS and their staffs for their willingness to work with us on these amendments. I also thank the appropriators, Senator STEVENS and Senator BYRD, Senator DOMENICI and Senator REID from the Energy and Water Appropriations Subcommittees and their staffs, for their

willingness to work with us on the language of this amendment, and to accept it as part of the supplemental appropriations legislation being considered by the Senate today.

Mr. President, this amendment will go a long way toward restoring the James River and its water-carrying capacity, to restore its wildlife, to restore the economic life of the area on either side of this river, and it will do a great deal to assure residents of this area that we will not see flooding of this magnitude, of this devastating scope, any time soon again.

I had the opportunity to fly over the James River to take an aerial survey of this area this past month, flying out of Pierre, SD, flying over Mitchell, then back over Aberdeen, over Sand Lake Wildlife Refuge to gain a full appreciation of the magnitude of this flood.

We have a great deal of flood problems in other areas of South Dakota, but this amendment addresses the dire circumstances that the people in the James River Valley face.

I thank, again, my colleagues for their cooperation and their assistance with this amendment. It certainly is my hope that we can very expeditiously pass the supplemental appropriations bill, get it to the President's desk for his signature and to get on with rebuilding the lives of our communities, of our businesses and of our families, in this case, in the James River Valley.

I yield back the remainder of my time, Mr. President.

## AMENDMENT NO. 225 TO AMENDMENT NO. 70

(Purpose: A second degree amendment to amendment No. 70 making funds contingent upon a finding by the Secretary of the Army that channel restoration and improvements of the James River constitute an emergency)

Mr. STEVENS. 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 Alaska [Mr. STEVENS], for himself and Mr. DOMENICI, proposes an amendment numbered 225 to amendment No. 70.

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

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

The amendment is as follows:

On line 7 of amendment No. 70, following "(Public Law 99-662; 100 Stat. 4128)"; insert the following: "if the Secretary of the Army determines that the need for such restoration and improvements constitutes an emergency."

Mr. STEVENS. Mr. President, the first-degree amendment by Senators JOHNSON and DASCHLE would provide \$10 million of funds provided in this act for the flood control and coastal emergencies and would be used for channel restoration and improvements on the James River.

My second-degree amendment inserts the requirement that the \$10 million be

provided only if the Secretary of the Army determines that the need for channel restoration and improvement constitutes an emergency.

I urge adoption of the amendments.

The PRESIDING OFFICER. The question is on the second-degree amendment.

The amendment (No. 225) was agreed to.

The PRESIDING OFFICER. The question is on the first-degree amendment, as amended.

The amendment (No. 70), as amended, was agreed to.

Mr. STEVENS. I move to reconsider that vote on both amendments and ask that the motion be laid on the table.

The motion to lay on the table was agreed to.

## AMENDMENT NO. 90

(Purpose: To provide funding for the Partners in Wildlife Program of the United States Fish and Wildlife Service to pay private landowners for the voluntary use of private land to store water in restored wetlands)

Mr. STEVENS. 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 Alaska [Mr. STEVENS], for Mr. DASCHLE, proposes an amendment numbered 90.

Mr. STEVENS. 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:

UNITED STATES FISH AND WILDLIFE SERVICE  
PARTNERS FOR WILDLIFE PROGRAM

For the Partners in Wildlife Program of the United States Fish and Wildlife Service, \$5,000,000 to pay private landowners for the voluntary use of private land to store water in restored wetlands.

Mr. STEVENS. Mr. President, I ask unanimous consent that it be in order to consider a technical modification to amendment number 90.

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

Mr. STEVENS. I send that modification to the desk.

The PRESIDING OFFICER. The Senator has that right.

The amendment is so modified.

The amendment (No. 90), as modified, is as follows:

On page 21, strike line 7 through the word "fire" on line 11 and insert the following: "For an additional amount for 'Resource Management', \$8,350,000, of which \$3,350,000, to remain available until September 30, 1998, is for fish replacement and for technical assistance made necessary by floods and other natural disasters and for restoration of public lands damaged by fire, and of which \$5,000,000, to remain available until September 30, 1999, is for payments to private landowners for the voluntary use of private land to store water in restored wetlands."

Mr. STEVENS. The amendment, as modified, would provide an additional \$5 million to the Fish and Wildlife

Service to pay private landowners for the voluntary use of private land to store water in restored wetlands. These funds were not provided to any specific region and should be allocated on a competitive basis.

This amendment has been cleared on both sides and the version I have submitted to the desk is a modification of the original amendment No. 90.

I urge its adoption.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 90), as modified, was agreed to.

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

The motion to lay on the table was agreed to.

#### AMENDMENT NO. 144

(Purpose: To make technical amendments with respect to education)

Mr. STEVENS. 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 Alaska [Mr. STEVENS], for Mr. DOMENICI, for himself, Mr. BINGAMAN, Mr. BROWNBAC, and Mr. ROBERTS, proposes an amendment numbered 144.

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, add the following:

#### SEC. . TECHNICAL AMENDMENTS RELATING TO DISCLOSURES REQUIRED WITH RESPECT TO GRADUATION RATES.

(A) AMENDMENTS.—Section 485 of the Higher Education Act of 1965 (20 U.S.C. 1092) is amended—

(1) in subsection (a)(3)(B), by striking “June 30” and inserting “August 31”; and

(2) in subsection (e)(9), by striking “August 30” and inserting “August 31”.

