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## Senate

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

### PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Gracious Lord, You know what is ahead today for us. Crucial issues await our attention. Pending decisions demand our concentration. And we know that the choices we make will affect millions in our beloved Nation.

It is with that in mind that we say with the psalmist, "Show me Your ways, O Lord; teach me Your paths. Lead me in Your truth and teach me, for You are the God of my salvation; on You I wait all the day."—Psalm 25:4-5.

May we prepare for the decisive decisions of this day by opening our minds to the inflow of Your spirit. We confess that we need Your divine wisdom to shine the light of discernment in the dimness of our limited understanding.

We praise You, Lord, that we can face the rest of this day with the inner peace of knowing that You will answer this prayer for guidance and give us strength and courage. In the name of our Lord and Saviour. Amen.

### RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader is recognized.

### SCHEDULE

Mr. HAGEL. Mr. President, for the information of all Senators, following morning business the Senate will hopefully resume consideration of H.R. 1122, the partial-birth abortion ban bill. It is still hoped that an agreement will be reached shortly to conduct a vote on final passage of H.R. 1122 early this afternoon. In addition, I remind all Senators, from 12:30 to 2:15, the Senate will recess for weekly policy lunch-

eons. This afternoon it is hoped we will begin consideration of the budget resolution. Therefore, Senators can expect rollcall votes throughout the day in this session of the Senate.

As previously announced, Members who intend to offer amendments to that resolution should be prepared to offer those amendments during today's session. Also it is hoped that the two leaders will be able to reach an agreement on yielding back much of the statutory time limitation for the budget resolution, leaving 15 hours of debate on the resolution in order.

As always, all Members will be notified accordingly as any votes are ordered with respect to any of this legislation. I thank all Members for their attention.

### UNANIMOUS-CONSENT AGREEMENT—H.R. 1122

Mr. HAGEL. Mr. President, I ask unanimous consent that no further amendments be in order to H.R. 1122 other than a technical amendment to be offered by Senator SANTORUM regarding physicians' conduct, and there be 10 minutes debate on the amendment, and following the use or yielding back of that time on the amendment, the amendment be considered agreed to, and the motion to reconsider be laid upon the table, and following the adoption of the amendment the bill be read for the third time.

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

Mr. HAGEL. I now ask unanimous consent at 10 a.m. on Tuesday, May 20, the Senate resume consideration of H.R. 1122, and there be 3 hours and 10 minutes of debate to be equally divided between Senators SANTORUM and BOXER or their designees, and that the vote occur on passage of H.R. 1122 at 2:15 on Tuesday, and that paragraph 4 of rule 12 be waived.

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

Mr. KERREY. Mr. President, I ask unanimous consent the time controlled on H.R. 1122 on the Democratic side be changed to reflect that Senator DASCHLE or his designee controls the time.

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

### PRIVILEGE OF THE FLOOR

Mr. HAGEL. Mr. President, I ask unanimous consent that Lou Ann Linehan and Deb Fiddelke be permitted privilege of the floor for the duration of the debate.

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

### COMMEMORATING THE 15TH ANNI- VERSARY OF THE CONSTRUC- TION AND DEDICATION OF THE VIETNAM VETERANS MEMORIAL

Mr. HAGEL. Mr. President, I ask unanimous consent the Senate now proceed to the consideration of Senate Resolution 87, submitted by myself, along with my colleague Senator BOB KERREY of Nebraska and others.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 87) commemorating the 15th anniversary of the construction and dedication of the Vietnam Veterans Memorial.

The Senate proceeded to consider the resolution.

Mr. HAGEL. Mr. President, I rise today to submit a resolution commemorating the 15th anniversary of the construction and dedication of the Vietnam Veterans Memorial, also known as "The Wall." I am pleased to be joined in this effort by my distinguished colleague from Nebraska, my senior Senator, BOB KERREY, who, incidentally, is the only Member of this body who was a recipient of the Medal of Honor for his service in Vietnam. I

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



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also am joined by the other Vietnam combat veterans who serve in this body. In all, 75 Senators have joined in cosponsoring this resolution.

