Luis D. Rovira, of Colorado, to be a Member of the Board of Trustees of the Harry S Truman Scholarship Foundation for a term expiring December 10, 2001.

Patrick Davidson, of California, to be a Member of the National Council on the Arts for a term expiring September 3, 2000.

Townsend D. Wolfe, III, of Arkansas, to be a Member of the National Council on the Arts for a term expiring September 3, 2000.

Pascal D. Forgione, Jr., of Delaware, to be Commissioner of Education Statistics for a term expiring June 21, 1999.

Speight Jenkins, of Washington, to be a Member of the National Council on the Arts for a term expiring September 3, 2000.

Mary Burrus Babson, of Illinois, to be a Member of the Board of Directors of the Corporation for National and Community Service for a term of one year. (New Position.)

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. McCAIN:

S. 1591. A bill to prohibit campaign expenditures for services of lobbyists, and for other purposes; to the Committee on Rules and Administration.

By Mr. LAUTENBERG (for himself, Ms. MOSELEY-BRAUN, Mrs. BOXER, Ms. SNOWE, Mr. SIMON, Mr. KERRY, and Mr. FEINGOLD):

S. 1592. A bill to strike the prohibition on the transmission of abortion-related matters, and for other purposes; to the Committee on the Judiciary.

By Mr. SPECTER (for himself and Mr. KERREY):

S. 1593. A bill to amend the National Security Act of 1947 to provide for the appointment of two Deputy Directors of Central Intelligence, to strengthen the authority of the Director of Central Intelligence over elements of the Intelligence Community, and for other purposes; to the Select Committee on Intelligence.

By Mr. HATFIELD:

S. 1594. An original bill making omnibus consolidated rescissions and appropriations for the fiscal year ending September 30, 1996, and for other purposes; from the Committee on Appropriations; placed on the calendar.

By Mr. BRADLEY (for himself, Mr. LEAHY, Mr. SIMON, Mr. LAUTENBERG, Mr. GRAHAM, Mr. BRYAN, Mr. PELL, Ms. MOSELEY-BRAUN, and Mr. KERRY):

S. 1595. A bill to repeal the emergency salvage timber sale program, and for other purposes; to the Committee on Energy and Natural Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. THOMAS (for himself, Mr. HELMS, Mr. MURKOWSKI, Mr. SIMON, and Mr. MACK):

S. Con. Res. 43. A concurrent resolution expressing the sense of the Congress regarding proposed missile tests by the People's Republic of China; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. McCAIN:

S. 1591. A bill to prohibit campaign expenditures for services of lobbyists, and for other purposes; to the Committee on Rules and Administration.

CAMPAIGN EXPENDITURES LEGISLATION

• Mr. McCAIN. Mr. President, recently the Congress was successful in passing legislation that would ban gifts from Members and staff and put a wall between lobbyists who seek to curry special favor by the giving of gifts. Unfortunately, recent news articles have exposed a loophole that some have sought to exploit. Specifically, some lobbyists have served as fundraisers for Members of Congress and sought to increase their influence by means of coordinating campaign contributions

Mr. President, this practice must stop. Registered lobbyists who work for campaigns as fundraisers clearly represent a conflict of interest. When a campaign employs an individual who also lobbies that Member, the perception of undue and unfair influence is raised. This legislation would stop such practices.

This bill would ban a candidate or a candidate's authorized committee from paying registered lobbyists. Additionally, the bill would mandate that any contributions made by a registered lobbyist be reported by such individual when he or she files his or her lobbying disclosure report as mandated by the Lobbying Disclosure Act.

Mr. President, this bill is not aimed at any individual, but instead at a practice that has come to light. It is also not meant in any way to impugn anyone's integrity or good name. But it does seek to end a practice that is giving the Congress as a whole a bad name.

These two small changes in law represent a substantial effort to close any loopholes that exist in our lobbying and gift laws. The Congress has begun to make great strides to restore the public's confidence in this institution. We must continue that good work.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1591

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AMENDMENT OF FECA.

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

''(i) Notwithstanding any other provision of this Act, a candidate and the candidate's authorized committees shall not make disbursements for any services rendered by, any individual if such individual, was required to register as a lobbyist under the Lobbying Disclosure Act of 1995 (2 U.S.C. 1601 et seq.).''.

(b) REPORTING.—Section 304(b) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)) is amended—

(1) in paragraph (7), by striking ''and'' after the semicolon;

(2) in paragraph (8), by striking the period at the end and inserting ''; and''; and

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

''(9) for an authorized committee, an identification, including the name and address, of any lobbyist (as that term is defined in section 3 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1602)) who provided services to the authorized committee, regardless of whether disbursements were made for such services.''.

SEC. 2. AMENDMENT OF LOBBYING DISCLOSURE ACT OF 1995.

Section 5(b) of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1604(b)) is amended—

(1) in paragraph (3), by striking ''and'' after the semicolon;

(2) in paragraph (4), by striking the period at the end and inserting ''; and''; and

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

''(5) the amount and date of each contribution by the registrant to a candidate, or an authorized committee (as that term is defined in section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431)) of a candidate, for the office of Senator or Representative in, or Delegate or Resident Commissioner to, the Congress.''.•

By Mr. LAUTENBERG (for himself, Ms. MOSELEY-BRAUN, Mrs, BOXER, Ms. SNOWE, Mr. SIMON, Mr. KERRY, and Mr. FEINGOLD):

S. 1592. A bill to strike the prohibition on the transmission of abortion-related matters, and for other purposes; to the Committee on the Judiciary.

THE COMSTOCK CLEAN-UP ACT OF 1996

• Mr. LAUTENBERG. Mr. President, on behalf of Senators SNOWE, MOSELEY-BRAUN, BOXER, FEINGOLD, KERRY, SIMON, and myself, today I am introducing legislation, the Comstock Clean-up Act, to repeal a law that prohibits the transmission of abortion-related information over the Internet and through the mail.

Mr. President, freedom of speech is among the most fundamental of democratic rights. Yet the recently-enacted telecommunications bill include a little-noticed provision that directly violates this basic principle.

The provision applies to the Internet an archaic law known as the Comstock Act. The Comstock Act prohibits the interstate transport of materials that provide information about abortion, or the interstate transport of drugs or devices that are used to perform abortions. These prohibitions were first enacted in 1873, and they have been on the books ever since. Under the law, first-time violators are subject to a fine of up to $250,000 and five years in prison.

Mr. President, these prohibitions almost certainly are unconstitutional. And, fortunately, President Clinton has said that his Justice Department will not enforce them.

Yet many users of the Internet are concerned, and understandably so. After all, Bill Clinton is a pro-choice President. But what if Pat Buchanan wins the Presidency? Or BOB DOLE? Zealous prosecutors in their administrations might well use the new law to harass people who are pro-choice, and to chill speech about abortion over the Internet.

In other words, if you distribute information about abortion over the Internet today, there's no assurance that you won't be prosecuted next year.

Mr. President, anyone prosecuted under this law almost certainly would be able to successfully challenge its constitutionality. Yet who wants to be the one innocent American who's forced to defend hereself against the power of the U.S. Government? The costs of defending oneself in a criminal case often are enormous. And many Internet users will be unwilling to risk being a test case. Current law therefore threatens to have a severe chilling effect on abortion-related speech.