(b) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by subsection (a) are effective upon enactment.

(2) INFORMATION DISSEMINATION.—No institution shall be required to comply with the amendment made by subsection (a)(1) before July 1, 1998.

#### SEC. . DATE EXTENSION.

Section 1501(a)(4) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6491(a)(4)) is amended by striking “January 1, 1998” and inserting “January 1, 1999”.

#### SEC. . TIMELY FILING OF NOTICE.

Notwithstanding any other provision of law, the Secretary of Education shall deem Kansas and New Mexico to have timely submitted under section 8009(c)(1) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7709(c)(1)) the States’ written notices of intent to consider payments described in section 8009(b)(1) of the Act (20 U.S.C. 7709(b)(1)) in providing State aid to local educational agencies for school year 1997–1998, except that the Secretary may require the States to submit such additional information as the Secretary may require, which information shall be considered part of the notices.

#### SEC. . HOLD HARMLESS PAYMENTS.

Section 8002(h)(1) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7702(h)(1)) is amended—

(1) in subparagraph (A), by striking “or” after the semicolon;

(2) in subparagraph (B), by striking the period and inserting “; and”; and

(3) by adding at the end the following:

“(C) for fiscal year 1997 and each succeeding fiscal year through fiscal year 2000 shall not be less than 85 percent of the amount such agency received for fiscal year 1996 under subsection (b).”.

#### SEC. . DATA.

(a) IN GENERAL.—Section 8003(f)(4) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(f)(4)) is amended—

(1) in subparagraph (A)—

(A) by inserting “expenditure,” after “revenue,”; and

(B) by striking the semicolon and inserting a period;

(2) by striking “the Secretary” and all that follows through “shall use” and inserting “the Secretary shall use”; and

(3) by striking subparagraph (B).

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to fiscal years after fiscal year 1997.

Mr. DOMENICI. Mr. President, I rise today to offer the following amendment to S. 672. This amendment involves the New Mexico Department of Education’s intent to take credit for \$30 million of Federal impact aid funds. I am offering this amendment on behalf of the 331,000 public school children of New Mexico.

New Mexico is one of three States in the country which uses an equalization formula to distribute educational moneys among its school districts. Presently, 40 out of New Mexico’s 89 school districts qualify for \$30 million dollars’ worth of impact aid. The New Mexico Department of Education relies on impact aid in calculating the amount of State funds which will be used to equalize educational funding among all 89 school districts.

Without this amendment, the New Mexico Department of Education would not be permitted to consider \$30 million of impact aid in its formula for distributing State education moneys among its school districts. The inability to consider Federal funds would create an imbalance in the distribution of educational funds between non-impact aid school districts and impact aid school districts.

This amendment allows the U.S. Department of Education to recognize as timely New Mexico’s written notice of intent to consider impact aid payments in providing State aid to school districts for the 1997–98 school year.

Mr. BROWNBAC. Mr. President, I rise to give some remarks on an amendment being offered today by myself and by Senator ROBERTS as well as my colleagues from New Mexico, Senator DOMENICI and Senator BINGAMAN.

This amendment, which is revenue neutral, is critically important to education in the State of Kansas.

It should be noted that this amendment does not cost the Federal Government any money. In fact, it simply allows the Department of Education in Kansas to grant deductibility in the school finance formula for impact aid funding. Without this amendment it is

likely that the Kansas taxpayers would have to pay an extra \$6 million in taxes to fully fund the State’s education programs.

This amendment corrects for a potentially very expensive technicality. I therefore urge the timely consideration of this very important and time sensitive amendment.

Mr. STEVENS. These technical amendments were passed by the Senate unanimously April 16. The bill is now pending in the House. These are amendments that are deemed to be important and should be considered on a timely basis. That is why they are being added to the bill at this time.

I urge adoption of the amendment.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 144) was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, I yield the floor.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mr. GORTON. I ask unanimous consent that I may speak as in morning business for not to exceed 5 minutes.

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

#### GENDER SCHIZOPHRENIA

Mr. GORTON. Mr. President, by all accounts, Lt. Kelly Flinn has had a remarkable Air Force pilot’s career. Becoming an astronaut was her childhood dream; becoming an Air Force pilot was an achievement accomplished upon completion of her basic pilot training in December 1994. She was the most distinguished graduate of her training class, rated exceptionally qualified to fly a B-52 bomber, an assignment earned from her high class ranking.

Today, she is confined to a desk job, stripped of her security clearance, grounded, publicly disgraced. On May 20 the Air Force will court martial her for adultery.

The United States military has experienced its share of scandal in the past 5 years. In Aberdeen, MD, a court-martial jury recently convicted an Army drill sergeant of raping six soldiers under his command. In 1991 the Tailhook scandal rocked the Navy and the Marines. In both instances women were physically abused by their colleagues or superiors, on military facilities or at military functions. The acts committed against these women range from the lewd to the violent.

Lt. Kelly Flinn stands accused of conducting an affair with a married man, a civilian, who lied to her about his martial status. Their relationship was for all intents and purposes a private matter; they did not attend military functions together or while she was in uniform. If she is convicted, she