

detailed investigation of the sale of Iranian arms to Bosnia. Ambassador Holbrooke was involved in a complex, highly sensitive matter and he discharged his duties with professionalism.

In undertaking the complex negotiations on Bosnia, Ambassador Holbrooke again performed a great service for the United States. His last minute negotiations with Yugoslavia's President Milosevic, while unsuccessful, showed his unique talents which will be put to good use for our national interest in his new capacity as U.S. Ambassador to the United Nations.

Mr. LIEBERMAN addressed the Chair.

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

Mr. LIEBERMAN. I thank the Chair. I believe the Senator from Virginia yielded a couple minutes to me earlier.

Mr. WARNER. Mr. President, I yield 2 minutes to the Senator from Connecticut, and also to Senator HAGEL, who has been very helpful in this nomination. At the conclusion of his remarks, the vote will occur.

Mr. LIEBERMAN. Mr. President, I first thank those who have finally brought the nomination of Richard Holbrooke to the floor of the Senate, particularly the senior Senator from North Carolina and the senior Senator from Virginia, Mr. WARNER, who have done yeoman's work here in the national interest.

Secondly, I wanted to say this about the nominee himself, who I have been privileged to come to know. In my opinion, Richard Holbrooke is one of America's great natural resources. Certainly, he is one of our great diplomatic resources. He has had a career that has been described in detail here that puts him at the top ranks of those who have served America in the international arena. He is a person of principle, purpose, intellect, and enormous energy and talent. He combines the sense of American purpose, which, incidentally, is reflected in his work on behalf of the policy of the United States, representing the Commander in Chief of the United States in regard to the Balkans, about which my friend from Texas has just spoken. He combines that sense of American principle and the continuing vitality of America's morality in the world with extraordinary, tough-minded, practical, and interpersonal diplomatic skills.

We are fortunate to have a person of this talent willing to serve our Nation. I am confident that he will advance our national security and principled interests in the United Nations. I am proud to support the nomination.

I thank the Chair and yield the floor.

Mr. HAGEL addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. HAGEL. Mr. President, I rise to strongly support the nomination of

Richard Holbrooke to be this country's Ambassador to the U.N. I was thinking the other day when we were engaged in the Foreign Relation Committee's fourth hearing on Mr. Holbrooke—four hearings on Mr. Holbrooke. We looked rather closely and thoroughly at his policies, his background, his professional and personal life. He did not come up short in all of those areas. But I was thinking, I don't know if there has been an individual who has been more probed and investigated for this very important position than Mr. Holbrooke.

I have believed for a long time that the President of the United States deserves his team. As he nominates his team for the Senate to pass judgment on, give advice and consent, as constitutionally is our responsibility, if that individual possesses the high moral quality and qualifications, and the high professional standings, qualifications, and experience, then the President needs his team.

I echo much of what has been said this morning about how important it is that we get our Representative of the United Nations. Now, we have differences of opinion in philosophy and policy, and I appreciate that. Every Senator has his or her own position, as it should be. But I will say this as my last comment about Mr. Holbrooke. I hope and I believe he will make every effort to bring some bipartisanship to foreign policy. It seems to me that we have allowed bipartisanship in foreign policy and national security affairs to erode and come undone to the point where it is dangerous.

I believe both sides are responsible. I think the President hasn't reached out enough, and I think we in the Congress have made foreign policy and national security affairs a more brittle, raw political dynamic. If we don't come back together, as bipartisanship needs to be sewn back together in these very important issues for the future of our country and stability of the world, we will pay a high price. I hope that Mr. Holbrooke will lead that effort.

I yield the floor.

Mr. WARNER. I thank the distinguished Senator. He has been very helpful throughout the nominating process.

The PRESIDING OFFICER. All time having expired, the question is, Will the Senate advise and consent to the nomination of Richard Holbrooke, of New York, to be the Representative of the United States of America to the United Nations with the rank and status of Ambassador Extraordinary and Plenipotentiary, and the Representative of the United States of America in the Security Council of the United Nations, and the nomination of Richard Holbrooke, of New York, to be a Representative of the United States of America to the Sessions of the General Assembly of the United Nations during

his tenure of service as Representative of the United States of America to the United Nations, en bloc.

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

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Idaho (Mr. CRAPO) and the Senator from North Carolina (Mr. HELMS) are necessarily absent.

Mr. REID. I announce that the Senator from Louisiana (Ms. LANDRIEU) is necessarily absent.

I further announce that, if present and voting, the Senator from Louisiana (Ms. LANDRIEU) would vote "aye."

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

The result was announced—yeas 81, nays 16, as follows:

[Rollcall Vote No. 259 Ex.]

YEAS—81

Abraham	Durbin	McCain
Akaka	Edwards	McConnell
Ashcroft	Feingold	Mikulski
Baucus	Feinstein	Moynihan
Bayh	Fitzgerald	Murkowski
Bennett	Frist	Murray
Biden	Gorton	Reed
Bingaman	Graham	Reid
Bond	Grams	Robb
Boxer	Grassley	Rockefeller
Breaux	Hagel	Roth
Brownback	Harkin	Santorum
Bryan	Hatch	Sarbanes
Burns	Hollings	Schumer
Byrd	Inouye	Shelby
Campbell	Jeffords	Smith (OR)
Chafee	Johnson	Snowe
Cleland	Kennedy	Specter
Cochran	Kerrey	Stevens
Collins	Kerry	Thomas
Conrad	Kohl	Thompson
Coverdell	Lautenberg	Thurmond
Daschle	Leahy	Torricelli
DeWine	Levin	Voinovich
Dodd	Lieberman	Warner
Domenici	Lincoln	Wellstone
Dorgan	Lugar	Wyden

NAYS—16

Allard	Hutchinson	Nickles
Bunning	Hutchison	Roberts
Craig	Inhofe	Sessions
Enzi	Kyl	Smith (NH)
Gramm	Lott	
Gregg	Mack	

NOT VOTING—3

Crapo	Helms	Landrieu
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The nominations, en bloc, were confirmed.

The PRESIDING OFFICER. The motion to reconsider is laid upon the table. The President will be immediately notified.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now resume legislative session.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2000—Resumed

The PRESIDING OFFICER. The clerk will report the pending business.

The legislative assistant read as follows:

A bill (H.R. 2466) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2000, and for other purposes.

Pending:

Gorton Amendment No. 1359, of a technical nature.

The PRESIDING OFFICER. The distinguished majority leader is recognized.

Mr. LOTT. Mr. President, before I yield the floor to the distinguished chairman of the Interior Appropriations subcommittee, I confirm again we are going back to the Interior appropriations bill. We hope to and plan to have debate on amendments beginning right away. We could have a recorded vote on one of the amendments within the next 15 to 30 minutes. We will continue working on the Interior appropriations bill until we get an agreement as to exactly when to proceed to the reconciliation conference report.

I will not propound a unanimous consent request at this time, but it is my hope we can get an agreement to begin at 1 o'clock on the consideration of a reconciliation conference report, and we debate it for 6 hours, of course, equally divided in the usual form, and the vote then would occur around 7 o'clock.

We do not have that worked out yet. If we require more time, if we have to be in later, then of course the vote would go later in the night, perhaps 8 o'clock or, if we cannot get that worked out, we will go however long we need to go tonight and we would vote on Friday morning sometime. But we hope to get an agreement where we could complete that and have a vote around 7 o'clock tonight.

I yield the floor.

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

Mr. GORTON. Mr. President, in just a moment I will have several agreed-upon amendments to propound and hopefully they will be agreed to very quickly.

Then Mr. SMITH of New Hampshire is here with the first contested amendment. I hope we can finish as many as three amendments that are likely to require rollcalls between now and 1 o'clock. After the Smith amendment that deals with the National Endowment for the Arts, I hope we will have an opportunity to go to an amendment by Mr. GRAHAM of Florida and Mr. ENZI, relating to Indian gambling. While I have not found the Senator yet, I would like, after that, to go to an amendment by the Senator from Nevada, Mr. BRYAN, on forest roads. Others may intervene.

We also have a number of amendments that will be agreed upon from time to time. My own reading of our list of amendments is that they are reasonably limited, even at this point.

Several require votes. I hope none will require a long and extensive debate. The majority leader wants, as early as possible, to get an agreed-upon list of amendments. I suspect we will be asking for unanimous consent to say all amendments must be filed by, say, sometime this afternoon. So Members who have amendments about which they have not notified the managers are encouraged to do so as promptly as possible.

I believe the majority leader wishes to finish this bill, as well as the reconciliation bill on taxes, before the recess begins sometime tomorrow.

AMENDMENT NOS. 1563 THROUGH 1568, EN BLOC

Mr. GORTON. Mr. President, I ask unanimous consent that the pending amendment be set aside and that we consider six amendments en bloc which I send to the desk. I will explain each of these amendments, sponsored by a Senator and relating to projects within that Senator's State or the two Senators' State, and simply shifts money among projects within the States.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Washington [Mr. GORTON] proposes amendments numbered 1563 through 1568, en bloc.

Mr. GORTON. Mr. President, I ask unanimous consent that the reading of the amendments be dispensed with.

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

The amendments are as follows:

AMENDMENT NO. 1563

(Purpose: To Increase Funds in the Bureau of Indian Affairs Tribal College account by \$700,000 with offset from Forest Service land acquisition on the San Juan National Forest)

On page 27, line 22, strike "\$1,631,996,000" and insert "\$1,632,696,000".

On page 65, line 18, strike "\$37,170,000" and insert "\$36,470,000".

AMENDMENT NO. 1564

(Purpose: To provide additional funding to the United States Fish and Wildlife Service for activities relating to the Preble's meadow jumping mouse, with an offset from Forest Service Land Acquisition (Continental Divide Trail) in Colorado)

On page 10, line 15, strike "\$683,518,000" and insert "\$683,919,000".

On page 10, line 23, before the colon, insert the following: ", and of which not less than \$400,000 shall be available to the United States Fish and Wildlife Service for use in reviewing applications from the State of Colorado under section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1536), and in assisting the State of Colorado by providing resources to develop and administer components of State habitat conservation plans relating to the Preble's meadow jumping mouse."

On page 65, line 18, strike "\$37,170,000" and insert "\$36,770,000".

AMENDMENT NO. 1565

(Purpose: To make unobligated funds available for the acquisition of land in the Ottawa National Wildlife Refuge, for the Dayton Aviation Heritage Commission, and for the preservation and restoration of the birthplace, boyhood home, and schoolhouse of Ulysses S. Grant, Ohio)

On page 62, between lines 3 and 4, insert the following:

**SEC. 1 . FUNDING FOR THE OTTAWA NATIONAL WILDLIFE REFUGE AND CERTAIN PROJECTS IN THE STATE OF OHIO.**

Notwithstanding any other provision of law, from the unobligated balances appropriated for a grant to the State of Ohio for the acquisition of the Howard Farm near Metzger Marsh, Ohio—

(1) \$500,000 shall be derived by transfer and made available for the acquisition of land in the Ottawa National Wildlife Refuge;

(2) \$302,000 shall be derived by transfer and made available for the Dayton Aviation Heritage Commission, Ohio; and

(3) \$198,000 shall be derived by transfer and made available for a grant to the State of Ohio for the preservation and restoration of the birthplace, boyhood home, and schoolhouse of Ulysses S. Grant.