The creation of this memorial marked the beginning of a healing process for the Nation and for veterans divided by the war. I was proud to have spoken at the 1982 groundbreaking for the Vietnam Veterans Memorial, as did two of my colleagues, Senator ROBB, who then was Governor of Virginia, and Senator JOHN WARNER.

I keep in my Senate office, Mr. President, a shovel I used during the groundbreaking ceremony 15 years ago to remind me of that day. While the debate over our involvement in Vietnam and the conduct of the war will continue for years to come, the wall has united Americans in honoring those who served. It honors warriors, not the war. The Vietnam wall stands as a stirring reminder that memorials are built not to honor or glorify war. There is no glory in a war, only suffering. Memorials are built to honor the commitment and the sacrifice that men and women give to their country because they are willing to risk their lives in defense of freedom.

As we commemorate the 15th anniversary of the groundbreaking for the Vietnam Veterans Memorial, it is important that we remember those brave men and brave women who fought and died for liberties we take for granted, and it is important we remember their families who also sacrificed for this Nation.

Recently I was joined in a ceremony to mark the wall's 15th anniversary by my friends and colleagues, Senators BOB KERREY of Nebraska, JOHN MCCAIN of Arizona, MAX CLELAND of Georgia, JOHN KERRY of Massachusetts, and CHUCK ROBB of Virginia. We come from different States and different parties, but despite our differences, we six U.S. Senators have a common background. We are all Vietnam combat veterans. We attended the ceremony on behalf of every man and woman who served in Vietnam, every man and woman who gave their life in Vietnam, every Vietnam veteran who is still missing in that far away land, and every family in this country who sacrificed to keep this Nation strong.

We marked the anniversary of this groundbreaking in order to remind us all that the liberties we cherish do not come without great sacrifice. One needs only to run a hand over the rough names inscribed in the smooth glossy surface of the wall to realize that freedom is not free. As we laid a wreath in honor of the 58,202 men and women whose lives are memorialized by the names, each of us realized we could easily have been present only in the memories of those who survived. We, too, could have been listed on the wall.

We also remembered and honored the more than 2,000 Americans still missing in action from this war. Mr. President, this morning I noted that our

new Ambassador to Vietnam, Ambassador Pete Petersen, a Nebraska native, held as a POW in Vietnam for more than 6 years, received the remains of two of our MIA's yesterday in Vietnam.

Each year, more than 3 million people visit the Vietnam Memorial, making it the most visited monument in Washington. Many visitors are so moved they leave flowers, letters, pictures, and other mementoes to their fallen comrades, parents, relatives, friends, children, and loved ones.

Next weekend, Memorial Day weekend, the traveling Vietnam memorial will come to Omaha, NE. It is a half-scale replica of the wall that stands here in Washington. It has visited cities and States across America so Americans who may never visit the Nation's Capital can experience the healing power of the Vietnam wall.

The resolution before the Senate today is an important statement by the Senate to mark the 15th year of the wall and all that wall has meant to so many. I am proud to be a sponsor and am grateful for my colleagues' support.

Mr. President, I yield time to my distinguished colleague, friend, and fellow Vietnam veteran, Senator BOB KERREY.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. KERREY. Mr. President, I yield such time as desired to the distinguished Senator from Virginia.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. ROBB. Mr. President, I will take a minute to commend my two colleagues from Nebraska for introducing this particular resolution today. I was pleased to join with them a few weeks ago over at the Vietnam Memorial.

It was my privilege 15 years ago to participate in both the groundbreaking and the dedication. I have had many visits to that memorial since. I think it is very clear that it has served a purpose even beyond the expectations of those who created it and those who were initially involved in the dedication ceremonies. It has a healing effect for all of those who visit, regardless of what their personal feelings may have been about the conflict itself. They recognize that we come together to honor those warriors who gave the last full measure to their country, and the notes that are left behind are the kind of communication that I would defy anyone to read without feeling some of the emotion that is involved in it.