Over the past few years, numerous pro-choice groups, such as the National Abortion and Reproductive Rights Action League and Planned Parenthood, have established home pages on the world wide web. These home pages provide important information about birth control, women's health, and abortion.

Women can also obtain information about clinics in their area over the Internet. Within the last month and a half alone, over 1,500 people have accessed such an Internet site. Under this new law, these 1,500 persons potentially could have been arrested, fiend up to $250,000, or sent to prison for five years.

Mr. President, this law adversely affects people on both sides of the abortion issue. Groups opposed to abortion are at risk when they mail information about abortion providers, just as are those who support abortion rights. All Americans should be able to freely discuss abortion-related matters, no matter how they might feel about this issue.

So this bill would repeal the prohibition against the interstate transportation of drugs and articles that produce abortions and the dissemination of abortion-related information across State lines. It also would repeal a prohibiton against mailing information about abortions, abortion providers and articles or drugs that produce abortions.

Mr. President, I hope my colleagues on both sides of the aisle and both sides of the abortion debate join me in support of this legislation and I ask unanimous consent that a copy of the bill, and related materials, be printed in the RECORD.

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

S. 1592

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Comstock Clean-up Act of 1996''.

SEC. 2. IMPORTATION OR TRANSPORTATION OF CERTAIN ABORTION-RELATED MATTERS.

Section 1462 of title 18, United States Code, is amended by striking subsection (c).

SEC. 3. MAILING OF ABORTION-RELATED MATTERS.

Section 1461 of title 18, United States Code, is amended by striking ''; and—'' and all that follows through ''Is declared'' and inserting ''is declared''.

OFFICE OF THE ATTORNEY GENERAL,
Washington, DC., February 9, 1996.

Hon. NEWT GINGRICH,
Speaker of the House, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: On February 7, 1996, a lawsuit was filed challenging the constitutionality of a provision of 18 U.S.C. §1462, as amended by section 507(a)(1) of the Telecommunications Act of 1996. *Sanger, et al.* v. *Reno,* Civ. No. 96–0526 (E.D.N.Y.). Yesterday, a second lawsuit was filed, raising the same challenge to §1462 along with claims that several other provisions of the Telecommunications Act are unconstitutional. *American Civil Liberties Union, et al.* v. *Reno,* Civ. No. 96–963 (E.D. Pa.). This letter relates solely to the claims regarding §1462, as amended. Plaintiffs in both cases allege that §1462, as amended, violates the First Amendment insofar as it prohibits the interstate transmission of certain communications regarding abortion via common carrier or via an interactive computer service.

This is to inform you that the Department of Justice will not defend the constitutionality of the abortion-related speech provision of §1462 in those cases, in light of the Department's longstanding policy to decline to enforce the abortion-related speech prohibitions in §1462 (and in related statutes, i.e., 18 U.S.C. §1461 and 39 U.S.C. §3001) because they are unconstitutional under the First Amendment.

In 1981, Attorney General Civiletti informed the Speaker of the House and the President of the Senate that it was the policy of the Department of Justice to refrain from enforcing similar speech prohibitions in two cognate statutes—39 U.S.C. §3001 and 18 U.S.C. §1461—with respect to ''cases of truthful and non-deceptive documents containing information on how to obtain a lawful abortion.'' Letter to Attorney General Benjamin R. Civiletti to the Hon. Thomas P. O'Neill, Jr., at 2 (Jan. 13, 1981). According to the Attorney General, there was ''no doubt'' that those statutes were unconstitutional as applied to such speech. Id. at 1. The Attorney General left open the possibility that the two statutes might still be applied to certain abortion-related commercial speech. Id. at 3. Two years later, the Supreme Court held that §3001 cannot constitutionally be applied to commercial speech concerning contraception, at least not where the speech in question is truthful and not misleading. *Bolger* v. *Youngs Drug products Corp.,* 463 U.S. 60 (1983). The holding in *Bolger* would apply equally with respect to abortion-related commercial speech. *See Bigelow* v. *Virginia,* 421 U.S. 809 (1975).

Section 1462 is subject to the same constitutional defect as §§1461 and 3001 with respect to its application to abortion-related speech and information.[1] As a result of the Department's conclusion that prosecution of abortion-related speech under §1462 and related statutes would violate the First Amendment, the Department's longstanding policy has been to decline to enforce those statutes with respect to that speech. What is more, we are not aware of any reported decision reflecting a prosecution of abortion-related speech under §1462.

Nothing in the Telecommunications Act provides any reason to alter the Department of Justice's nonenforcement policy. In his signing statement yesterday, the President stated:

> I . . . object to the provision in the Act concerning the transmittal of abortion-related speech and information. Current law, 18 U.S.C. 1462, prohibits transmittal of this information by certain means, and the Act would extend that law to cover transmittal by interactive computer services. The Department of Justice has advised me of its longstanding policy that this and related abortion provisions in current law are unconstitutional and will not be enforced because they violate the First Amendment. The Department has reviewed this provision of S. 652 and advises me that it provides no basis for altering that policy. Therefore, the Department will continue to decline to enforce that provision of current law, amended by this legislation, as applied to abortion-related speech.

The principal function of §1462 is to prohibit the interstate carriage of ''obscene, lewd, lascivious, . . . filthy . . . [and] indecent'' materials. See §1462(a). The Supreme Court has construed this prohibition to be limited to materials that meet the test of ''obscenity'' announced in *Miller* v. *California,* 413 U.S. 15 (1973).[2] Congress's express purpose in enacting the amendment to §1462 in Telecommunications Act §507 was to ''clarify[]'' that obscene materials cannot be transmitted interstate via interactive computer services.[3] In this respect, §1462 and its amendment in §507 are constitutionally unobjectionable, and the Department will continue to enforce §1462 with respect to the transmittal of obscenity.

However, §1462 also prohibits the interstate transmission of certain communications regarding abortion. As amended by §507 of the Telecommunications Act, §1462 provides, in pertinent part, that it shall be a felony to:

> knowingly use[] any express company or other common carrier or interactive computer service. . . for carriage in interstate or foreign commerce [of]. . .
>
> (c) any . . . written or printed card, letter, circular, book, pamphlet, advertisement, or notice of any kind giving information, directly or indirectly, where, how, or of whom, or by what means any [drug, medicine, article, or thing designed, adapted, or intended for producing abortion] may be obtained or made.