AMENDMENT NO. 1566

(Purpose: To transfer \$700,000 in land acquisition funds from the San Juan National Forest (Silver Mountain) CO to the Patoka River National Wildlife Refuge, IN)

On page 13, line 8: Strike "\$55,244,000" and insert "\$55,944,000".

On page 65, line 18: Strike "\$37,170,000" and insert "\$36,470,000".

AMENDMENT NO. 1567

(Purpose: To provide funding for construction of the Seminole Rest facility at the Canaveral National Seashore, Florida, with an offset from the J.N. Ding Darling National Wildlife Refuge, Florida)

On page 13, line 8, strike "\$55,244,000" and insert "\$54,744,000".

On page 17, line 19, strike "\$221,093,000" and insert "\$221,593,000".

AMENDMENT NO. 1568

(Purpose: To provide \$150,000 for the U.S. Fish and Wildlife Partners for Fish and Wildlife Program within the Habitat Conservation Program. This funding will support the Nevada Biodiversity Research and Conservation Initiative for migratory bird studies at Walker Lake, Nevada. The increase in \$150,000 for the Nevada Biodiversity Research and Conservation Initiative is offset by a \$150,000 decrease in the Water Resources Investigations Program of the U.S. Geological Service of which \$250,000 was directed for hydrologic monitoring to support implementation of the Truckee River Water Quality Settlement Agreement (Senate Report 106-99, page 43))

On page 10, line 15 strike the figure "\$683,519,000" and insert in lieu thereof the figure "\$683,669,000" and on page 20, line 18 strike the figure "\$813,243,000" and insert in lieu thereof the figure "\$813,093,000".

Mr. GORTON. Mr. President, the amendments are these:

Senator BURNS: Transfers \$700,000 to tribal colleges with an offset from a land acquisition in his State.

Senator CAMPBELL: \$400,000 for a habitat conservation program with an offset in his State.

Senator DEWINE: Redirecting various projects within the State of Ohio.

The two Senators from Indiana, Senators LUGAR and BAYH: \$700,000 for a land acquisition and a wildlife refuge offset by another land acquisition in that State.

The two Senators from Florida, Senators MACK and GRAHAM: A very similar land acquisition offset.

And Senator REID of Nevada: A shift of \$150,000, again, within the State of Nevada.

I ask unanimous consent that all six amendments be considered en bloc and accepted en bloc.

The PRESIDING OFFICER. Without objection, the amendments are agreed to.

The amendments (Nos. 1563 through 1568) were agreed to.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The distinguished Senator from New Hampshire is recognized.

AMENDMENT NO. 1569

(Purpose: To eliminate funding for the National Endowment for the Arts)

Mr. SMITH of New Hampshire. Mr. President, on behalf of myself and Senator ASHCROFT, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Is there objection to laying aside the pending amendment? Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Hampshire [Mr. SMITH], for himself and Mr. ASHCROFT, proposes an amendment numbered 1569.

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

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

The amendment is as follows:

On page 94, strike lines 3 through 26.

On page 106, beginning with line 8, strike all through page 107, line 2.

On page 107, lines 3 and 4, strike "National Endowment for the Arts and the National Endowment for the Humanities are" and insert "National Endowment for the Humanities is".

On page 107, lines 8 and 9, strike "for the Arts and the National Endowment".

On page 107, lines 11 and 12, strike "for the Arts or the National Endowment".

On page 108, beginning with line 12, strike all through page 110, line 11.

Mr. SMITH of New Hampshire. Mr. President, my amendment to the Interior appropriations bill is a very simple one. It eliminates all funding for the National Endowment for the Arts. This amendment has been considered by the Senate in the past, unfortunately unsuccessfully. I know where the votes

are, but I believe it is important we make a statement about this because I do not believe the Federal Government should be spending money for this.

This amendment does not try to reform the agency. This amendment does not try to restructure the agency. It simply shuts it down in fiscal year 2000.

I want to take a little different tack on this. Many who have spoken in the past on the National Endowment for the Arts, as far as elimination of funding, have focused heavily on some of the reprehensible and repulsive, frankly, types of material that has been displayed and called "art." I am not going to do that this morning. Most Members are fully aware of the kinds of things that have been funded by this agency.

I remind every Member that we took an oath to support the Constitution. All of us at one point stood right where the pages are now sitting and said that we would bear true faith and allegiance to the Constitution of the United States of America. I certainly believe that every Member took that oath seriously. That is why I am hopeful I might be able to persuade my colleagues to support this amendment because, frankly, whatever opinion you may have of it, is unconstitutional to have the National Endowment for the Arts funded by the Federal Government. I can prove that.

A constituent challenged me on this one time and wrote:

Where in the Constitution of the United States does it say that the Federal Government is authorized to fund art?

Let me repeat:

Where in the Constitution of the United States does it say that the Federal Government is authorized to fund art?

I challenge any of my colleagues to show me that in the Constitution, and I will reconsider my amendment.

I offer this amendment because I have not been able to find this in the Constitution. The authors of our Constitution envisioned a government of limited powers, and if it does not say you do it in the Constitution, then it is reserved to the people and the States. If the State or the people want to fund a State endowment for the arts, I would not have a problem with that. That is entirely within their parameters.

The framers made it clear—very clear—that unless the Constitution explicitly granted a power to the Federal Government, that power would be reserved to the States, to the localities, to civil society, or to the people.

I know there are many—and this is the frustrating part for me—too many in this body who reject that vision. I have been here going on 9 years, and it is very frustrating for me to watch the Constitution of the United States being trampled time after time. Just a week or so ago, we passed more gun controls and sent it to conference. Gun control, however you may feel about the need

for gun control, is unconstitutional because we have a second amendment that says we have the right to keep and bear arms. Whatever you may feel about that issue, we did not come here to pass laws about our personal beliefs. We came here to pass laws that support the Constitution of the United States of America.

When we swear to uphold that document, we agree to live by that vision whether we like it or not. Whether we disagree or agree, we should live with that vision. Regretfully, we do not always do that here.

This amendment is my effort—just a small effort—to move a little closer to the founders, move a little closer to that vision of limited constitutional government. It is interesting that I have to say move a little closer. Why do we have to move closer to the vision of the founders when we are supposed to uphold the Constitution and enforce that vision, not move a little closer to it. We should be there.

It is a bad idea. Whether it is constitutional or unconstitutional, it is a bad idea to use taxpayers' funds to subsidize art. But it is unconstitutional. Whether it is a good idea or bad idea, it is unconstitutional, and that is the point I am making.

Most of my colleagues will recall the controversies in which this agency has been embroiled. I referenced them briefly in the beginning of my remarks. I am not going to get into all of it because we have heard it before. But funding the exhibition of sadomasochistic photographs, funding the exhibition of a photograph of a crucifix submerged in human waste, funding the exhibition of a performance "artist" who smeared chocolate across her naked torso, or how about the other NEA funding artist who exposed his audience to HIV-infected blood—all of these things were funded by the taxpayers of the United States in the name of art.

Let me repeat that. Funding of sadomasochistic photographs, funding of a photograph of a crucifix submerged in human waste, funding of a so-called performance artist who smeared chocolate across her naked torso, and a man who exposed his audience to HIV-infected blood, all funded by the taxpayers of the United States of America.

I ask you to reflect, if you are a taxpayer, on the fact that you work pretty hard for those dollars, and when you pay those taxes every April 15 to Uncle Sam, you probably hope it is used to preserve and protect and defend the United States of America, perhaps to promote education or some positive thing. But do you really want your money to go to this kind of so-called art?

The question is, some people may say this is art, but there are people out there who will disagree. There are people who will say: If I want to put a crucifix in urine and call that art, I have

a right to do that; it is a free country. You do. I will fight to my death to say you have a right to do that. I may not agree it is art, but that is your position and you have a right to it.

But the question is, Is it constitutional to fund art? Even more so, Is it constitutional to fund this kind of stuff? Do you want your taxpayer dollars being spent for this? The sad part about this—we have seen this in debate after debate, in amendment after amendment, year after year, as we tried to stop this. Senator HELMS has been involved in this many times, to his credit, as a leader in trying to expose this agency. Senator ASHCROFT, who is my original cosponsor, has also been involved in this and has been a leader on this.

But the defenders of the NEA, the National Endowment for the Arts, always tell you—you will hear it after the vote on this amendment, I am sure, if not before—that they believe these outrages are a thing of the past, that all of the things I just cited about the crucifix in human waste, and so forth, are all in the past: We have cleaned up the agency. It is not happening anymore. It is old news. We heard you. We listened, and we made the changes.

I am sorry to tell you, that is not true. I will prove that in a few moments. Once you really understand the NEA, you will not be surprised to learn that the outrages continue, and not only do they continue, they are all too common in this agency.

Let me illustrate the point about a grant that made news earlier this year. The events surrounding this grant were described in an article in the New York Times.

Mr. President, I ask unanimous consent that this New York Times article be printed in the RECORD.

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

[From the New York Times, Mar. 10, 1999]

U.S. CANCELS GRANT FOR CHILDREN'S BOOK  
WRITTEN BY MEXICAN GUERRILLA

(By Julia Preston)

MEXICO CITY.—A macaw with scarlet and violent plumes soars across the cover of a book called "The Story of Colors," inviting children to read a folk tale about Mexican gods who took a gray world and filled it with brilliant hues.

There are a few surprises, though, in this eye-catching bilingual children's book just published by a small publisher in El Paso, Texas, which won a grant from the National Endowment for the Arts.

Its author is Subcomandante Marcos, the political mastermind and military strategist of the Zapatista guerrillas of southern Mexico. On the inside flap, he appears in a photo with a black ski mask hiding his face and bullet-laden ammunition belts slung across his chest.

On Tuesday, the chairman of the Endowment, William J. Ivey—who is working to rebuild the agency after its recent reprieve from a death sentence issued by congressional Republicans—abruptly canceled the

grant for the book. Ivey overruled a multi-layered, year-long grant approval process, acting within hours after the book was brought to his attention by a reporter's phone call.

He said he was worried that some of the Endowment's funds might find their way to the Zapatista rebels, who led an armed uprising in 1994 against the government of Mexico.