I commend both Senator HAGEL and Senator KERREY for this particular resolution this morning, and I commend it to all of our colleagues as an appropriate remembrance of those friends and those who wore our uniform in terms of service to our country in the conflict in Vietnam.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. KERREY. Mr. President, along with my colleague, my good friend, Senator CHUCK HAGEL from my home

State of Nebraska, we are offering the Vietnam Veterans Memorial resolution to remember this memorial, but also to remind Americans that the possibility for healing exists in this memorial. There are constant reminders that open the wounds of this war once again.

As Senator HAGEL mentioned, in today's paper we read that our first Ambassador to Vietnam since we left in 1975, Pete Petersen, is coming back to the United States of America and bringing with him the remains of men who were killed in that war, once again, opening up, for a variety of reasons, a wound that makes it difficult for people to go on with their lives.

Mr. President, this wall does a remarkable thing. It does enable an individual to begin to heal from this particular war, or for other wars, as well. On this Memorial Day we ask the Senate and we ask the American people to take a moment to reflect and remember those who served in Vietnam during this Nation's longest conflict.

I served in Vietnam with five of my Senator colleagues, Senator CHUCK ROBB, who was here a few moments ago, Senator JOHN KERRY, Senator JOHN MCCAIN, Senator MAX CLELAND, and Senator CHUCK HAGEL, and although we may argue legislation from different sides of the aisle, we share a bond beyond politics and beyond party, as do veterans of all conflicts, and are firm in the belief that we are all Americans first and foremost.

As we gather with friends and with family in observance of Memorial Day, I urge all Americans to take time to reflect upon the day's true meaning. Whether we attend a public observance, mark a grave, or simply bow our heads in quiet reflection, we should remember to honor those who, by serving, put their faith and trust in the ideals for which our Nation stands.

Mr. President, my colleague from Nebraska and I offer this resolution and feel it especially fitting because this August the Vietnam Veterans Memorial will be 15 years old, almost as old as the conflict was long. On May 24, 1997, more than 22 years after the last known United States casualty, the Vietnam Moving Memorial will pay a visit to Omaha, NE. For thousands of Vietnam veterans and their families, this memorial serves as a place of reconciliation and remembrance. It invites people to come and remember the bravery and valor of their fallen friends, family, and colleagues, while serving as well, Mr. President, as a permanent tribute to those who gave their lives.

Through this resolution, and in observance of this 15th anniversary, I hope the Senate will encourage all Americans to remember to honor the memory of the brave men and women who fought and died in service to our Nation during the Vietnam war, and indeed all conflicts.

Mr. President, at the dedication of the Bunker Hill Memorial on June 17,

1825, Daniel Webster closed his speech with these words:

Let our object be our country, our whole country and nothing but our country. And by the blessing of God may that country itself become a vast and splendid monument, not of oppression and terror, but of wisdom, peace, and of liberty, upon which the world may gaze with admiration, forever.

We honor those who have come before us not just with the memory of their efforts, but by building upon the freedom and prosperity we enjoy because of their sacrifice. The men and women we pay tribute to during this and every Memorial Day deserve nothing less.

Mr. President, as I have said, one doesn't have to look very far for reminders of the divisive nature of this war, and one doesn't have to look very far for inspiration that enables us to overcome the worst of these memories.

Indeed, I had the pleasure of sitting with the Presiding Officer and listening to his presentation to a roomful of young heroes who had been recognized for their service, and recognized in particular for their service at the community level—young men and women who saw something in their community they didn't like, saw something in their community that they thought was wrong, and decided on their own to correct that wrong.