Thus, on its face, §1462 prohibits the use of an interactive computer service for ''carriage in interstate . . . commerce'' of any information concerning ''any drug, medicine, article, or thing designed, adapted, or intended for producing abortion.''[4]

It plainly would be unconstitutional to enforce §1462 with respect to speech or information concerning abortion, because the restriction on abortion-related speech is impermissibly content-based. This conclusion is confirmed by the judicial and Executive Branch treatment of similar prohibitions on speech concerning abortion and contraception, contained in two cognate statutes, 39 U.S.C. §3001 and 18 U.S.C. §1461. Section 3001 provides that abortion and contraception-related speech is ''nonmailable''; and §1461 makes such mailing subject to criminal sanctions. In 1972, a district court declared that §3001 was unconstitutional insofar as it rendered abortion-related speech ''nonmailable.'' *Atlanta Coop. News Project* v. *United States Postal Serv.,* 350 F. Supp. 234, 238–39 (N.D. Ga. 1972).[5] The next year, another district court declared both §3001 and §1461 unconstitutional as applied to noncommercial

speech concerning abortion and contraception. *Associated Students for Univ. of California at Riverside* v. *Attorney General,* 368 F.Supp. 11, 21–24 (C.D. Calif. 1973). As the Attorney General later explained to the Congress, the Solicitor General declined to appeal the decisions in *Atlanta Coop. News Project* and *Associated Students* ''on the ground that 18 U.S.C. §1461 and 39 U.S.C. §3001(e) were constitutionally indefensible'' as applied to abortion-related speech. See Letter of Attorney General Benjamin R. Civiletti to the Hon. Thomas P. O'Neill, Jr., at 2 (Jan. 13, 1981). And, as explained above, in 1981 the Attorney General informed the Congress that the Department of Justice would decline to enforce §§1461 and 3001 in cases of truthful and non-deceptive documents containing information on how to obtain a lawful abortion.

Nothing in recent Supreme Court law respecting the First Amendment has affected the conclusions reached by the district courts in *Atlanta Coop. News Project* and *Associated Students,* the 1981 opinion of Attorney General Civiletti, or the Supreme Court's decision in *Bolger.* Indeed, the Supreme Court on several recent occasions has strongly reaffirmed the principle that the First Amendment, subject only to narrow and well-understood exceptions not applicable here, ''does not countenance governmental control over the content of messages expressed by private individuals.'' *Turner Broadcasting System, Inc.* v. *FCC,* 114 S. Ct. 2445, 2458–59 (1994) (citing *R.A.V.* v. *City of St. Paul,* 505 U.S. 377 (1992); *Texas* v. *Johnson,* 491 U.S. 397 (1989)).

In the *Sanger* case, Judge Sifton yesterday denied plaintiffs' motion for a temporary restraining order after the United States Attorney represented that the Department's policy is to decline to enforce the pertinent provision of §1462. Judge Sifton further ruled that a three-judge court hearing on any dispositive motions will be convened next month, after briefing. In the *ACLU* case before Judge Buckwalter, the Government is due to respond to a motion for a TRO on February 14, 1996. In accordance with the practice of the Department, I am informing the Congress that in neither case will the Department of Justice defend the constitutionality of the provision of §1462 that prohibits speech concerning abortion.

Sincerely,

JANET RENO.

FOOTNOTES

[1] The only material difference between §1462 and the cognate prohibitions in §§1461 and 3001 is that §1462 regulates interstate ''carriage'' of information by common carrier, rather than dissemination of that information through the mail. This distinction is not material to the constitutional issue in this context.

[2] *See Hamling* v. *United States,* 418 U.S. 87, 114 (1974); *United States* v. *Orito,* 413 U.S. 139, 145 (1973), *United States* v. *12 200-Ft. Reels of Super 8mm Film,* 413 U.S. 123, 130 n.7 (1973).

[3] The Conference Committee on the Telecommunications Act noted that §507 is intended to address the use of computers to sell or distribute ''obscene'' material. Joint Explanatory Statement of the Committee of Conference at 77, reprinted in 142 Cong. Rec. H1130 (daily ed. Jan. 31, 1996).

[4] The Conference Committee Report on the Telecommunications Act explicitly notes that the prohibitions in §1462 apply regardless of whether the purpose for distributing the material in question is commercial or non-commercial in nature. Joint Explanatory Statement of the Committee of Conference at 77, reprinted in 142 Cong. Rec. H1130 (daily ed. Jan. 31, 1996).

[5] That court did not reach the merits of the challenge to the criminal prohibition in §1461 because the plaintiffs in that case were not threatened with prosecution. Id. at 239.

NARAL PROMOTING REPRODUCTIVE CHOICES,
Washington, DC, March 6, 1996.

Hon. FRANK LAUTENBERG,
U.S. Senate,
Washington, DC.

DEAR SENATOR LAUTENBERG. I am writing to lend NARAL's strong support to legislation your introducing today which seeks to delete the ban on abortion-related speech from the 1873 Comstock Law governing the importation or transportation of obscene matters. A little noticed provision in the recently passed 1996 Telecommunications Act resurrects and expands the 123 year old law, making it a federal crime to use interactive computer systems to provide or receive information about abortion.

As an organization committed to ensuring that American women have access to all information relating to reproductive health care services, we and other pro-choice organizations have filed a lawsuit in U.S. District Court in New York to block this criminal ban on abortion related speech on the Internet.

Millions of Americans use the Internet to communicate with other Americans and to read information on a wide range of topics. The Internet provides an unprecedented opportunity to provide critical information about women's reproductive rights and health. Without swift passage of your legislation, millions of American women could lose access to vital information they need to make informed, responsible decisions about their reproductive health. I applaud your efforts to remove this anachronistic ban on abortion-related speech and your commitment to ensuring that American women have access to vital reproductive health care information.

Sincerely,

KATE MICHELMAN,
President.

THE CENTER FOR REPRODUCTIVE LAW AND POLICY,
New York, NY, March 5, 1996.

Hon. FRANK LAUTENBERG,
Senate Hart Office Building,
Washington, DC.

DEAR SENATOR LAUTENBERG: On behalf of the Center for Reproductive Law and Policy (CRLP), I am writing to support your effort to repeal the ban on abortion information on the Internet found in 18 U.S.C. 1462(c). CRLP, an independent non-profit legal organization dedicated to preserving and ensuring women's access to reproductive health and rights, represents the plaintiffs in *Sanger v. Reno,* a federal case challenging this ban.

18 U.S.C. §1462(c) is an affront to the First Amendment rights of our plaintiffs, as well as all reproductive health care professionals, women's civil rights activists, students, and particularly women seeking information in order to make comprehensive reproductive health care decisions. 18 U.S.C. 1462(c)'s ban on abortion information on the Internet is broad enough to encompass a wide range of activities, including advertisement of abortions services; transmission of chemical formulas for drugs that can be used to induce abortion; purchase or sale of medical equipment used in abortion procedures; and computer bulletin boards or World Wide Web sites that tell women where they can obtain abortions.

While anti-choice forces promote coercive so-called ''informed consent'' laws requiring health care professionals to recite a litany of unwanted and misleading information to women seeking abortions, they simultaneously enact provisions such as 18 U.S.C. §1462(c) which deny women access to real health care information about abortion.

18 U.S.C. §1462(c) must be repealed. Not only does it threaten the First Amendment, jeopardize free flow of medical information, and exclude issues critical to women from new communications technology, it also reflects a broader agenda to drive abortion underground by characterizing this health care as an illicit procedure.

For these reasons, we applaud your efforts to repeal §1462(c) as a necessary step toward safeguarding women's health and providing women the information they need to make thoughtful and responsible health care decisions.

Sincerely,

KATHRYN KOLBERT.

PLANNED PARENTHOOD OF NEW YORK CITY, INC.,
New York, NY, February 27, 1996.

Hon. FRANK R. LAUTENBERG,
U.S. Senate, Senate Hart Office Building, Washington, DC.