Ivey's decision stunned the Cinco Puntos Press, a shoestring operation that had laid out \$15,000 to print 5,000 copies of the book, half of which was to be paid by the Endowment grant. The books are ready to be distributed and carry the Endowment's logo on the last page, together with an acknowledgment of "generous support" from the agency.

"This is spineless," said Bobby Byrd, a poet and editor of books on border issues who runs the publishing company with his wife and daughter from their home in El Paso. "This book is essentially about diversity and tolerance, everything the NEA is supposed to stand for, and they just don't have the courage to publish it."

"The Story of Colors" reflects a literacy, sometimes whimsical side that has distinguished Subcomandante Marcos, the only non-Indian among the Zapatistas' highest leaders, from other steely Latin American guerrilla commanders. (His real name is Rafael Sebastian Guillen Vicente, and he is a former university graphics professor.)

In the text, the masked rebel leader describes himself as lighting up his pipe, one of his hallmarks, and sitting down on a jungle pathway to hear a tale from an Indian elder named Antonio. The old man recounts how mythical gods grew bored with the universe when it was tinted only in grey, and went about inventing colors one by one. In the end they pin all the colors on the tail feathers of the macaw.

The bird "goes strutting about just in case men and women forget how many colors there are and how many ways of thinking, and that the world will be happy if all the colors and ways of thinking have their place," the text concludes.

The illustrations are bright, broad-stroked paintings of gods with horns and bug-eyes done by Domitila Dominguez, a Mexican Indian artist.

Spun in the sensuous tradition of Latin storytelling, the tale includes elements that might be controversial in the mainstream American children's book market. As the story opens, the text reads, "The men and women were sleeping or they were making love, which is a nice way to become tired and then go to sleep."

The double-page illustration shows a reclining naked woman in a sexual embrace with a figure that appears to be a male god.

There are no references to the Zapatistas' cause or their military tactics, but in a cover blurb, Amy Ray, a member of the Indigo Girls, a Grammy-winning American song duo, says, "This beautiful book reminds us that the Zapatista movement is one of dignity that emanates from the grassroots of the indigenous people of Mexico."

"The most important thing is that it is a beautiful book," said Byrd, whose press specializes in bilingual children's books. "A lot of our stories in the United States have been cleaned up with a politically correct sentiment, and so much detail has been washed away."

He added, "I can imagine how someone would rewrite this for an Anglo audience," referring to non-Hispanic Americans. "There

wouldn't be anybody smoking or making love."

"The Story of Colors" was originally published in Spanish in 1997 by a press in Guadalajara, Mexico called Colectivo Callejero, which supports the Zapatistas' cause.

Byrd said that he provided a copy of the original to the Endowment when he applied for the grant to translate it in March 1998. His first request, for \$30,000 to translate a total of five books, passed two levels of review at the agency but the funds were cut back to \$15,000. Byrd said he conferred repeatedly with literature experts at the Endowment when he chose to leave "The Story of Colors" in a revised grant request he presented to translate only two books. Cinco Puntos Press (the name means Five Points in Spanish) received a written notice in February that the funds had been approved. The only step left was for the agency to send the money.

Ivey, the Endowment chairman, said that he was not concerned about the book's contents and had not seen the finished printed book. When he went over the grant records Money night, he said, he became worried about rights payments, which the El Paso press had contracted to make to the publishing group in Mexico.

"There was an uncertainty about the ultimate destination of some part of the funds," Ivey said. "I am very aware about disbursing taxpayer dollars for Americans' cultural life, and it became clear to me as chairman that this just wasn't right for the agency. It was an inappropriate use of government funds."

An Endowment official, who spoke on the condition of anonymity, said that it is very unusual for the chairman to step in at the last moment to override the work of several review committees, including the 26-member National Council on the Arts, which includes six federal lawmakers.

Byrd said he had made it clear in his grant proposal that no part of the grant would go to the author, Subcomandante Marcos, because the guerrilla leader has declared he does not believe in copyright and formally waived his rights in talks with the Mexican press. Byrd said that rights would be paid to the Guadalajara Press for the use of the artwork.

When Republicans gained control of the Congress in 1995, they were frustrated with the Endowment's support for art works they regarded as offensive and vowed to eliminate the agency. But the House moderated its views under election year pressures and voted overwhelmingly in July 1998 to keep the agency alive.

Mr. SMITH of New Hampshire. This grant had to do with a grant to a publisher for a children's book. Listen carefully, a children's book. This was a grant to a publisher for a children's book, paid for by the taxpayers under the National Endowment of the Arts, at a time—recently—when we had been told that the agency had cleaned up its act and that this was no longer prevalent; no longer do they do these terrible things I just mentioned.

The grant that I am referring to for this children's book had been approved at every level of the NEA's review process. It was canceled at the last minute by the agency's chairman.

Somebody might say: Well, there you go. It worked. They stopped this grant for a children's book; it wasn't appropriate for children. So what is your argument, Senator?

Let me finish. Why did they cancel at the last minute? Because the Chairman of the NEA found out that the book's author was a Mexican guerrilla leader. The chairman was afraid that the royalties would benefit the Mexican guerrillas. So the reason for the grant cancellation was because of the Mexican guerrilla group, not because of the content.

Let's take a look at the content. The New York Times reported that this children's book contained sexually explicit illustrations and text; in other words, this children's book, with sexual content, would have received the NEA support this year—not 10 years ago; this year—if there had not been the other issue about royalties going to Mexican guerrillas.

I submit there is an inherent flaw in the peer review process that led to this circumstance, and all the other outrages over the years. The peer review process does not reflect the values of the decent, hard-working, tax-paying Americans who fund this agency.

Let me just find the article from the New York Times, which I have entered into the RECORD.

I want to remind you, again, that this grant was canceled because the money would go to a Mexican guerrilla group, and there was no reference whatsoever to the content.

This is a children's book. I would ask my colleagues and the American people to ask yourselves whether you want your tax dollars to go for this kind of stuff for a children's book:

The illustrations are bright, broad-stroked paintings of gods with horns and bug-eyes done by [a man by the name of] Domitila Dominguez, a Mexican Indian artist.

Spun in the sensuous tradition of Latin storytelling, the tale includes elements that might be controversial in the mainstream American children's book market. As the story opens, the text reads, "The men and women were sleeping or they were making love, which is a nice way to become tired and then go to sleep."

The double-page illustration shows a reclining naked woman in a sexual embrace with [a] figure that appears to be a male god.

We could go on and on and on.

This is a children's book. It was canceled because the money went to Mexican guerrillas, not because of the content. So you see, the agency has not cleaned up its act. They have been getting away with this year after year after year. And why do they get away with it? They get away with it very simply because we won't stop the funding. We don't have the courage to stop the funding.

Again, the business about censorship—this is about the Constitution of the United States of America, which we are sworn to uphold and defend. Show me in the Constitution where the National Endowment of the Arts should be funded and why it should be funded. Show me.

When we try to say anything about it, we are always accused of censorship.

The Smith amendment solves that problem by allowing the public to support the art works they wish voluntarily. You want to support a children's book that shows a naked woman and a naked man in a sexually explicit embrace? Go ahead. You want to show that to your children? Be my guest. You want to raise your children and teach them to read and show them the pictures? Be my guest. But it is not constitutional. And it ought not to happen in the Senate by funding this kind of stuff. We should not be funding art at all, let alone this kind of art.

So that is how it was done in America for the first 189 years of our history: Voluntarily you support the arts. Voluntarily you look at what you want to look at. You show your children what you want to show them. But you do not fund it by taking money from the rest of us to do it.

Let me just pause here for a moment to make a point. We could go through a litany of items that are unconstitutional that we pass on this floor almost literally every day—certainly every week.

I just ask the rhetorical question to the people of America: When are we going to wake up? We saw it time after time. We saw it with the Clinton impeachment: As long as my 401(k) and my retirement account is doing well, and as long as I am making money, as long as I have a job and 3 or 4 weeks of vacation, and everything is going fine, I don't care about the morality of this country. I don't care that the Commander in Chief did what he did. It is OK with me. Poll after poll after poll said just that.

Let me tell you. That is the same thing. Time after time after time, year after year after year, we vote to fund the National Endowment of the Arts. We are told every year that all this stuff that I just referred to has been cleaned up and it does not happen anymore. It does.

Yet why does it happen? Don't blame the National Endowment of the Arts. I don't blame them. I don't blame the Chairman. I don't blame the board. I don't blame any of them for this.

I blame the Senate, the House, and the President of the United States because we pass it and he signs it. We have been doing it year after year after year. They are going to keep right on spending your money as long as you keep giving it to them.

So don't blame them; don't direct your anger at them. You should direct it right here to the people who vote that money. Sooner or later, as the frog in the pot boils slowly and then is cooked before he realizes it, the Constitution of the United States is going to slip through the fingers of all of us.

It is happening. We are going to continue to let it happen by these kinds of votes. If we want to take seriously what we stood there and took the oath

to do, to protect and defend the Constitution of the United States of America, we ought to vote against funding the National Endowment for the Arts.

So that everybody understands, there are essentially two major political parties in the United States right now, some smaller parties. Here is the Democratic Party on the NEA. This is a quote right out of their platform:

We believe in public support for the arts, including the National Endowment for the Arts. . . .

That is the 1996 Democrat platform; "Responsible Entertainment." It is an honest statement. They have made it very clear they support this. It doesn't necessarily mean they are implying that they support the kinds of things I have said, but it does mean that as long as you continue to fund it and you don't stop it, those kinds of things are going to continue to be funded.

What we have in the Democratic platform is a statement that is unconstitutional. It is totally unconstitutional. To support the arts, including the National Endowment for the Arts, with taxpayer dollars is unconstitutional. But I think Members will find, when they see the votes taken on my amendment in a few minutes, that most of the members of the Democratic Party will support their platform. They will vote, I think, probably overwhelmingly, probably 90-95 percent—maybe 100 percent, I am not sure—in favor of the National Endowment for the Arts and against my amendment. They will live up to their platform. I personally believe they are taking an unconstitutional vote, but that is their right. They can do it. They were elected just as I was, and they can vote any way they want to. I respect that right.

Let us look at the Republican Party platform. The Republican Party platform on the NEA, same issue:

As a first step in reforming government, we support . . . defunding or privatization of agencies which are obsolete, redundant, of limited value, or too regional in focus . . . [one of the] agencies we seek to defund or to privatize [is] the National Endowment for the Arts.

That is the 1996 Republican platform: "Changing Washington from the Ground Up." We are going to change Washington from the ground up. I support that statement because it is unconstitutional not to support it. The Government should not be funding, under the Constitution, the National Endowment for the Arts. If one sees that statement and realizes that is the position of the party, then one could logically conclude that 90-95 percent of Republicans will vote to support their platform and vote to eliminate the National Endowment for the Arts. We will see. Don't bet on it.