I heard the Senator from Arkansas say that he heard a long time ago a young girl talking about what it meant to be famous; what it meant to acquire fame. She wanted in her lifetime to be a famous person. Then she came to Washington, DC, and while at the Tomb of the Unknown Soldier realized that fame by no means is the only object of our lives, nor should be the only object of our lives; that one can be a hero without recognition; that one can serve God and other human beings as a consequence of just believing that something needs to be done without regard to whether or not it would be recognized in headlines, or radio commentary, or television broadcasts.

It is the most eloquent demonstration of why we as human beings are special; that we have inside of us a soul, a spirit that recognizes that at some point the greatest thing we can do is to say that somebody is more important than we are, that something is out there more important than just taking care of ourselves.

I believe strongly, Mr. President, that we are not free until in love, and recognize that until in love we are willing to give ourselves. And I hope that this remembrance of the Vietnam Memorial will not just inspire people to say that we have got to get over the Vietnam war itself but I hope it will allow Americans as individual men and women to see that now in this moment heroes are needed more than ever before.

This Nation was terribly divided in the Vietnam war, with families turning against families, sons against fathers, and neighbors against neighbors.

On this floor on August 7, 1964, the Senate, by a vote of 88 to 2, and the House unanimously, enacted what was called the Gulf of Tonkin resolution that resulted in a substantial buildup of forces, of increased drafting, of increased calls going out to young men saying, "It is time for you to serve the cause of freedom." That cause deteriorated and divided this Nation in a terrible fashion, and caused Americans to say not only do we question the cause of freedom but cause us as well to say that we no longer believe our Government; we no longer trust that this is a Government of, by, and for the people. "We feel as if we have been lied to. And the trust is broken, it has been snapped, it is permanent, and we are not going to put it back together."

This wall, this remembrance, enables us to see that trust can be put back together, if we are willing to forgive; if we are willing to say that we forgive those with whom we disagreed; that we recognize our common bond. And on this Memorial Day not only do we pay tribute to those who have sacrificed for us, but we rededicate ourselves to the task of sacrificing for others.

Mr. President, it is a pleasure and an honor for me to share cosponsorship with my friend and colleague from Nebraska, Senator HAGEL, and all the other Members of the Senate who have joined in this resolution. I appreciate their support.

I call upon Americans not just to see this as another resolution but to see this as a Memorial Day, as an opportunity for us to rededicate ourselves to the cause of freedom.

Mr. HAGEL addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. HAGEL. Mr. President, I thank my colleague and friend from Nebraska for those inspirational words, and I think words that are focused exactly on the heart of who we are as a people, who we have always been, and hopefully who we will always be.

Mr. MCCAIN. Mr. President, I am grateful to be an original cosponsor with my distinguished colleagues and fellow Vietnam veterans in the Senate. It is appropriate that we commemorate the 15th anniversary of the dedication of the Vietnam Veterans Memorial in Washington, DC.

My fellow Vietnam veterans who are cosponsoring this resolution and I wear glasses and have more gray hair than we did when we served in Vietnam, we come from different walks of life, served in different branches of the military, and were of different ranks. However, we share the experiences of combat that only those who went to Vietnam will ever understand.

We also share—and this is harder to explain—the survivors' humility. That's a provocative statement, I know, and the nonveteran may easily mistake its meaning. I am not talking about shame. I know of no shame in surviving combat. But every combat veteran remembers those comrades

whose sacrifice was eternal. Their loss taught us everything about tragedy and everything about duty.

I am grateful, as we all are, to have come home alive. I prayed daily for deliverance from war. No one of my acquaintance ever chose death over homecoming. But I witnessed some men choose death over dishonor. The memory of them, of what they bore for country and honor, helped me to see the virtue in my own humility.

It is a surpassing irony that war, for all its unspeakable horrors, provides the combatant with every conceivable human experience. Experiences that usually take a lifetime to know are all felt—and felt intensely—in one brief moment of life. Anyone who loses a loved one knows what great loss feels like. Anyone who gives life to a child knows what great joy feels like. The veteran knows what great joy and great loss feel like when they occur in the same moment, in the same experience.