DEAR SENATOR LAUTENBERG: We thank you for introducing critical legislation to repeal the ''abortion gag rule'' portion of the Telecommunications Act.

We are gratified that pro-choice leaders like you are battling this misguided attempt to turn back the clock 80 years—to 1916, when the Comstock Law was used to jail my grandmother and Planned Parenthood founder Margaret Sanger. It is shocking to realize that I, too, could be jailed for violating the same law, having published on the Internet our brochure ''How to Find A Safe Abortion Clinic.'' At times like these it is reassuring to know that we can count on some voices of reason in Congress: those who understand that the freedom to speak about sexual and reproductive health issues, including information on safe abortion services are rights protected by our Constitution.

Planned Parenthood of New York City deeply appreciates your courageous stance to protect and advance the rights of all Americans. We stand ready to help you in any way we can, and hope you will call on us to do so.

Sincerely,

ALEXANDER C. SANGER,
President.

CALIFORNIA ABORTION AND REPRODUCTIVE RIGHTS ACTION LEAGUE,
San Francisco, CA, February 26, 1996.

SENATOR FRANK LAUTENBERG,
Hart Office Building,
Washington, DC.

DEAR SENATOR LAUTENBERG: On behalf of the California Abortion and Reproductive Rights League-North (CARAL-North), I am writing in support of legislative efforts to amend the Comstock Act, 18 U.S.C. 1462, by striking subsection (c) dealing with the transportation of certain abortion-related matters.

CARAL-North is one of the plaintiffs in *Sanger* v. *Reno,* the lawsuit challenging recently enacted restrictions on the dissemination of information and material about abortion. CARLA-North maintains a site on the World Wide Web and uses the Internet to provide information about abortion and reproductive rights—activities proscribed under the Comstock Act as amended by the telecommunications bill recently passed by Congress and signed into law by President Clinton.

CARAL-North believes that the protection of women's health and women's rights requires the greatest possible availability of information about where, when and how women can obtain safe and legal abortions. Legislation like 18 U.S.C. 1462(c)—which restricts or prohibits the spread of such information and the transport of materials used

in performing legal, accepted medical procedures—has no place in this society.

CARAL-North commends your work to protect women's rights and health by removing this barrier to reproductive health, and thanks you.

Sincerely,

ANN G. DANIELS,
Executive Director.

THE FEMINIST MAJORITY,
Arlington, VA, March 5, 1996.

Hon. FRANK LAUTENBERG,
U.S. Senate, 506 Hart Senate Office Building, Washington, DC.

DEAR SENATOR LAUTENBERG: On behalf of the Feminist Majority, I am writing to support your effort to repeal the ban on abortion information on the Internet found in 18 U.S.C. 1462(c). The Feminist Majority is one of the plaintiffs in the *Sanger* v. *Reno* case, a federal case challenging this ban.

Use of 18 U.S.C. 1462(c) is an affront to the First Amendment rights of the Feminist Majority and the other plaintiffs, as well as all reproductive health care professionals, women's civil rights activists, students, and particularly women seeking information in order to make comprehensive reproductive health care decisions. 18 U.S.C. 1462(c) is broad enough to encompass a wide range of activities, including advertisement of abortion services over the Internet; Internet transmission of chemical formulas for drugs that can be used to induce abortion; purchase or sale of medical equipment used in abortion procedures over the Internet; and computer bulletin boards or World Wide Web sites that tell women where they can obtain abortions.

While anti-choice forces promote coercive so-called ''informed consent'' laws requiring health care professionals to recite a litany of unwanted and misleading information to women seeking abortions, they simultaneously promote provisions such as 18 U.S.C. 1462(c) which deny women access to real health care information about abortion. The ban must be repealed not only because it threatens the First Amendment, jeopardizes the free flow of medical information, and excludes issues critical to women from new communications technology, but also because it is part of a broader agenda to drive abortion underground by characterizing this health care as an illicit procedure.

For these reasons, we applaud your efforts to repeal Section 1462(c) with the Freedom to Choose Internet Information Act of 1996 as a necessary step toward safeguarding women's health and providing women the information they need to make thoughtful and responsible health care decisions. Thank you for your courage in undertaking this repeal effort.

Sincerely,

ELEANOR SMEAL,
President.●

By Mr. SPECTER (for himself and Mr. KERREY):

S. 1593. A bill to amend the National Security Act of 1947 to provide for the appointment of two Deputy Directors of Central Intelligence, to strengthen the authority of the Director of Central Intelligence over elements of the Intelligence Community, and for other purposes; to the Select Committee on Intelligence.

THE INTELLIGENCE ORGANIZATION ACT OF 1996

Mr. SPECTER. Mr. President, I seek recognition, reasonably briefly, to introduce legislation proposed by the Brown Commission on the reorganization of the U.S. intelligence community.

The Brown Commission, which filed its report last Friday, March 1, today testified before the Senate Intelligence Committee, which I chair, and, as a courtesy, Senator KERREY, the distinguished vice chairman of the committee, and I are introducing their legislative package.

The Brown Commission came to some very important conclusions, many of which I agree with, some of which I do not agree with.

I think they made an important statement on the need for continuing U.S. intelligence activities because there are still many dangers in the world, notwithstanding the demise of the Soviet Union. They have taken a step to eliminate secrecy by their recommendation on the disclosure of the total Intelligence Committee budget, a position adopted on the floor of this body several years ago but overturned in conference. The suggestion, I think, is very, very important as a start on declassification. My sense has been, in so many documents that crossed my desk as chairman of the Intelligence Committee, many are classified that need not be classified. As we have seen from the recent slush fund in the NRO, the National Reconnaissance Office, there is a need for public scrutiny, investigative reporting, so we have a better idea as to what is going on in the intelligence community. Where there is a need for secrecy—and I think the presumption ought to be in favor of secrecy, but it ought not to be absolute—if there is a need for secrecy, then let us maintain that secrecy, but let us not do so as a matter of rote, only as a matter of reason.

The Brown Commission came to the conclusion that the Director of Central Intelligence needs to have his or her hand strengthened. Senator KERREY and I agree with that. But there is considerable feeling on the Intelligence Committee that we need to go further on that particular line.

When the Brown Commission says that an enormous amount of intelligence community work ought to stay in the Department of Defense, I have grave reservations about that. It is true that the Department of Defense is the customer and the Department of Defense provides a great deal of the resources. But, if you have agencies like NRO, NSA, and so much of HUMINT—human intelligence—remaining under the Department of Defense, it does not give the Director of the Central Intelligence Agency the authority that he needs to really be able to operate.

One of the very serious problems in the intelligence community today is an attitudinal problem. We saw that in the Aldrich Ames matter. We have seen it in the investigation on Guatemala, where, in a hearing, one of our Members, Senator COHEN, was very blunt in an open hearing saying that the CIA had lied in withholding information from the oversight committee.

Testimony was taken by the committee from a veteran of the CIA on the issue of Soviet domination in sending tainted material back to the CIA, which the CIA had known to be tainted, controlled by Soviet sources, and yet that information was passed on to the highest levels, one key bit of information going to the White House in January of 1993 for both the President and the President-elect.