That is the platform. So when the votes come, it will be interesting for the public to look to see who supports

their platform. Will the Democrats support their platform, albeit unconstitutional in my view, on this issue, or will the Republicans support their platform? Let us see where the votes fall.

Let me issue a challenge to anyone listening: Take a look at the votes after it is all over. See who the Republicans are, see who the Democrats are, and see who supports the Republican platform and see who supports the Democrat platform.

This amendment takes out the entire funding, which is about \$99 million. People will say that is not a lot of money. I guess around Washington it is not. But it sure was a lot of money around a little town called Allentown, NJ, where I grew up before I moved to New Hampshire. That was a whole lot of money. I know a whole lot of people who worked real hard—farmers, merchants, teachers—for those dollars. For this kind of money to be spent from them, I think it is wrong. It is wrong morally, philosophically, and, as I said before, it is unconstitutional.

Mr. President, seeing no other speaker on my behalf at this time, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. SMITH of New Hampshire. I yield the floor and appreciate the chairman's consideration in offering the amendment.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, my friend, the distinguished Senator from New Hampshire, argues for his amendment striking the appropriation for the National Endowment for the Arts, as I have listened to him, on two grounds. The first ground is that the appropriation is unconstitutional. The second ground is that it is undesirable.

I agree with the Senator from New Hampshire that Members of the Senate of the United States have a responsibility, just as do sworn members of the judiciary of the United States, to consider carefully the constitutional implications of all of the work they do. I disagree with the Senator from New Hampshire, however, on what seems to me an easy question to answer: the constitutionality of an appropriation of this nature. In fact, I think the Senator from New Hampshire implied or illustrated the weakness of his own argument when he said, just a few moments ago, why should the people of the United States be paying for an activity of this sort as against paying for the education of our children, among other items that he listed.

The education of our children is no more mentioned in the Constitution of the United States than are the arts or any other cultural activity. Yet it is clearly constitutional, as well as appropriate, for the Congress of the

United States to support the education of our children and, for that matter, our young people through college and through graduate school, and we do so with increasing enthusiasm in each and every year.

The same interpretation of the Constitution of the United States that allows and encourages us to do that for education allows us to do so for cultural activities, including the National Endowment for the Arts. If support for the National Endowment for the Arts is unconstitutional, so is support for the Library of Congress—I see nothing about a library in the Constitution of the United States—so is support for the National Gallery of Art, for the Smithsonian Institution, and for the Air and Space Museum, for all of the other cultural activities enthusiastically and, I may say, appropriately supported by the Congress of the United States.

No, there is no precedent and no serious legal argument against the constitutionality of our support, modest as it is, for the National Endowment for the Arts. There has been, however, a considerable argument during the course of the last decade or perhaps two decades over the appropriateness of the support for the arts or, alternatively, over the way in which the National Endowment for the Arts spends its money. Again, I think a vast majority of the Members of both Houses of Congress think, in the abstract, that it is appropriate to spend a modest amount of money on the arts.

From the very beginning of the Republic, we have decorated this building with all kinds of works of art that are not necessary for the functioning of the Congress of the United States. I don't think anyone has ever challenged either the appropriateness or the constitutionality of the use of Federal money for the arts in that respect.

But climaxing in 1995, there was widespread criticism of a significant number of grants made by the National Endowment for the Arts—criticism that I think was totally valid—and some of those specifics the Senator from New Hampshire has illustrated here once again.

In 1995, when this debate was at its height, the proponents of the arts severely restricted the ability of the National Endowment for the Arts to make individual grants, and many of these highly criticized expenditures were to individuals rather than to groups and organizations. Overwhelmingly, today, money for the National Endowment for the Arts goes to States' arts agencies and through grants to a wide range of cultural institutions, many of them, fortunately—more than was the case in the past, though perhaps not quite enough—to organizations in the smaller communities of the United States, outside of major metropolitan areas, either to bring various forms of music, dance, theater, the

visual arts to those smaller communities, or to support the creation of such art in those communities in a way that I think is highly enthusiastic. And it becomes increasingly difficult for the critics of the Endowment to say that the moneys we appropriate here are used on matters that are not artistic or are totally and completely inappropriate.

The present Chairman of the Endowment and the predecessor Chairman of the Endowment have worked diligently and, I think, quite successfully in seeing to it that that was not the case. We created congressional nonvoting members of the National Endowment. The Senator from Alabama, who is one of those members, is here on the floor. He has expressed to me his frustration frequently with the way in which some of his advice has been ignored. But I think his very presence has a salutary effect on the way in which the Endowment is managed.

As a consequence, there was a bitter division between the Senate and the House of Representatives in which the House, on at least one occasion—and I think two—did defund the National Endowment and it was rejected by a substantial majority in the Senate. This year, it has disappeared. The House of Representatives has funded the Endowment. If my memory of the bill is correct, there is only a \$1 million, or 1-percent, difference between this bill and the bill that passed the House of Representatives.

For me, perhaps the most significant and weighty argument in favor of this appropriation is an argument I have made on behalf of a number of other programs that involve partnerships among the Congress of the United States, State governments, and the private sector. That is the fact that I do not believe there is a single arts group or institution in the United States of America that receives all of its funding from the National Endowment for the Arts.

As a matter of fact, there may not be any that receives 10 percent of the amount of money that they spend from the National Endowment for the Arts. Overwhelmingly, its grants are modest in amount. They are sought eagerly by far more applicants than can possibly receive those grants, because the very fact that the National Endowment for the Arts has given \$20,000, or \$30,000, or \$100,000 to a particular organization adds a degree of prestige and imprimatur to the activities of that organization that make its efforts to secure private funding—and in almost every case, the great majority of the funding of these organizations comes from the private sector—makes securing that funding easier. Whether it is right or not, contributors seem far more likely to contribute to an organization that has been recognized by the National Endowment for the Arts than they are

willing to do so with respect to the thousands of other arts organizations and groups that don't receive such funding.

So the appropriation here is considerably less than 1 percent of the money in this appropriations bill that goes to the National Endowment for the Arts and multiplied many times over by support from the private sector. This is true in other areas in my bill, and one I am very interested in, funding for the renewal of salmon runs in the State of Washington. We have money here that will go to a foundation that guarantees that it can double or triple the amount of money actually getting into the field for this purpose, instead of taking on something that would otherwise be wholly and completely a responsibility of the Government of the United States.

So, Mr. President, I believe the serious debate over the future of the National Endowment for the Arts has passed. I think it has passed because the National Endowment is reformed. I think it has passed because they are now doing what I believe the Endowment was originally intended to do, and doing it in almost every case with a remarkable degree of thoughtfulness and good sense. What we come up with here, representing only a tiny percent of what goes in the arts activities in the States, is nevertheless very important in that support and vitally important in securing the private sector support for the arts, and that has been in the past and will be in the future a primary source of the money.

Regrettably, I oppose the amendment of the Senator from New Hampshire in this connection. If he wishes to speak again, I am going to yield the floor now. I note the presence of the Senators from Florida and Wyoming, and I know the Senator from Missouri, Mr. ASHCROFT, wants to speak on this issue. So we are not going to bring it to a vote now. When the Senator from New Hampshire has made his comments, I will ask unanimous consent to go on to the next amendment.

Mr. SMITH of New Hampshire. Was the Senator from Florida seeking to respond to the amendment?

Mr. GORTON. Mr. President, he is here on his own amendment.

Mr. SMITH of New Hampshire. Mr. President, I have just a few brief responses to my colleague.

I believe it would be a fallacy to equate Government funding, its own activities, legitimate functions of the Government, to fund those activities such as the Library of Congress and the Smithsonian, which obviously are document preservation, artifacts, and historical matters—that is legitimate, in my view; but to equate that with the Government funding of private activities is where I have my differences. I think that is the difference—the Government funding its own activities

versus the Government funding private activities.

I believe that art, in terms of the examples I gave, is and should be funded privately because there is a matter of what is art and what is not art, which is a matter of personal opinion. I don't believe taxpayers should fund somebody else's view of what art is or is not. I also think it is wrong for us to act without explicit constitutional authority, whether it is in the arts, or education, or anything else.

The Senator from Washington is correct. I misspoke when I said education. I should not have used that term because, also, the Federal Government, in my view, does not have a legitimate role in determining the education of our children. I believe that is a local matter that ought to be done by the States, the local communities, and parents.

Finally, to say it is a good thing for a Federal agency to provide a "seal of approval" for the arts so that the private sector will know what to support, that is a threat to art.

I think that threatens the legitimate issue of art in that government has no business telling people what good art is or what bad art is. I don't think there is any room for the government in art.

Frankly, it is very interesting when you pick out the platform of the Republican Party and read it. Some don't believe we should read our platforms. But I happen to believe we should.

In the 1996 Republican Platform, there is a quote of Senator Bob Dole of March 10, 1995, in which he said:

On November 8, 1994, the American people sent a message to Washington. Their message is my mandate to rein in government, reconnect it to the values of the American people, and that means making government a whole lot smaller, a lot less arrogant and getting it out of matters best left to the States, cities, and families across America.

That is all I am trying to do. What I am trying to say is if there is some family out there—I can't believe there would be, but there may be—who would like to have a children's book shown to their children showing a naked man and naked woman embracing in the act of sex, if they want to show that to their children, as I said before, I guess that is up to them, but I don't think we ought to be funding it.

Furthermore, finally, what the Republican Platform said at that time was:

As a first step in reforming government, we support the elimination of the departments of Commerce, Housing and Urban Development, Education, Energy, and the elimination, defunding, or privatization of agencies which are obsolete, redundant, of limited value, or too regional in focus. Examples of agencies that we seek to defund or to privatize are the National Endowment for the Arts, the National Endowment for the Humanities, the Corporation for Public Broadcasting, and the Legal Services Corporation.

I am quoting out of the platform. Finally:

In addition, we support Republican sponsored legislation that would require the original sponsor of proposed Federalization to cite specific constitutional authority for the measure.

If you are going to offer something as an amendment or a bill which ultimately may become law, then cite constitutional authority for it because, after all, we are here to protect and defend the Constitution.

That is the only point I am trying to make. I understand that the votes have never been here to eliminate this agency. I don't expect them to be here this time.

I don't mean to argue, other than to say that I ask my colleagues to try to move back to the constitutionality issue because I believe that is what this is all about. If you make an exception, even if this was art that was pleasing to me, if it was art that I liked, that I approved of, it would be the same argument—that it has no business being funded. It is not constitutional. I don't believe that we should be funding it.

I see my colleague from Missouri. I know he is an original sponsor of this amendment.

Mr. President, at this time I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. ASHCROFT. Mr. President, I rise today in support of this amendment offered by Senator Bob SMITH of New Hampshire.

This amendment, which eliminates the \$99 million appropriated to the NEA, gives Senators the opportunity to decide whether the Federal Government should be in the business of judging and funding art.