For my part, I would simply affirm that the sacrifices borne by veterans deserve to be memorialized in something more lasting than marble or in the fleeting effect of a politician's speech. The veterans' valor and the devotion to duty have earned our country's abiding concern for their well-being. I am committed to honoring that debt.

I hope this small symbol of remembrance today will encourage all Americans to remember the sacrifices of our veterans.

Mr. KEMPTHORNE. Mr. President, I rise today in support of the Vietnam Veterans Memorial resolution, sponsored by my colleagues, Senator HAGEL and Senator KERREY of Nebraska. I would like to commend and congratulate them for bringing this issue before the Senate today, so that this body may take a moment to remember those who sacrificed their lives in Vietnam for our country.

Mr. President, it is not enough for us to use mere words to express our deep gratitude to the men and women who fought in Vietnam, selflessly giving their lives to protect the interests of the United States. It is not enough for us to provide for the education and well-being of the sons and daughters who have lost a parent in a country they may never see, for a people they may never know, and in a war they may never understand.

Nothing can ever be enough, because nothing can ever bring them back.

But here in the Nation's Capital, the Vietnam Veterans Memorial—a 250-foot wall of polished black granite—will help us to never forget the sacrifice of over 58,000 Americans; 58,209 Americans to be exact.

Seventeen more names have recently been added to the Vietnam Veterans Memorial. Within the past 6 months, the Central Identification Laboratory in Hawaii has positively identified the remains of ten more American servicemen found in Vietnam by Department

of Defense on-site search teams. And seven other American servicemen who have since died from the complications of injuries suffered during the Vietnam war. It is my hope, Mr. President—no, it is my prayer—that this will be the last time such additions are made to this memorial.

How do you thank each of these brave Americans? How do you let them know that as a nation, we are indebted to them for their bravery, their valor, and their courage in fighting a war that was never officially recognized by the country which asked them to put their lives on the line? How do you tell them that they are truly American heroes?

You do this by keeping their memories alive and by never forgetting them.

The Vietnam Veterans Memorial Wall helps to keep those memorials alive, and it helps the human emotional process which includes mourning, healing, and remembrance. This visual reminder keeps their memory alive in our hearts where they will never be forgotten. And I would like to add that I know this from first-hand experience.

Mr. President, last year I took part in a trade mission to Vietnam with several of my colleagues here in the Senate. Before leaving, one of the most important things I did to prepare myself for travel to Vietnam, was to walk alone along the Vietnam Veterans' Memorial, to clear my mind of all thoughts, except for those involving the overwhelming number of American names etched upon the wall. In that moment, I knew that one of the most important reasons for my visit to Vietnam was to be a voice for those brave men and women whom I will never be able to thank.

On November 11, 1996, Veteran's Day, I was in Hanoi urging top Vietnamese officials to keep the resolution of the POW/MIA issue a top priority, and to cooperate in every way with the United States. As I met with Vietnam Party General Secretary Do Muoi, I told him about my walk along the wall, and presented him with a copy of "The Wall," a pictorial of veterans and their families who come to pay tribute at the Vietnam Veteran's Memorial. Inside the cover of that book, I inscribed: "We have shared a tragic past together. Now let us work to share a bright future together." Our discussion then centered on building our relationships as nations on the basis of mutual compassion. General Secretary Do Muoi was very animated in his response and said, "We deserve compassion, it is consistent with our history so full of blood and tears. Compassion is the key to our relationship."

Mr. President, compassion is truly the key to honoring those who paid the ultimate sacrifice for our country. I would hope that we, as a nation, never lose that compassion for our veterans, and never, ever allow their memories to be taken from our hearts.

The wall is indeed a beautiful and somber monument which will ever remind us of those painful sacrifices made by these brave men and women.