When questioned by the Intelligence Committee, this ranking, ex-CIA official said, ''Well, we pass it on. We know better than the customers. If we told them it was tainted, they wouldn't use it.'' Really, an incomprehensible sort of a situation.

I think Director Deutch has done a very good job in his few months at the CIA. He faces a very, very difficult situation. When he concurred in testimony before the commission as to a Guatemala incident, that there had been willful failure to disclose, he later changed that view in a letter to the Intelligence Committee a few days later, showing the difficulties of being the Director of the CIA compared with a more independent role or at least a different role than the Senate Intelligence Committee has.

We also heard testimony today from former Senator, former majority leader Howard Baker of a very important nature, including Senator Baker's recommendation that there be a combination of the Senate and the House Intelligence Committees, a recommendation that at least preliminarily I agree with. We will have to pursue it and have hearings. But it is more than worth considering. It is something that really is an idea whose time, probably, has come. I am just limiting the final decision until we do have a hearing process and collaborate with our counterparts in the House of Representatives.

Mr. President, to reiterate, today Senator ROBERT KERREY and I are introducing legislation as a courtesy to the Commission on the Roles and Capabilities of the United States Intelligence Community. In August 1994, the Senate adopted a provision establishing this Commission to ''review the efficacy and appropriateness of the activities of the United States Intelligence Community in the post-cold-war global environment.'' On March 1, 1996, the Commission submitted its report, entitled ''Preparing for the 21st Century, An Appraisal of U.S. Intelligence.'' In addition, the Commission submitted proposed legislation to implement some of its proposals. We are introducing the Commission's proposed legislative package today at their request. It is our hope that other Members of the Senate and the public at large can participate fully in the upcoming debate on this important issue. Moreover, the Senate Select Committee on Intelligence intends to use this legislation, and other Commission recommendations, as a basis for additional proposals of the committee.

The legislation proposed by the Commission would make a number of

changes in the way the intelligence community is organized and managed. First, it replaces the current Deputy Director of Intelligence with two new Deputies: one to manage the community and one to manage the Central Intelligence Agency. In addition, it amends the National Security Act to require DCI concurrence with respect to the appointment by the Secretary of Defense of the heads of the National Security Agency [NSA], the Central Imagery Office [CIO], and the National Reconnaissance Office [NRO]. In addition, its requires consultation with the DCI by the Secretaries of Defense, State, and Energy, as well as the Director of FBI, before the appointment of the heads of the intelligence elements within these agencies. This bill also mandates that the DCI provide to the Secretary of Defense an evaluation of the performance of the heads of NSA, NRO and the proposed National Imagery and Mapping Agency. The Commission's legislation also replaces the National Intelligence Council with a National Assessments Center that would remain under the purview of the DCI but would be located outside the CIA to take advantage of a broader range of information and expertise.

The most extensive aspect of this legislation is that which addresses personnel issues. The Commission is proposing new legislative authority for the most severely affected intelligence agencies, for 1 year, to ''rightsize'' their work forces to the needs of their organization. Agencies wishing to downsize by at least 10 percent over and above the current congressionally mandated levels would identify positions to be eliminated ''in order to achieve more effectively and efficiently the mission of the agencies concerned.'' The incumbents of such positions, if close to retirement, would be allowed to retire with accelerated eligibility. If not close to retirement, they would be provided generous pay and benefits to leave the service of the agency concerned, or, with the concurrence of the agency affected, exchange positions with an employee not in a position identified for elimination who was close to retirement and would be allowed to leave under the accelerated retirement provisions. This bill also creates a single ''senior executive service'' for the intelligence community under the overall management of the DCI.

The Commission did an excellent job identifying the key issues and the Vice Chairman and I agree with some of their recommendations, particularly regarding institutional mechanisms for getting the policymakers more involved in identifying and prioritizing their information needs and for addressing transnational threats, ways to improve intelligence analysis, and the need to enhance accountability and oversight—to include declassifying the aggregate amount appropriated for the intelligence budget. The committee also will consider the Commission's recommendation to make the Select Committee on Intelligence a standing committee. However, I believe that the Commission did not go far enough in some areas.

The changes brought about by the collapse of the Soviet Union have dramatic implications for U.S. intelligence efforts. The demands for rapid responses to diverse threats in a rapidly changing world necessitate a steamlined intelligence community and a DCI with clear lines of authority. This is lacking in the intelligence bureaucracy that emerged during the bipolar world of the cold war.

As the Commission noted: ''The Intelligence Community * * * has evolved over nearly 50 years and now amounts to a confederation of separate agencies and activities with distinctly different histories, missions, and lines of command.'' Recognizing the pitfalls of decentralized intelligence—less attention devoted to non-Defense requirements, waste and duplication, the absence of objective evaluation of performance and ability to correct shortcomings, and loss of synergy—the Commission supported centralized management of the intelligence community by the DCI. The Commission concluded, however, that the DCI has all the authority needed to accomplish this objective of centralized management, if only he spent less time on CIA matters and had the budget presented to him in a clearer fashion.

It is my sense that the current disincentives for intelligence to operate as a community, reduce unnecessary waste and duplication, and become more effective and efficient in meeting the Nation's needs can only be overcome by enhancing the DCI's statutory authority over the budget and administration of all nontactical intelligence activities and programs. A key issue for congressional oversight of the intelligence community is accountability. It has become increasingly clear that a single manager, the DCI, must be accountable for the success or failure of the intelligence community. Therefore, the DCI must be given the authorities he needs to carry out this responsibility.

For example, the Commission recommends that the DCI concur in the appointment or recommendation of the heads of national intelligence elements within the Department of Defense, and be consulted with respect to the appointment of other senior officials within the intelligence community. We believe the DCI should recommend the appointment of all national agency heads, with concurrence from the heads of the parent organizations. Along these lines, the heads of the major collection agencies should be confirmed to that position; today they are confirmed only with respect to their promotion to the rank designated for each position.

The Commission noted in its report: ''The annual budgets for U.S. intelligence organizations constitute one of the principal vehicles for managing intelligence activities, * * *. How effectively and efficiently the intelligence community operates is to a large degree a function of how these budgets are put together and how they are approved and implemented.'' I agree with this assessment and conclude that the DCI must have ultimate control over the formulation and execution of these budgets if he or she is to effectively manage the intelligence community.

The Select Committee on Intelligence will consider these and other alternative proposals over the upcoming weeks as we move toward mark-up of legislation to renew and reform the U.S. intelligence community to meet the challenges of our changing world.

Mr. KERREY. Mr. President, I rise today to join with Chairman SPECTER to introduce legislation. We are embarking on a course to change the U.S. intelligence community, and this legislation is the chart upon which we will be marking that course.

Over a year ago, Congress created a Presidential commission to evaluate the intelligence community's ability to respond to a rapidly changing world. Sadly, the commission's first chairman, the Honorable Les Aspin, passed away after he had ably established the Commission and they had started their work. We owe many debts of gratitude to Les Aspin, and this legislation is one more example of the fine work he did in the service of his country.