There are only two ways a Federal government could be involved in funding art: either by judging it or by funding it randomly. I don't think either of those is a good alternative for the Federal Government.

I hope a majority of my fellow Senators will agree with me that the Federal Government should resign from its role as a national art critic—telling us what to enjoy or what not to enjoy, and spending our money to tell us that this is good or that is bad.

It seems to me that to have the Federal Government as an art critic to determine what type of art is superior to another type of art is not something that a free nation would want to encourage. Government should not be in the business of subsidizing free speech, putting its so-called "Good Housekeeping Seal of Approval" on certain pieces of so-called art.

When the government funds art, it will always have to make value judgments on what is art and what it is not. I don't think that is an appropriate function of government. The only way to get out of this business is to stop government from funding art.

I guess you could fund art randomly—spin the wheel, and whichever artist's name comes up, give them the money. But you would have to decide who got to be part of the lottery.

For those who say this is an issue of free speech, my view is that speech is not free if government funds it. As a matter of fact, it is funded speech, and not free speech.

When we tax people, we take their dollars coercively. We simply say that if you do not give us the money, you go to jail. Try not paying your taxes and find out whether it is enforced or not. You will find out that the IRS can be very convincing and very persuasive because they have this independent capacity to coerce the dollars.

Government subsidies, even with the best intentions, are dangerous because they skew the market toward whatever the government grantmakers prefer. The National Endowment for the Arts grants place the stamp of official U.S. Government approval on funded art. This gives the endowment enormous power to dictate what is regarded as art and what is not.

A number of art critics and people in the arts community, have observed this.

Jan Breslauer, Los Angeles Times art critic said in 1997 that,

[T]he endowment has quietly pursued policies rooted in identity politics—a kind of separatism that emphasizes racial, sexual and cultural differences above all else. The art world's version of affirmative action, these policies . . . have had a profoundly corrosive effect on the American arts—pigeonholing artists and pressuring them to produce work that satisfies a politically correct agenda rather than their best creative instincts.—The Washington Post, March 16, 1997.

I would like to call myself an artist because I like to engage in musical performances. I like to engage in the writing of music, and the writing of poetry. But I feel a little below par, so I can't really call myself an artist. There have been some who have said that some of my stuff might qualify for art. But I have never qualified for a grant, and I don't want a grant. My wife always teases me, saying: You can't sell it. You can't even give it away.

But the idea of government funding art means that we would begin to bend the artist away from true expression towards something for which the government was providing a subsidy. That is the point that Jan Breslauer makes—that this subsidy has had “a profoundly corrosive effect on the American arts”—taking people away from the true expression of art, “pigeonholing artists and pressuring them.”

The concept of pressure and art is a very difficult concept to reconcile. I think of Michelangelo painting on the Sistine Chapel and the Pope demanding one thing and another. I don't know if it is true, but it is said that in response

to that pressure, Michelangelo painted certain people in hell as a way of indicating that he would resist the pressure.

Joseph Parisi, editor of Poetry Magazine, the nation's oldest and most prestigious poetry magazine, has said that disconnecting “artificial support systems” for the arts, such as cuts in NEA funding, has had some positive effects. Parisi has said that cuts in federal spending for the arts are causing “a shake-out of the superficial. The market demands a wider range, an appeal to a broader base. Artists and writers are forced to get back to markets. What will people buy? If you're tenured, if the government buys, there's no response to irrelevance.”—Atlanta Constitution, Nov. 8, 1996.

In short, the government should not pick and choose among different points of view and value systems, and continuing politicizing the arts. Garth Brooks fans pay their own way, while the NEA canvasses the nation for politically correct “art” that needs a transfusion from the Treasury. It is bad public policy to subsidize free speech.

Why I should pay full freight to go see a country star, and the Mercedes limousine set should get a subsidy to go to the ballet, I don't know.

On this point I refer Senators to section 316 on page 106 of the Senate bill, which makes a case for elimination of the funding of NEA. It says the NEA can only fund those individuals who have received a “literature fellowship, a National Heritage Fellowship or”—I am still quoting—an “American Jazz Masters Fellowship.”

I know very little about music, but I spend a lot of time in music. I know and appreciate that jazz is a great form of American music. But for the life of me, I cannot understand why the Federal Government believes it has the wisdom to use taxes paid by a hard-working plumber or a policeman or a painter to decide which jazz master should be subsidized and which jazz master should not be subsidized. Even if we could subsidize all jazz masters, is it fair to fund jazz masters and not pay stipends to a master classic pianist, a composer, a struggling rhythm and blues artist, or a rock-and-roller?

The fact that the Federal Government does not have infallible wisdom to serve as the Nation's art critic underscores the brilliance of our Founding Fathers who, in writing the Constitution, specifically voted against provisions calling on the Federal Government to subsidize the arts. This is not a new request. The founders considered this and rejected it.

Although funding for the NEA is small in comparison to the overall budget, elimination of this agency sends a message that Congress is taking seriously its obligation to restrict the Federal Government's actions to

the limited role appropriately envisioned by the framers of the Constitution. Nowhere in the Constitution is there a specific threat of authority that could reasonably be construed to include promotion of American jazz masters as compared to or in contradistinction to classical pianists or ordinary guitar pickers.

During the constitutional convention in Philadelphia in 1787, Delegate Charles Pinckney introduced a motion calling for the Federal Government to subsidize the arts in the United States. Although the Founding Fathers were cultured individuals who knew firsthand of various European systems for public arts patronage, they overwhelmingly rejected Pinckney's suggestion because of their belief in limited constitutional government.

Accordingly, nowhere in its list of powers enumerated and delegated to the Federal Government does the Constitution specify a power to pick jazz masters over guitar pickers.

It is noteworthy what the Constitution does provide. Article I, section 8, states:

The Congress [of the United States] shall have Power . . . To promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Rights to their respective Writings and Discoveries;

We can protect the work of artists from unlawful and inappropriate appropriation by those who would steal those works and profit from them. In other words, our Founding Fathers established the noble goal of protecting intellectual property of those who are involved in science or the arts. The Founding Fathers did not think the way to protect the rights was to subsidize them or contaminate them or to prefer one or another. Instead, they believe Government protection should extend to protecting their initiative, their creativity, and their discovery.

Some have taken comfort in the recent Supreme Court decisions that have upheld the Federal statute directing the NEA to take into consideration “general standards of decency and respect for the diverse beliefs and values of the American public” in making grants.

While some have said this ruling will appropriately address the concerns over the type of art the NEA will fund, I don't think that is the case. Moreover, in response to the Finley decision, Chairman Ivey said the ruling was a “reaffirmation of the agency's discretion in funding the highest quality of art in America” and that it would not affect his agency's day-to-day operations. That was a quote from the New York Times.

These court cases do nothing to solve the underlying issue of whether Government should fund and decide what is art. Suffice it to say the time has come to end the Federal Government's role

of paying for and thereby politicizing art. Art should be pure, not politics, and it shouldn't ever become pure politics; it can, when art is elicited, shaped, and coerced in order to comply with Federal guidelines.

I thank the Senator from New Hampshire for offering this amendment. I urge my colleagues to join me in supporting this amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I rise in opposition to this amendment. In a way, I am grateful this amendment has come to the floor. I think this Senate should go on record: Will we decide to go on the course suggested by Senator ASHCROFT of Missouri and Senator SMITH of New Hampshire and say there will be no funding of the arts in America, that we have decided now at this moment in our history that we will walk away from governmental assistance to the artists across America who are starting out and trying to develop their own skills?

I think that is an important question. I know as well as those listening to the debate that over the last 10 or 12 years there has been a lot of controversy about the National Endowment for the Arts. There have been some controversial grants, grants for art projects which I personally found reprehensible.

The bottom line is, it is as wrong to condemn the National Endowment for the Arts because of one or two grants as it is to condemn any Member of the Senate for one or two votes. Each Member can make a mistake. Each Member can do something unpopular. Each Member can do the wrong thing in the eyes of the public. Yet to condemn Members as individuals is just not fair, just, or American. Nor is it fair for Members to condemn the National Endowment for the Arts for things that were done many years ago.

Over the last several years, it has been my good fortune to be a non-voting member of the National Council of the Arts, meeting every 6 months to review the applications for assistance to the NEA. Several Members of the Senate and the House of Representatives have shared in that responsibility. It has been an eye-opener to sit as I have with men and women from across America and to consider those who come to the National Endowment for the Arts asking for assistance.

Listening to the speeches on the floor, one would think that these are people who come in with some grand political agenda or they are looking for some big government seal of approval. That is not the case at all. By and large, these are creative people looking for an opportunity. Some of the opportunities which they have presented as a result of the National Endowment for the Arts are amazing in their scope.

Think of the impact if we eliminate the National Endowment for the Arts. Let me tell Members about one particular program. I am sorry the Senator from Missouri cannot hear this because I think he would appreciate it since he was born in the city of Chicago. I think he would understand the importance of this program.

In my home State of Illinois there is a program called the Merit Music Program. The Merit Music Program is an exceptional effort inspired by one lady who decided that she would try to reach down to the poorest schools in the city of Chicago and find those kids who had music potential. What she has done over the years is to literally bring in hundreds of kids each year who learn how to play a musical instrument. These are kids who live in some of the poorest housing in Chicago, and their most prized possession will be a violin, a clarinet. They will develop musical skills.

Each year, I try to attend their recital on Saturday while kids from kindergarten on up play their musical instruments. It is an amazing performance from kids who come from the poorest families. It is a performance that is made possible by the National Endowment for the Arts.

These kids get a chance to learn to play a musical instrument. One might say, well, that is a nice hobby; what can it mean? When we follow these kids through their music education, what do we find? Every single one of these kids goes to college. These kids, given a chance at artistic expression, not only have wonderful fulfillment, they have ambition. They decide they can rise above what they have seen around them in their neighborhoods. That is what art and music can do.

I am almost at a loss for words—which is something to say for a Senator—when I hear those on the other side of the aisle stand and say: Well, what good is this? Why would we do this? Why would we encourage this?

In downtown Chicago we have a block that has become known as Gallery 37. In the Loop in Chicago it stands out. It is ultimately going to be developed by some big company, I am sure. Over the last several years, we have decided that Gallery 37 will be an artistic opportunity for kids all across Chicago, kids who can show their artistic wares, who can learn skills in art, and perhaps even be trained for jobs in art. It really has become a magnificent undertaking of that community that reaches out all across Chicago. The rich, the poor, the black, the white, the brown, all come together—Gallery 37, National Endowment for the Arts.