Mr. HAGEL. Mr. President, I have two final comments to make regarding this resolution commemorating the 15th anniversary of the Vietnam Veterans Memorial.

First, the recognition of the vision, the heart, the soul, and the leadership behind it, a remarkable man, Jan Scruggs. It was Jan Scruggs who many, many years ago came home one night after a movie, sat down with his wife, and said, "We are going to do something to recognize those who served in the Vietnam." It was a great dream, an impossible dream.

One of the collaborators with Jan Scruggs was one of our colleagues, Senator JOHN WARNER. Without Senator JOHN WARNER's leadership, and without his force, and without Jan Scruggs' vision and leadership and love, this Wall would never have been built. It is very appropriate to recognize Jan Scruggs and Senator JOHN WARNER because those two great Americans led this effort and have given us a magnificent monument and memorial.

Mr. President, I ask unanimous consent that the resolution, Senate Resolution 87, be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

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

The resolution (S. Res. 87) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

#### S. RES. 87

Whereas 1997 marks the 15th anniversary of the construction and dedication of the Vietnam Veterans Memorial in Washington, D.C.;

Whereas this memorial contains the names of more than 58,000 men and women who lost their lives from 1957 to 1975 in the Vietnam combat area or are still missing in action;

Whereas every year millions of Americans come to this monument to pay their respects for those who served in the Armed Forces;

Whereas the Vietnam Veterans Memorial has been a source of comfort and healing for Vietnam veterans and the families of the men and women who died while serving their country; and

Whereas this memorial has come to represent the legacy of healing that has occurred and demonstrates the application all Americans have for those who made the ultimate sacrifice: Now, therefore, be it

Resolved, That the Senate—

(1) expresses its support and gratitude for all of the men and women who honorably served in the United States Armed Forces in defense of freedom and democracy during the Vietnam War;

(2) extends its sympathies to all Americans who suffered the loss of friends and family in Vietnam;

(3) encourages all Americans to remember the sacrifices of our veterans; and

(4) commemorates the 15th anniversary of the construction and dedication of the Vietnam Veterans Memorial.

Mr. HAGEL. Mr. President, I yield the floor. Thank you, Mr. President,

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

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

#### PARTIAL-BIRTH ABORTION BAN ACT OF 1997

The PRESIDING OFFICER. The clerk will report H.R. 1122.

The assistant legislative clerk read as follows:

A bill (H.R. 1122) to amend title 18, United States Code, to ban partial-birth abortions.

The Senate resumed consideration of the bill.

#### AMENDMENT NO. 290

(Purpose: To provide a procedure for determining whether a physician's conduct was necessary to save the life of the mother)

Mr. SANTORUM. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Pennsylvania (Mr. SANTORUM) proposes an amendment numbered 290.

Mr. SANTORUM. 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 2, line 16, strike the semicolon and all that follows through "purpose" on line 17.

On page 3, between lines 8 and 9, insert the following:

"(3) As used in this section, the term 'vaginally delivers a living fetus before killing the fetus' means deliberately and intentionally delivers into the vagina a living fetus, or a substantial portion thereof, for the purpose of performing a procedure the physician knows will kill the fetus, and kills the fetus."

On page 3, between lines 21 and 22, insert the following:

"(d)(1) A defendant accused of an offense under this section may seek a hearing before the State Medical Board on whether the physician's conduct was necessary to save the life of the mother whose life was endangered by a physical disorder, illness or injury.

"(2) The findings on that issue are admissible on that issue at the trial of the defendant. Upon a motion of the defendant, the court shall delay the beginning of the trial for not more than 30 days to permit such a hearing to take place."

On page 3, line 22, strike "(d)" and insert "(e)".

Mr. SANTORUM. Mr. President, this is an amendment that I took the floor yesterday to talk about. It is an amendment that I worked out, along with Senator FRIST and Representative CANADY in the House, and with the American Medical Association to tighten up some of the language to address some of the concerns that the physician community had about the definition of what is partial-birth abortion.