Chairman HAROLD BROWN and our former colleague, Vice Chairman Warren Rudman, quickly took the helm, and the Commission embarked on almost a year's evaluation of the U.S. Government's intelligence needs and the intelligence community's ability to meet those needs. We are especially grateful to our able colleagues, Senator JOHN WARNER and Senator JIM EXON, who played important and active roles in the Commission's work. Their broad base of experience coupled with the other Commission members' outstanding credentials permitted a wide variety of views and ideas to come together. There are no assumptions here. They looked wide and deep. They interviewed over 200 experts and received formal testimony from 84 witnesses. It was a remarkable effort which has produced a significant report. I do not concur with all their recommendations, and there are some areas in which they do not go as far as I would. I look on their report as a solid base upon which Congress and the administration can build.

For me, one of the most important results of their evaluation is their reaffirmation of the need for intelligence. Intelligence contributes heavily to most of our national decisions about foreign policy, law enforcement, and military matters. I am convinced intelligence is the edge we must have in the face of stiff global competition for leadership, and as our Government fulfills its responsibility to protect Americans in an increasingly dangerous world. The Brown Commission clearly explains why this is so.

The Brown Commission recognized the world today is very different from the world which existed while the Intelligence Community was growing up. Confronted with the overwhelming military threat of the Soviet Union, the intelligence community responded by organizing itself to examine every part of that military threat as best as it could. While some critics argue that the intelligence community missed the big ones—the fall of the Berlin Wall, the collapse of the Soviet economy—there is no question the United States was ably informed on the Soviet Union's military threat. But that threat, while still capable of attacking us, is receding.

Today, the threats, facing the United States do not initially present themselves as military threats—although if we fail to recognize them in time, we have to deploy our military when nothing else works. The erosion of nation-state power in many places, the rise of transnational movements and global crime, and the fierce economic competition we face, have together created a new set of threats that are not military soluble.

Insight and predictive analysis is as important in charting the American course in this new world as it was in the old world of superpower military confrontation. We must make sure the intelligence community is optimally organized for this new world. That is why I urge consideration of the Brown Commission report, and why the Intelligence Committee will take up these and other reform proposals in the months ahead.

The Brown Commission establishes three recurring themes about intelligence: The need to better integrate intelligence into the policy community; the need for intelligence agencies to operate as a community; the need to create greater efficiency. These themes are clearly discernible and they also are quite consistent with a large segment of the public's view on intelligence: Something is wrong. If everything was all right, we wouldn't have a heinous spy like Aldrich Ames; we wouldn't have missed the fall of the wall or the collapse of the Soviet Union; we wouldn't have a palace for an NRO headquarters building; we wouldn't have unspent billions of NRO dollars sitting around unused and waiting for a rainy day. I agree that we need to better integrate intelligence with policy, enhance the effectiveness of the community and improve its efficiency. The time for reorganization is upon us.

The Brown Commission has made many important recommendations that address each of these themes. The Intelligence Committee will evaluate them closely. But I have already concluded that in some areas the Commission did not go far enough to ensure intelligence is integrated, effective, and efficient in a world continuing to evolve. In my view, the authorities of the Director of Central Intelligence need to be strengthened beyond what the Commission recommended, and the many agencies of the Intelligence Community need to be pulled into a closer relationship. There is no other way to make sure both the national and military customer get what they need, and there is also no other way to wring redundancy and excess cost out of the system.

I do not want leave the impression that U.S. intelligence is broken. Something is wrong, but the Nation is well-served by the men and women of the intelligence agencies serving around the world. Their patriotism and technical competence is unquestioned. Moreover, the director of Central Intelligence, John Deutch, has brought outstanding leadership to the community. Working closely with Secretary Perry, he already has set a new course for intelligence. The corporate culture which allowed an Aldrich Ames to continue is being dismembered. Congressional notification of significant intelligence activities has never been more prompt and complete. We need to institutionalize these changes and the superb cooperative relationship that exists between Director Deutch and Secretary Perry. Intelligence must and will serve all of its customers with timely, comprehensive, and hard-hitting analysis. The Brown Commission's recommendations have provided us with the basis to make this happen.

In conclusion, I want to thank Chairman SPECTER for his leadership on this issue. His close attention to the challenges facing the intelligence community and their solutions has created an environment where the committee can draft this legislation in a thoughtful, informed environment.

By Mr. BRADLEY (for himself, Mr. LEAHY, Mr. SIMON, Mr. LAUTENBERG, Mr. GRAHAM, Mr. BRYAN, Mr. PELL, Ms. MOSELEY-BRAUN, and Mr. KERRY):

S. 1595. A bill to repeal the emergency salvage timber sale program, and for other purposes; to the Committee on Energy and Natural Resources.

THE RESTORATION OF NATURAL RESOURCES LAWS ON THE PUBLIC LANDS ACT OF 1996

• Mr. BRADLEY. Mr. President, today I am introducing legislation to repeal the emergency salvage timber provisions that Congress enacted as part of last year's rescissions bill. I believe that the salvage rider is one of the biggest mistakes that Congress has made in natural resource management in the last 25 years. We need to admit our error and correct it as soon as possible with new legislation.

Both consciously and unwittingly, last Spring this body endorsed a program of logging without laws which undermines environmental protections for precious resources and has slight economic justification. Even worse, we passed the original rider with little understanding of its potential impact, without holding hearings, and based on an ''emergency'' that may not exist.

Members thought they were voting to remove dead and dying trees from our national forests in order to protect forest health and capture the remaining value of trees which had been damaged in a series of devastating forest fires. However, the rationale on which the rider was based, deteriorating forest health conditions, the rationale on which the rider was based, is supported by very little data. We lack even basic information to justify cutting trees on the scale endorsed by the rider and under conditions which effectively suspend environmental laws, and terminate almost all avenues for administrative and judicial appeal.

Members were surprised to find that the courts have interpreted the law to mandate the cutting of some of America's most valuable trees, including the healthy, old growth forests of western Oregon and Washington which have been off-limits to timber sales for years due to environmental concerns. These forests support a rich mix of fish and wildlife, from endangered bird species to commercially important salmon and are valuable as well for their own beauty and uniqueness. Yet under the rider these majestic trees might be sold at bargain prices under outdated contracts and using outdated environmental terms.

This is not just an issue for the Northwest. The rider also requires that the Forest Service offer salvage sales in all regions of the country including sales that would otherwise be rejected for legitimate environmental reasons. Although agencies such as the National Marine Fisheries Service, Fish and Wildlife Service and the Environmental Protection Agency have objected to many of these sales, courts have held that they must go forward, no matter how devastating, because they are required by the letter of the law.

In addition, the rider undermines President Clinton's consensus Northwest forest plan which took many months to produce and gave some hope for settling the region's longstanding timber wars. Instead, under the rider, the timber wars have resumed at full force.

Now we have a chance to reverse the mistakes we made last year and take a more measured approach to timber salvage sales. First, my bill returns forestry law to where it was before the rider was passed. Trees can still be cut but environmental laws must be obeyed. I believe it is appropriate to completely repeal the salvage rider, not just modify it around the edges and invite further confusion from the courts.

Second, my bill calls for a study of the forest health issue by the National Academy of Sciences and the General Accounting Office in order to determine the extent of the problem and how it can best be addressed, both financially and ecologically.

I urge my colleagues to join me in reversing last year's mistake. It is time

to restore lawful logging on our national forests.