If you go home to your community in your State, whatever it might be, I guarantee you will find the recipients of the grants from the National Endowment for the Arts are not some people living in these ivory towers but, rath-

er, the folks living in your community. Does your city have a local symphony orchestra? My guess is, if not this year, then at some year in the past, the National Endowment for the Arts has helped that symphony orchestra. Does your school system have an art program that encourages kids and moves them along? Many of those programs across America receive assistance from the National Endowment for the Arts.

The National Endowment for the Arts last year received \$98 million out of a Federal budget of about \$1.7 trillion. We took \$98 million to give to the National Endowment for the Arts. That is a lot of money; I will concede that point. In the context of the big Federal budget, though, it is a very tiny piece. But it is a piece of Federal spending that is used to encourage artistic creation and expression.

Of what value is that expression to those of us who are simply art consumers? Let me tell you a personal story. My mother was an immigrant to this country. She came at the age of 2 from Lithuania with her mother and grew up in East St. Louis, IL. She made it to the eighth grade, and that is when she had to stop and go to work as a switchboard operator at a telephone company. She raised me and my two brothers, and she was a woman who was always trying to learn and to appreciate things. I would like to tell the Senator from Missouri, Mr. ASHCROFT, she used to put us in the family car on a Sunday afternoon and we would go across the bridge to the St. Louis Art Museum, and my mother and I would walk through there looking at paintings. Frankly, she had no knowledge of art, but she knew what she liked and appreciated. How many Sunday afternoons we walked through there and I looked at those paintings. As a kid, I was totally bored. As I got a little older, I came to appreciate them. But here she was, a simple woman, immigrant woman, a blue-collar worker, who thought it was important her son see art and what it stands for.

So when I hear the arguments made that this is unfair to blue-collar workers across America, to ask them to take a tiny fraction of their Federal taxes and devote it to the arts, I think those critics miss the point. Visit museums on The Mall here in Washington or in any city across America, and I guarantee you will see a cross-section of American life, the rich and the poor, the educated and the uneducated, all appreciating what art can bring to our lives. This is not something for which we should apologize. It is something we should be proud of. The legacy we will leave in America for future generations is not just a legacy of concrete and steel; it is a legacy of art as well.

Those who visit countries around the world, wherever they may be, usually stop first at the art museums because they want to see the collections. It

says something about the value of art when it comes to civilization. To think we would take a step backwards on the floor of the Senate today and decide we will no longer, after years and years, provide assistance and money for the arts is unthinkable. It is unthinkable. In a way, I appreciate the opportunity to have this amendment. Let's have a record vote. Let's see how many people here want to join a group which basically says that the United States of America, with all of its richness, with all of its diversity, cannot afford \$98 million to encourage the arts.

Let me tell you about another art project that received a decoration, an award from the National Endowment for the Arts. It is called Street Level Art, and it is an amazing thing. It is in the city of Chicago again. Two young men who worked for advertising agencies decided they just didn't quite like going to work 9 to 5 every day. They wanted to do something more. So they gathered together equipment from people who were getting new versions of computers and videotape machines and the like. They put it in a little storefront on Chicago Avenue, and they invited kids from junior high and high school across Chicago to come after school to learn how to make documentary films and to do animation for cartoons.

I met a young lady there who lived on the south side of Chicago who literally had to take three buses after school to get to the Street Level Art Program, but she was so excited at the prospect of developing her skills, her creativity in art. This is another group that received an award from the National Endowment for the Arts. For Senators to come to the floor and say get Government out of this business is to basically say do not get the seed money to Street Level, don't give the seed money to Gallery 37, don't give the seed money to Merit music. If we did, if we said we are going to close the door and turn out the lights on Government involvement for the arts, would we be a better nation for that? I do not think so.

I think, frankly, the National Endowment for the Arts has done an excellent job. It has learned some valuable political lessons over the last several years. It is unfortunate the sponsors of this amendment do not concede that point and they cannot join the other Members of the Senate to come with me to these meetings twice a year to see what is involved because not only education programs but children's festivals, literary programs, orchestras, museums, dance companies, all receive a helping hand from this National Endowment for the Arts.

I see Senator SESSIONS from Alabama on the floor here. He has joined me at meetings of the National Endowment. The President has proposed a program. It is called "Challenge America." A

point made by Senator SESSIONS at one of our meetings, and a valid one, was that the National Endowment for the Arts should reach out into communities which have not traditionally been served and helped by the National Endowment, and they are doing that. I think that is the right thing to do because we can encourage artistic expression in the rural areas of Alabama and the rural areas of Illinois. I think we will be better for it.

Unfortunately, this bill does not provide a great deal of funding for that, but the bottom line is that it is a concept we should pursue in this country. As it stands, this is still in the concept stage, but it is an important concept, particularly when it comes to educating and reaching out to young people at risk of dropping out of school or becoming delinquent or abusing drugs.

We spend so much time here on the floor wrestling with problems that American families are worried over, not the least of which was the shooting at Columbine High School in Littleton, CO. We are trying to read and study and speak among ourselves and say: What is going on in the minds of these children that they would become so violent, grab a gun, and shoot at their classmates?

Even though I am a parent and proud of the three children my wife and I raised, and our grandchild, I do not consider myself a specialist in this area. But I do remember from my own life experience, watching my kids grow up, if you give a young person a chance for fulfillment, that young person sometimes will show you that chance has not been squandered and will make something good of it. Some of them will be the best students in the class. Others may not be great when it comes to grades, but they may turn out to be excellent artists or excellent musicians.

If we close down the NEA and turn out the lights, as this amendment suggests, we are turning out the lights on a lot of young children in America who just need an opportunity to express themselves, to prove themselves. Without that opportunity, they will certainly be frustrated; I hope not worse. But it really would be a loss for this Nation.

I sincerely hope this amendment is defeated, and I hope it is defeated overwhelmingly because I believe, in defeating this amendment, we will make it clear that when it comes to freedom of expression and encouragement of arts, even though our investment is relatively small in terms of the larger Federal budget, it is still important because it says what we are about in America. We are about encouraging diversity of opinion, encouraging artistic expression, encouraging our young people to fulfill themselves.

I hope my colleagues will join me in defeating this amendment, and I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. GORTON. Will the Senator from Minnesota yield for just a moment?

Mr. WELLSTONE. I will not yield my place in the floor but—

Mr. GORTON. No. But simply for the benefit of all Members, if the Senator from Minnesota could give us some kind of estimate as to how long he will speak? Because we are going to another matter soon. When his remarks are over, I will move to table the Smith amendment. We will ask for the yeas and nays.

I misled my colleagues from Florida and Wyoming, who have an amendment that I think can be disposed of relatively quickly and I trust without a rollcall vote. But because of the lunch hour, I hope we can get to a vote on this amendment without disrupting everyone.

Does the Senator from Virginia wish to speak on this amendment?

Mr. ROBB. Not on this amendment, Mr. President, but I would like to make a statement at the appropriate time on this legislation.

Mr. WELLSTONE. Mr. President, I say to my colleague, I will be relatively brief. I will try to keep my remarks under an hour.

Did the Senator hear what I said? I was kidding. I said I would keep my remarks under an hour. Was that the Senator's approval? In 10 minutes I will be able to say what I need to say.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, without his losing his right to the floor, I would like to make a few brief remarks on this amendment also.

Mr. GORTON. Then I will certainly wait.

Mr. BYRD. I thank the Senator.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, my colleague from Florida says I cannot do it in 10 minutes, but I am going to prove him wrong.

I do not know whether I can add that much to the remarks of Senator DURBIN. I have heard the Senator speak quite often. I actually think that was one of the strongest statements. Really. I wish I were not following him.

I say to all my colleagues, Democrats and Republicans alike, this will be a healthy vote because we ought to vote on how we view the National Endowment for the Arts. As a Senator from Minnesota, I think the most important thing we can do as Senators is to do our work every day in such a way that we can assure equal opportunity for every child. That is the way I approach this topic, I say to my friend from New Hampshire.

Senator DURBIN's point was well taken. What you want to do with children, starting at a very early age, is you want to take that spark of learning that all children have—they are so

eager—and we need to ignite it. Different children are good at different things. Some are really good at academics, at least the way we define formal academics; some are athletes; some are musicians; some are artists.

The National Endowment for the Arts has done an absolutely fabulous job of funding some of the most wonderful community arts partnerships you ever want to see in the State of Minnesota, by the way, rural as well as urban. There is some great work with at-risk kids, some great work with all the children in Minnesota—white us, black us, brown us—all of us. It is united. It is wholesome.

There have been mistakes made. I agree with Senator DURBIN, Jane Alexander understood that and did a great deal to correct some of the mistakes that had been made. I do not think that has been properly acknowledged in this amendment that my colleagues bring to the floor.

Overall, it is so enriching and it is so exciting to see what is done with these community arts partnerships.

I did not get a chance to hear the remarks of my colleague from Missouri, so it would not be fair to him—he is not here—for me to even try to respond to what I think he may have said based upon what Senator DURBIN said.

I have had a chance to visit with the arts community. I have had a chance to see some of these projects take hold in Minnesota, in our neighborhoods, in our communities, urban, rural, and suburban, and I am especially focused on children and kids.

This does not have a thing to do with blue collar, white collar, high income, low income, middle income. This has really been some wonderful, nurturing, enriching work with children in Minnesota, some of whom have really come into their own as a result of the way in which the NEA grants and good art work and artists have reached them. Some of the things that these kids do, some of the ways in which they are creative and express themselves, some of the ways in which they, in turn, contribute to community, based upon the nurturing and the support from the NEA grants—it is just a marvelous thing to see.

Yes, mistakes have been made, but I call on Senators to be our own best selves. I do view this as a vote that has a whole lot to do with children, a whole lot to do with kids, a whole lot to do with the importance of community arts partnerships. I hope this amendment will be defeated with a resounding vote.

I yield the floor.

The PRESIDING OFFICER (Mr. FITZGERALD). The Senator from West Virginia.

Mr. BYRD. Mr. President, I am opposed to the amendment that is being offered by the Senator from New Hampshire, my good friend Mr. SMITH.

He and I serve together on the Armed Services Committee. I have great respect for him and certainly for many of his viewpoints. But on this matter, I will oppose his amendment.

I am a product of the Depression as well as the days and some of the years ante-Depression. When I graduated from high school in 1934, which was 65 years ago now, I was the valedictorian of the class. Of course, we only had 28 in the class. If there had been 29, I might not have been the valedictorian. But I was very fortunate in going to the Mark Twain High School and grade school in a coal mining community in southern West Virginia.

Mark Twain High School had a faculty that probably would have matched the faculty of a junior college in these days. Teachers did not get paid much, but they were highly dedicated teachers.

The principal of the high school was a man by the name of William Jennings Bryan Cormany. And his wife, Marguerite Cormany, was an excellent music teacher. Mr. Cormany was a strict disciplinarian. He was the kind of high school principal we should have all across this country these days. We paid attention in his class. He taught physics. He was an excellent teacher.