I ask unanimous consent that a copy of the bill be printed in the RECORD.

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

S. 1595

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Restoration of Natural Resources Laws on the Public Lands Act of 1996''.

SEC. 2. REPEAL OF EMERGENCY SALVAGE TIMBER SALE PROGRAM.

(a) DEFINITION OF SECRETARY CONCERNED.—In this section, the term ''Secretary concerned'' means—

(1) the Secretary of Agriculture, with respect to an activity involving land in the National Forest System; and

(2) the Secretary of the Interior, with respect to an activity involving land under the jurisdiction of the Bureau of Land Management.

(b) REPEAL.—Section 2001 of Public Law 104–19 (109 Stat. 240; 16 U.S.C. 1611 note) is repealed.

(c) SUSPENSION.—

(1) IN GENERAL.—Notwithstanding any outstanding judicial order or administrative decision interpreting section 2001 of Public Law 104–19 (109 Stat. 240; 16 U.S.C. 1611 note) (as in existence prior to the date of enactment of this Act), the Secretary of Agriculture and the Secretary of the Interior shall suspend each activity that was being undertaken in whole or in part under the authority provided in the section, unless the Secretary concerned determines that the activity would have been undertaken even in the absence of the subsection.

(2) RESUMPTION OF AN ACTIVITY.—The Secretary concerned may not resume an activity suspended under paragraph (1) until the Secretary concerned determines that the activity (including any modification after the date of enactment of this Act) complies with environmental and natural resource laws.

SEC. 3. STUDIES.

(a) PURPOSE.—The purpose of this section is to provide factual information useful to the President and Congress in setting funding and operational levels for the public forests in order to ensure that the public forests are operated so that the health of forest resources is secured with ecological and financial effectiveness.

(b) NATURE AND EXTENT OF THE SITUATION.—

(1) IN GENERAL.—The Secretary of Agriculture, through the research branch of the Forest Service, shall undertake a study to report on the nature and extent of the forest health situation in the National Forest System.

(2) NATURE.—The nature of forest health shall be categorized into types of situations, including—

(A) overstocked stands of unmerchantable-size trees;

(B) stands with excessive fuel loads;

(C) mixed conifer stands with an inappropriate mix of tree species; and

(D) combinations of the situations described in subparagraphs (A) through (C).

(3) EXTENT.—The extent of forest health shall include acreage estimates of each situation type and shall distinguish variations in severity.

(4) REPRESENTATIVE SAMPLE MEASUREMENTS.—If feasible, the Secretary shall use representative sample measurements with a specified degree of confidence in extending the measurements to the whole population.

(5) PRESENTATION.—The report shall present data at the national forest or a comparable level and shall be displayed geographically and tabularly.

(6) REVIEW.—The report shall be properly reviewed by the scientific community prior to transmission under paragraph (7).

(7) TRANSMISSION.—The report shall be transmitted to Congress not later than 1 year after the date of enactment of this Act.

(c) ECOLOGICAL EFFICACY OF ACTIVITIES.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary of Agriculture shall enter into a contract with the National Academy of Sciences for the purpose of conducting a study of the ecological and forest health consequences of various activities intended, at least in part, to improve forest health.

(2) ACTIVITIES EXAMINED.—The activities examined under paragraph (1) shall include—

(A) site preparation for reforestation, artificial reforestation, natural regeneration, stand release, precommercial thinning, fertilization, other stand improvement activities, salvage harvesting, and brush disposal;

(B) historical as well as recent examples and a variety of conditions in ecological regions; and

(C) a comparison of various activities within a watershed, including activities conducted by other Federal land management agencies.

(3) TRANSMISSION.—The report shall be transmitted to the Chief of the Forest Service and to Congress not later than 2 years after the date of enactment of this Act.

(d) ECONOMIC EFFICACY OF ACTIVITIES.—

(1) IN GENERAL.—The Comptroller General of the United States, through the General Accounting Office, shall conduct a study of the Federal, State, and local fiscal and other economic consequences of activities intended, at least in part, to improve forest health.

(2) COORDINATION.—The study conducted under this subsection shall be coordinated with the study conducted under subsection (c)—

(A) to ensure that the same groups of activities in the same geographic area are examined; and

(B) to develop historic as well as recent effects that illustrate financial and economic trends.

(3) FEDERAL FISCAL EFFECTS.—In assessing the Federal fiscal effects, the Comptroller General shall distinguish the net effects on the Treasury of the United States from changes in the balances in the various special accounts and trust funds, including appropriated funds used to conduct the planning, execution, sale administration, support from other programs, regeneration, site restoration, agency overhead, and payments in lieu of taxes associated with timber cutting.

(4) TRANSMISSION.—The study shall be transmitted to the Chief of the Forest Service and to Congress not later than 2 years after the date of enactment of this Act.

(e) IMPROVEMENT OF ACTIVITIES.—In response to the findings of the National Academy of Sciences and the Comptroller General under subsections (c) and (d), the Chief of the Forest Service shall assess opportunities for improvement of, and progress in improving, the ecological, economic, and fiscal consequences and efficacy for each national forest.

(f) FOREST SERVICE STUDY.—

(1) IN GENERAL.—The Chief of the Forest Service shall conduct a study of alternative systems for administering forest health-related activities, including, modification of special account and trust fund management and reporting, land management service contracting, and government logging.

(2) SIMILARITIES AND DIFFERENCES.—The study shall compare and contrast the various alternatives with systems in existence on the date of the study, including—

(A) ecological effects;

(B) forest health changes;

(C) Federal, State, and local fiscal and other economic consequences; and

(D) opportunities for the public to be involved in decisionmaking before activities are undertaken.

(3) REQUIREMENTS OF STUDY.—To ensure the validity of the study, in measuring the effect of the use of contracting, the study shall specify the costs that contractors would bear for health care, retirement, and other benefits afforded public employees performing the same tasks.

(4) TRANSMITTAL.—The report shall be transmitted to Congress not later than 1 year after the studies conducted under subsections (c) and (d) are transmitted to Congress.

(g) PUBLIC AVAILABILITY.—The reports conducted under this section shall be published in a form available to the public at the same time the reports are transmitted to Congress. Both a summary and a full report shall be published.●

Mr. KERRY. Mr. President, today I join Senator BILL BRADLEY in introducing legislation to repeal the timber salvage rider, a law that has permitted destructive logging of ancient forests because it waives important environmental safeguards.

Let me first say that I do not oppose responsible logging on public or private lands, as long as it is done in compliance with our environmental statutes. The fundamental problem with the timber salvage provision as it is currently written, is that it does not comply with current Federal protection laws.

During debate of the 1995 Rescissions Act, proponents of the emergency timber measure stressed the need to remove dead and dying trees to protect the health of our forests in the Pacific Northwest. We were told that the rider would not cost the federal treasury one dime; in fact it would make money. We were told that the measure would not harm fish and wildlife and that it was needed only to expedite a small number of outstanding timber sales.

In other words, we were told that this rider would be a simple fix to a small problem and should be added without a congressional hearing or review to an entirely unrelated bill that was moving quickly through congress. As are all too aware, this was the way many anti-environmental statutes were being sold by the Republican leadership during the 1995 congressional term.

Regrettably, we know of the severe environmental damage that this statute has wrought on some of our most beautiful and oldest forest lands.

We now know that this statute is being used to clearcut healthy forests across the Nation including ancient forests as old as 500 years.

We know that this statute will cost American taxpayers billions of dollars by requiring them to subsidize bargain basement logging of our national forests.

We know that timber is being clearcut on steep slopes next to

streams of spawning endangered salmon.

And we now know that the Federal Government is being forced to enter into far more than just a small number of contracts, and in fact, that the effect of this rider will be felt in the logging of national forests across the country.

I commend the Senator from New Jersey for his leadership on this issue, and I hope that the Senate will act expeditiously to enact the bill being introduced today and thereby repeal this extremely harmful so-called timber salvage rider.

Mr. LEAHY. Mr. President, we need our environmental laws back. Old-growth trees that have stood for 400 years are falling today, and it will the year 2400 before we get them back. We need to restore the laws.

To achieve this goal, I have cosponsored two efforts. One is a straight, fundamental attempt to overturn the salvage law, and one that is a practical attempt to stop the lawless logging. No one has worked harder than PATTY MURRAY to restore economic and ecological balance to the hoax of a ''jobs versus the environment'' campaign. I am proud to be an original cosponsor of her effort.

Senator BRADLEY, ranking Democrat on the Forests and Public Land Management Subcommittee, has taken the lead to simply overturn one of the worst environmental laws Congress has considered in years. As soon as the so-called salvage law passed, industry sued to cut the big old-growth trees. This will be a difficult bill to overturn, especially since we still have the same Congress through which it originally passed. Nonetheless, I am a proud original cosponsor of Senator BRADLEY's bill to repeal the salvage rider.

Proponents of logging without laws say that they must cut, build roads, risk mudslides, threaten fisheries, and scar the forest to create jobs. The facts don't support this twisted rationale. There were more than 14,200 new jobs in the Rocky Mountain-Pacific Northwest timber industry from 1992 until Congress forced through the rider, and the sector was still growing. Oregon had the lowest unemployment in a generation. We did not need to derail steady responsible growth with a return to the conflicts of the 1980's. Unfortunately, some groups have bought into the gluttony of the salvage rider, but have forgotten about putting food on the table for working families when the salvage free-for-all days are over.

Our No. 1 priority should be to restore stability to working families in rural communities. No one can tolerate another short-term logging binge. The current rider is bringing conflict. When it is repealed or expires, workers face another round of economic instability while we struggle with environmental triage on the forest resource.

But most importantly, we need to restore the environmental laws that this Congress suspended. The Forest Service is poised to release hundreds of millions of board feet of timber, and we must not leave the door open for such abuse. Both bills are steps in the right direction, and I hope we can unsaddle the salvage rider very soon.

ADDITIONAL COSPONSORS

S. 684

At the request of Mr. HATFIELD, the name of the Senator from Massachusetts [Mr. KENNEDY] was added as a cosponsor of S. 684, a bill to amend the Public Health Service Act to provide for programs of research regarding Parkinson's disease, and for other purposes.

S. 949

At the request of Mr. GRAHAM, the name of the Senator from New Jersey [Mr. LAUTENBERG] was added as a cosponsor of S. 949, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 200th anniversary of the death of George Washington.

S. 1072

At the request of Mr. THURMOND, the name of the Senator from North Carolina [Mr. HELMS] was added as a cosponsor of S. 1072, a bill to redefine ''extortion'' for purposes of the Hobbs Act.

S. 1217

At the request of Mr. COATS, the name of the Senator from Tennessee [Mr. FRIST] was added as a cosponsor of S. 1217, a bill to encourage the provision of medical services in medically underserved communities by extending Federal liability coverage to medical volunteers, and for other purposes.

S. 1268

At the request of Mr. THOMAS, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 1268, a bill to provide assistance for the establishment of community rural health networks in chronically underserved areas, to provide incentives for providers of health care services to furnish services in such areas, and for other purposes.

S. 1452

At the request of Mr. GRAMS, the name of the Senator from North Carolina [Mr. FAIRCLOTH] was added as a cosponsor of S. 1452, a bill to establish procedures to provide for a taxpayer protection lock-box and related downward adjustment of discretionary spending limits and to provide for additional deficit reduction with funds resulting from the stimulative effect of revenue reductions.

S. 1483

At the request of Mr. KYL, the names of the Senator from Colorado [Mr. BROWN], the Senator from New Hampshire [Mr. SMITH], the Senator from New Hampshire [Mr. GREGG], and the Senator from Kentucky [Mr. MCCONNELL] were added as cosponsors of S. 1483, a bill to control crime, and for other purposes.

S. 1491

At the request of Mr. GRAMS, the names of the Senator from Indiana [Mr. COATS], the Senator from Michigan [Mr. ABRAHAM], and the Senator from Kansas [Mrs. KASSEBAUM] were added as cosponsors of S. 1491, a bill to reform antimicrobial pesticide registration, and for other purposes.

S. 1524

At the request of Mr. LAUTENBERG, the name of the Senator from Massachusetts [Mr. KENNEDY] was added as a cosponsor of S. 1524, a bill to amend title 49, United States Code, to prohibit smoking on any scheduled airline flight segment in intrastate, interstate, or foreign air transportation.

S. 1554

At the request of Mr. COCHRAN, the name of the Senator from North Carolina [Mr. FAIRCLOTH] was added as a cosponsor of S. 1554, a bill to amend the Fair Labor Standards Act of 1938 to clarify the exemption for houseparents from the minimum wage and maximum hours requirements of that act, and for other purposes.

S. 1563

At the request of Mr. SIMPSON, the name of the Senator from Kentucky [Mr. MCCONNELL] was added as a cosponsor of S. 1563, a bill to amend title 38, United States Code, to revise and improve eligibility for medical care and services under that title, and for other purposes.

S. 1567

At the request of Mr. LEAHY, the name of the Senator from Vermont [Mr. JEFFORDS] was added as a cosponsor of S. 1567, a bill to amend the Communications Act of 1934 to repeal the amendments relating to obscene and harassing use of telecommunications facilities made by the Communications Decency Act of 1995.

SENATE JOINT RESOLUTION 50

At the request of Mr. D'AMATO, the names of the Senator from North Carolina [Mr. HELMS], the Senator from Kentucky [Mr. MCCONNELL], and the Senator from South Dakota [Mr. PRESSLER] were added as cosponsors of Senate Joint Resolution 50, a joint resolution to disapprove the certification of the President under section 490(b) of the Foreign Assistance Act of 1961 regarding foreign assistance for Mexico during fiscal year 1996.

SENATE RESOLUTION 226

At the request of Mr. NUNN, the names of the Senator from North Carolina [Mr. HELMS] and the Senator from Idaho [Mr. CRAIG] were added as cosponsors of Senate Resolution 226, a resolution to proclaim the week of October 13 through October 19, 1996, as ''National Character Counts Week.''

At the request of Mr. DOMENICI, the names of the Senator from Alaska [Mr. STEVENS] and the Senator from West Virginia [Mr. ROCKEFELLER] were added as cosponsors of Senate Resolution 226, supra.