His wife organized a high school orchestra and a band. She wanted me to be in the band. I was the bass drummer. The bass drum was larger than I was, but I was the bass drummer. She also talked me into taking lessons on the violin. My foster father was a coal miner, and through the sweat of his brow, he bought me a violin. I can remember the Saturday afternoon when we piled into a large flat-bed truck and went from Stotesbury to Beckley, about 15 miles away.

I went back home that night. I had a violin case tucked under my arm with a violin in it. My dad paid all of about \$28 or \$29 for this violin, violin bow, and violin case. I went home that night and had visions of becoming a Schubert or a Chopin. I could see myself being one of the great artists. Those were dreams.

How great it is to believe the dream  
As we stand in youth at the starlit stream,  
But greater still to live life through  
And find at the end that the dream is true.

I dreamed of being a great musician. My natural father was a musician. He was not an educated man. He never took a music lesson in his life. I never knew him very well. I only lived with him about a week in my life. He was my natural father.

I lost my mother when I was less than a year old. She died with the influenza in 1918. But she wanted my father, if she died with the influenza, to give me to one of his sisters who had married a Byrd. She died the next day or so after she came down with the flu.

My father just had a natural talent for many things. When he went out to

pick the beans in the garden, he would be memorizing chapters from the Bible. He could play almost any instrument he ever put his hands on—the organ, the banjo, the guitar, the Autoharp, and so on. He had a natural talent for music.

I inherited some of that talent for music. I loved it. And so my coal miner dad, who was my uncle, bought this violin for me. I started taking lessons when I was in the 7th grade in school. When I graduated, of course, I was still in the orchestra and in the band.

By that time, I had also learned to play many of the old mountain tunes. My music teacher, Mrs. Cormany, did not take that very well. She was not very happy that I would go out behind the schoolhouse and play “Old Joe Clark” on my fiddle or “Arkansas Traveler” or “The Mississippi Sawyer” or “The Chicken Reel.” She did not approve of that. But I did it nevertheless. So, I came to learn to play “by ear,” as they say.

Well, now, my boyhood without that music would have been an empty boyhood. I started out in life where the bottom rungs in the ladder were not there. They were missing. There was not the first rung or the second rung. As I say, I grew up in the Depression, which was a hard, hard life at best.

But the music did something for me. It did for me what David’s music did for Saul when he appeared before King Saul. Music through the ages has come from the depths of the soul of man. It has been an inspiration to him Michelangelo and the Sistine Chapel; Leonardo da Vinci and the Mona Lisa; Phidias, who was a great sculptor at the time of Pericles. Pericles lived in the latter half of the 5th century. I remember the Peloponnesian Wars lasted from 431 to about 404 BC. Phidias was a great sculptor at that time.

All through the ages, men have had this desire to use their talents. We read about seeing the forms of animals or persons carved into the caves of ancient mankind and on the obelisks in Egypt. We know about the cuneiform writings, the Sumerians, the Hittites, the ancient Chinese. The ancient peoples drew word pictures before they learned to write.

There is something about man that is above the animal. Do not tell me that man is an animal. I know they teach that in school, but they are all wrong. They are 100 percent wrong. Man is not an animal. An animal cannot draw a picture. An animal cannot paint a picture. An animal cannot play a violin. An animal cannot memorize the multiplication table. Man is not an animal.

God created man out of the dust of the ground, and breathed into his nostrils the breath of life. There is a spark of the divinity in man. A man is a little above the beasts of the field, a little lower than the angels, but there is that spark of divinity. There is something

in mankind that tends to lift his spirit in the lofty flights of song and poetry. Music is one of those talents that is ingrained in the genes of man.

I can certainly understand the feelings of Senators with respect to some of the recipients of funds from the National Endowment of the Arts in years gone by. They were absolutely foolish, stupid to make those awards. It was colossal stupidity on the part of the Endowment to award grants to people who had such motives and objectives as a few of them had. But they were a tiny few. I think it would be a very serious mistake here to strike this from the bill.

Who knows, there may be a little Michelangelo, there may be a little Benjamin West. Benjamin West said that one day he took to his mother some childish drawings of birds, and his mother took him up on her knee, kissed him, and said: "Son, you will grow up to be a great painter." Benjamin West said that it was a mother's kiss that led him to become a great painter. The encouragement that his mother gave him after seeing the childish drawings and paintings that he had made caused him to aspire to do greater things.

I can remember that my dad was very poor, the man who raised me. At Christmastime, he never gave me a cap buster or a cowboy suit. In saying this, I do not denigrate those things. But he gave me a watercolor set or a drawing tablet or a book. He did not want me to be a coal miner, as he had been.

So here we are today. In a sense, we can feel that in passing this legislation, as we are passing it, and providing funds—and funds are hard to come by—but we are in a sense providing a little watercolor set or a drawing tablet—we can put it down to that level—to some talented, ambitious, deserving achieving person.

I close with this poem, if I can recall it, which tells the story. Who knows, out of these funds there may not be just one, but there may be many masters—masters—as they develop the talents that are borne within their genes. Many people have those talents and never have the opportunity to develop them. So, where we can, I think, provide the opportunity and the encouragement, we ought to do it. That is a side of life—a side of our culture that is uplifting. We should not attempt to dampen it down, or discourage or put it beyond the reach of those who cannot otherwise afford it.

'Twas battered and scarred, and the auctioneer

Thought it scarcely worth his while  
To waste much time on the old violin,

But held it up with a smile:  
"What am I bidden, good folks," he cried,

"Who'll start the bidding for me?"  
"A dollar, a dollar"; then, "Two!" "Only two?"

Two dollars, and who'll make it three?  
Three dollars, once; three dollars, twice;

Going for three—" But no,  
From the room, far back, a gray-haired man  
Came forward and picked up the bow;  
Then, wiping the dust from the old violin,  
And tightening the loose strings,  
He played a melody pure and sweet  
As a caroling angel sings.

The music ceased, and the auctioneer,  
With a voice that was quiet and low,

Said: "What am I bid for the old violin?"  
And he held it up with the bow.

"A thousand dollars, and who'll make it two?  
Two thousand! and who'll make it three?"

Three thousand, once, three thousand twice,  
And going, and gone," said he.

The people cheered, but some of them cried,  
"We do not quite understand

What changed its worth." Swift came the  
reply:

"The touch of a master's hand."

And many a man with life out of tune,  
And battered and scarred with sin,  
Is auctioned cheap to the thoughtless crowd,

Much like the old violin.

A "mess of pottage," a glass of wine;  
A game—and he travels on.

He is "going" once, and "going" twice,  
He's "going" and almost "gone."

But the Master comes, and the foolish crowd  
Never can quite understand

The worth of a soul and the change that's  
wrought

By the touch of the Master's hand.

Let us defeat this amendment and reject it overwhelmingly let us continue to make it possible for some future masters to lay their talented hands upon the culture of our own civilization and thereby benefit all of posterity.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, the only reason I sought recognition is to speak before the motion to table is made. I apologize to my friend, the manager of the bill, recognizing how badly he wants to move on. I feel inclined to speak on this amendment.

I say to the Senator from West Virginia, my friend, I have had many inspirational times on the Senate floor, and most of them have been directly attributable to the Senator from West Virginia. If what we just listened to, was not inspirational, then someone wasn't listening.

I had the honor a week ago to participate in a parliamentary exchange with the British Parliament. I was able to meet with a small group of British parliamentarians, with a number of Senators in West Virginia. The hosts of that event were Senators BYRD and STEVENS. It was a wonderful weekend where we talked issues.

One evening we were able to meet and have a social event in a place called Kate's Mountain in West Virginia. I had been there only once before. I came to realize, on my first trip to West Virginia at Kate's Mountain, what that song, those West Virginia hills where I was born, means to someone from West Virginia because Kate's Mountain is part of those West Virginia hills. I appreciate those hills,

even though I wasn't born in those West Virginia hills. Part of the entertainment that night, just a few days ago, was a blue grass band playing. Senator BYRD participated in the entertainment. He took the microphone and proceeded to sing. It was a wonderful, fun, entertaining evening.

Well, Mr. President, I can't sing. I can't play a musical instrument. But there is no one in the world that enjoys music more than I enjoy music. I have tried to play music. I have tried to sing. I can remember as a young man in high school, I wanted to sing. I went to try out for the choir at Basic High School in Henderson, NV. I can still remember the choir director, Chapman Wooten, a wonderful man, but he could understand talent when he saw it. He didn't see it in me. He said I should continue playing football and baseball and pass on the choir.

I didn't make the choir. In fact, I only was there a few minutes. But I still love music. I can't paint a picture. I have tried. My grandchildren paint better than I do. But I love to see people paint pictures, and I love to see the finished product. I have in my home paintings that may not be very valuable, but they are valuable to me. They are paintings I have bought because I loved those paintings. I can remember the first painting I ever bought. I was just out of law school. I went to the Tropicana Hotel in Las Vegas and a man by the name of McCarthy had an exhibit there. I don't know if he has ever made a living painting, but I gave him \$75 for a painting that I still have. If you come in my home, there is the first painting that I ever bought. I bought that painting because it reminded me of my wife. It is a painting of a woman. I love that picture.

I was born and raised, as most of you know, in a little place called Searchlight, NV. We had very little entertainment in Searchlight. There wasn't a church to go to. I never went to a church until I went to high school. There wasn't one to go to. In the whole town there was one person who played a piano. I don't know how well she played it, but she played the piano for Christmas programs. That is about all I can remember. She was a woman of some note. She was not noted for playing her piano. She had been married 14 times. I know that because she was married to a few of my uncles. But she played the piano. She was our music in Searchlight. Any program we had, she was part of it.

I am sure in that little town of Searchlight there were people who could have played, if there had been someone there to give them a lesson, someone who could paint a picture, if there was someone who could teach them how to paint a picture. In the entire time that I was growing up in Searchlight, I don't remember a single person playing a musical instrument

because they didn't play one. I don't remember a single person painting a picture because they didn't paint a picture. There was no one there to help us, to encourage us.

The National Endowment for the Arts is a program that I envision as helping kids like HARRY REID growing up in rural America, rural Nevada. It also helps kids in urban America, but I think of it as to what I can relate to. The National Endowment for the Arts is a program that is important for people in this country.

I can remember first becoming acquainted with the National Endowment for the Arts because Senator BYRD allowed me to conduct some of the hearings when he was chairman of the Interior Subcommittee of the Appropriations Committee. I conducted the hearings. I loved doing that. We conducted hearings relating to the National Endowment for the Arts. I became so impressed with the work that they do that I have been a fan ever since.

In Elko, NV, we benefit from the National Endowment for the Arts and the National Endowment for the Humanities. There is a great program; it is world famous now. It is called the Cowboy Poetry Festival. It took years to get off the ground. A man by the name of Cannon got it started. He started off in Utah, and he did everything he could because he had this idea that there was cowboy poetry that should be preserved and perpetuated. He couldn't get it off the ground. He went to private foundations. He did everything he could. They didn't think his idea was very good. He went to Elko, NV, and luckily the National Endowment for the Humanities, the National Endowment for the Arts helped him get this program started. Now it is world famous. You can't find a motel or a hotel room when this festival is occurring. People recite poetry. There are books on western American history that are written and talked about and presentations made. It is because of these programs, the National Endowment for the Arts, National Endowment for the Humanities.

In Nevada, we benefit all over. There are so many things. I have a spate of papers here talking about how great these programs are. One from Delores Nast. She doesn't teach art. She is not a teacher. She loves art, though. She writes: Many Nevadans believe strongly that part of our tax dollars should be directed towards support of our Nation's cultural and educational initiatives.

What an understatement. The most powerful Nation in the entire world can't spend a few dollars on helping kids from Searchlight, NV, learn to paint a picture or play a musical instrument. Yes, we can do that. We must do that.

I am not going to, as I say, hold up the manager of this bill. I only want to say that we in Nevada believe in the

National Endowment for the Arts. There are some people who criticize it, but they criticize anything dealing with government. I am proud of supporting the National Endowment for the Arts. I am proud of supporting a motion to table this amendment. It should be tabled overwhelmingly because we, the most powerful Nation in the world, need to spend more, not less, on the arts.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mr. GORTON. Mr. President, I understand the Senator from Vermont has a quick unanimous consent request.

CHANGE OF VOTE

Mr. JEFFORDS. Mr. President, on roll call No. 258, I was recorded as voting "nay." I ask unanimous consent to change my vote to "yea." This will in no way change the outcome of the vote.

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

(The foregoing tally has been changed to reflect the above order.)

Mr. ROCKEFELLER. Mr. President, I take this opportunity to voice my support for the Arts in general, and specifically for the National Endowment for the Arts. I also want the Senate and my constituents to know that I would have demonstrated this support with my vote if I had not been engaged in an important meeting at the White House while the vote was taking place.

This meeting today concerned the future of the steel industry and the Administration's commitment to work with Congress, the industry and labor to ensure that unfair and illegal imports are returned to pre-crisis levels. As my colleagues and constituents know, my commitment to the future stability and viability of our domestic steel industry—which is critical to the economic well-being of West Virginia—is unwavering, and for that reason I felt it necessary to remain at the White House for this important meeting.

Unfortunately, the vote on the Smith Amendment was called earlier than anticipated, and I missed the vote. I would have voted against the Smith Amendment if I could have been in the chamber because I believe in funding for the arts, including the National Endowment for the Arts. I take comfort in the fact that the lopsided margin meant that my vote was not necessary to ensure funding for the NEA. I understand that some have challenged NEA's funding decisions in recent years, but I believe the agency has done an admirable job in modifying its policies and decision making process to respond to concerns. Thanks to these efforts, the NEA is a stronger organization. The arts and the NEA contribute greatly to our culture, and it is a valuable investment in my view.

Mr. ROBB. Mr. President, I add my voice in support of the National En-

dowment of the Arts, and in opposition to Senator SMITH's amendment. The NEA continues to provide valuable seed money to support a range of worthy endeavors, such as orchestras, inner-city arts outreach programs and efforts to preserve vanishing American cultural institutions. In addition, the NEA plays a strong role in promoting private investment in the arts and helps to bring culture to those Americans who are ordinarily unable to afford access to the arts. As a country, we ought to continue to support these efforts. I urge my colleagues to oppose this amendment.

Mr. GORTON. Mr. President, I compliment both the Senator from Nevada and the Senator from West Virginia on very thoughtful and fascinating statements on this matter.

I move to table the Smith amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table amendment No. 1569.

The clerk will call the roll.

The legislative assistant called the roll.

Mr. NICKLES. I announce that the Senator from Idaho (Mr. CRAPO) and the Senator from Colorado (Mr. ALLARD) are necessarily absent.

Mr. REID. I announce that the Senator from Louisiana (Ms. LANDRIEU) and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

The result was announced—yeas 80, nays 16, as follows:

[Rollcall Vote No. 260 Leg.]

YEAS—80

Abraham	Edwards	Lugar
Akaka	Enzi	McConnell
Baucus	Feingold	Mikulski
Bayh	Feinstein	Moynihan
Bennett	Frist	Murkowski
Biden	Gorton	Murray
Bingaman	Graham	Reed
Bond	Grams	Reid
Boxer	Grassley	Robb
Breaux	Gregg	Roberts
Bryan	Harkin	Roth
Burns	Hatch	Santorum
Byrd	Hollings	Sarbanes
Campbell	Hutchison	Schumer
Chafee	Inouye	Shelby
Cleland	Jeffords	Smith (OR)
Cochran	Johnson	Snowe
Collins	Kennedy	Specter
Conrad	Kerrey	Stevens
Coverdell	Kerry	Thomas
Craig	Kohl	Thompson
Daschle	Lautenberg	Torricelli
DeWine	Leahy	Voivovich
Dodd	Levin	Warner
Domenici	Lieberman	Wellstone
Dorgan	Lincoln	Wyden
Durbin	Lott	

NAYS—16

Ashcroft	Helms	Nickles
Brownback	Hutchinson	Sessions
Bunning	Inhofe	Smith (NH)
Fitzgerald	Kyl	Thurmond
Gramm	Mack	
Hagel	McCain	

## NOT VOTING—4

Allard Landriau  
Crapo Rockefeller

The motion was agreed to.

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

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

The motion to lay on the table was agreed to.

UNANIMOUS CONSENT AGREEMENT—CONFERENCE REPORT TO ACCOMPANY S. 1429

The PRESIDING OFFICER (Mr. BUNNING). The majority leader.

Mr. LOTT. Mr. President, I ask unanimous consent that at 1:06 this afternoon the Senate begin consideration of the reconciliation conference report, notwithstanding the receipt of the papers, and there be 6 hours for debate to be equally divided in the usual form with the vote to occur at the conclusion or yielding back of the time.

The PRESIDING OFFICER. Is there objection?

Mr. ROBB. Reserving the right to object, may I ask a question of the majority leader.

Is it the majority leader's intention to return to the underlying bill, the Interior appropriations bill, at the conclusion of consideration of the tax bill today?

Mr. LOTT. Mr. President, to respond to the Senator's question, it is. When we complete reconciliation, at the conclusion of this 6 hours or yielding back time, which theoretically could occur, then when that is completed our intent is to go back to the Interior appropriations bill.

The agreement we had last week was that this week we would try to complete these two appropriations bills, Agriculture and Interior, complete the reconciliation conference report, and try to get as many nominations confirmed as we could get cleared on both sides.

We are still assiduously pursuing that goal.

Mr. ROBB. Mr. President, continuing to reserve the right to object, I ask the majority leader, without specifically asking for an additional unanimous consent request, that if it is his intention to proceed, those of us who have been waiting through two sessions to either raise points of order, offer amendments, or whatever the case may be, to the Interior appropriations bill, might be able to do so tonight after conclusion of this bill. I am in full agreement with the expedition of a number of matters that have been pending on this floor, particularly some of the appointments. While I may not favor the tax bill that will be taken up this afternoon, I am in favor of moving the trains.

With that, if the majority leader is prepared to give that verbal under-

standing his concurrence, I will not object.

Mr. LOTT. Mr. President, I give my concurrence in that. We intend to return to the Interior appropriations bill. I believe the distinguished manager of this legislation would be glad to agree we would go to this issue immediately upon return, with a vote if one is required.

Mr. GORTON. If the majority leader will yield, I would be delighted to have the first item to be dealt with, with respect to the Interior appropriations bill, immediately after the vote on the tax bill, be the point of order the Senator from Virginia wishes to raise.

Mr. ROBB. Will the majority leader include that particular provision in his unanimous consent request?

Mr. LOTT. I am glad to make that additional request in my unanimous consent request.

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

WATER RESOURCES DEVELOPMENT ACT OF 1999—CONFERENCE REPORT

Mr. LOTT. Mr. President, to my absolute surprise and delight, I understand the water resources development bill has been completed in conference. I extend my hearty congratulations to the managers and to the distinguished chairman of the committee, Senator CHAFEE, for his efforts in getting that conclusion.

I yield the floor to him for a consent request with regard to that conference report.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, I ask unanimous consent the Senate now proceed to consideration of the conference report to accompany S. 507.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The committee on conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 507), have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

There being no objection, the Senate proceeded to consider the conference report.

(The conference report is printed in the House proceedings of today.)

Mr. CHAFEE. Mr. President, I ask unanimous consent that the conference report be agreed to, the motion to reconsider be laid upon the table, and any statement relating to the conference report be printed in the RECORD.

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

The conference report was agreed to.

Mr. CHAFEE. I thank the majority leader for moving this legislation along, and I thank all concerned.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. Mr. President, as a member of the minority who had the honor to be a conferee, may I say that this legislation of great importance could not have happened in the absence of our chairman. Our chairman did a superb job, never an easy one with the other side. But here it is before us and he is to be congratulated. I, for one, am deeply grateful.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, I thank the distinguished Senator from New York. He has headed many of these conferences. I particularly recall some of the transportation conferences he has headed in which he did landmark work. Having kind words coming from him and praises is doubly important to me. I greatly appreciate them. I thank the Chair.

Mr. President, today the Senate is considering the conference report to accompany S. 507, the Water Resources Development Act of 1999. This measure, similar to water resources legislation enacted in 1986, 1988, 1990 and 1992, is comprised of water resources project and study authorizations, as well as important policy initiatives, for the U.S. Army Corps of Engineers Civil Works program.

This bill was introduced by Senator WARNER at the beginning of this year. In previous years, the Senator from Virginia had been the chairman of the Transportation and Infrastructure Subcommittee of the Senate. In that role he guided a similar bill through the Senate during the previous Congress. We are very grateful for his hard work on this legislation and sticking with the project considering the new demands on his time as chairman of the Armed Services Committee.

Unfortunately, the House was unable to pass a companion measure last year because of a dispute over flood control and water supply in the State of California. So, this WRDA bill is somewhat overdue.

This year, S. 507 was adopted unanimously by the Senate on April 19, 1999. On April 29 of this year, the House of Representatives adopted its version of the legislation by a vote of 418 to 6.

Since that time, we have worked together with our colleagues from the House of Representatives and the administration to reach bipartisan agreement on a sensible compromise measure. Because of the numerous differences between the Senate- and House-passed bills, completion of this conference report has required many hours of negotiation.

To ensure that the items contained in this legislation are responsive to the nation's most pressing water infrastructure and environmental needs, we have adhered to a set of criteria established in previous water resources law.