SENATE—*Wednesday, May 15, 1991*

(Legislative day of Thursday, April 25, 1991)

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by the Honorable CHARLES S. ROBB, a Senator from the State of Virginia.

The PRESIDING OFFICER. We will be led in prayer this morning by the Reverend John E. Stait, who is Assistant to the Chaplain of the U.S. Senate.

PRAYER

The Assistant to the Chaplain, the Reverend John E. Stait, offered the following prayer:

Let us pray:

And he said unto them, Set your hearts unto all the words which I testify among you this day, which ye shall command your children to observe to do, all the words of this law. For it is not a vain thing for you; because it is your life.—Deuteronomy 32:46, 47.

Almighty God, Lord of history and of nations. These words from Moses exhort us to take God and His Word seriously. Or as Benjamin Franklin said, "* * * do we imagine that we no longer need His assistance?" Therefore, we pray for the people of the U.S. Senate trying to find their way through the convergence of issues and needs of the world, all 50 States, the counties, the cities, and the countless organizations and individuals. Lord grant the Senators and their staffs wisdom in the midst of these complex and conflicting interests to find the best position. Give them a unity in the midst of the diversity that steers the correct course amid the winds and waves of adversity. Help them to hear Your calm words, "This is the way, walk ye in it."—Isaiah 30:21.

In the name of Him who is the way, the truth, and the life. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, May 15, 1991.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable CHARLES S. ROBB, a Senator from the State of Virginia, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. ROBB thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADERSHIP TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

AGRICULTURAL EXPORT CREDIT GUARANTEES TO THE SOVIET UNION

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of Senate Resolution 117, which the clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 117) to express the sense of the Senate that the administration should expeditiously and prudently act upon the Soviet Union's request for agriculture export credit guarantees from the United States.

The Senate resumed consideration of the resolution.

The ACTING PRESIDENT pro tempore. The Chair in his capacity as an individual Senator from the State of Virginia suggests the absence of a quorum, and the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DOLE. Mr. President, I understand I have the right to modify my resolution in accordance with the unanimous-consent agreement.

The ACTING PRESIDENT pro tempore. The Senator is correct.

SENATE RESOLUTION 117, AS MODIFIED

Mr. DOLE. Mr. President, I send the modification to the desk along with a list of cosponsors of the modification.

The ACTING PRESIDENT pro tempore. The Senator has that privilege. Without objection, the cosponsors will be added.

The resolution (S. Res. 117), as modified, is as follows:

S. RES. 117

Whereas:

(a) The Soviet Union has made a formal request to the United States to provide $1.5 billion in agricultural credit guarantees.

(b) The Administration is currently reviewing the Soviet request, to include an evaluation of the Soviet Union's ability to service the debt associated with such request, in accordance with section 202(f) of the Agricultural Trade Act of 1978, as amended by the Food, Agriculture, Conservation, and Trade Act of 1990, which provides that: "The Commodity Credit Corporation shall not make credit guarantees available in connection with sales of agricultural commodities to any country that the Secretary determines cannot adequately service the debt associated with such sale."

(c) In 1990, the United States provided the Soviet Union $1.0 billion in agricultural credit guarantees.

(d) France and Canada have recently announced agricultural credit offers to the Soviet Union.

(e) The export of American products to any foreign market, including the Soviet Union, has a positive impact on the United States balance of trade.

(f) The export of American agricultural products has a positive impact on farm incomes in the United States and on the costs of maintaining agricultural price support programs.

(g) The United States has very grave concerns about:

(1) Soviet policies of using force against and coercion of the Baltic States and the constituent republics of the Soviet Union, including the recent use of armed forces against Armenia, to repress the movements for democracy and self-determination.

(2) The Soviet refusal to engage in good faith negotiations with the Baltic States on the clear desire of the Baltic nations for their freedom.

(3) The failure of the Soviet central government to implement fundamental free market reforms in its economy.

(h) There are credible reports that the Soviet Union has used past agricultural credit guarantees to pressure the constituent republics of the Soviet Union, particularly in regard to agreeing to the so-called "Union Treaty" proposed by Soviet President Gorbachev.

(i) Senior representatives of the Soviet Government and Soviet political leaders, including former Soviet Foreign Minister Shevardnadze, have recently indicated to members of the Congress that the Soviet Union is in dire need of agricultural export credits, and have said that there is a real danger of public disorder caused by shortages of available food in some areas of the Soviet Union if such credits are not provided expeditiously.

(j) Senior representatives of the Soviet Government have indicated their Government would be willing to give binding assurances to the United States about the proper use of any future agricultural credit guarantees: Now, therefore, be it

Resolved, That the Senate:

(a) Believes that the danger of public disorder in some parts of the Soviet Union in the coming months caused by food shortages is real, and that such disorder could lead to a climate of political repression seriously jeopardizing that progress which has been

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

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achieved under the policies of "glasnost" and "perestroika."

(b) Urges the administration to expeditiously and prudently complete its review of the Soviet agricultural credit guarantee request.

(c) Believes that as the administration evaluates the Soviet request, to include an evaluation of the Soviet Union's ability to service the debt associated with such request, in accordance with section 202(f) of the Agriculture Trade Act of 1978, as amended by the Food, Agriculture, Conservation, and Trade Act of 1990, and as it evaluates all future requests from other nations for agricultural credit guarantees, it should consider in its evaluations such factors as:

(1) Ability to service current debt, including the consideration of whether the country is currently in servicing similar government-to-government credit guarantees or other financing, and assessing the degree of exposure represented by the credit guarantees under consideration as a percentage of total financing available to the country from other sources.

(2) Repayment performance on previous debt, including the country's record in servicing past indebtedness such as sales under previous U.S./U.S.S.R. long-term agreements on grain.

(3) National assets which demonstrate an ability to repay.

(4) Market-retention, including an assessment of whether the absence of United States credit guarantees would jeopardize important foreign markets.

(d) Reaffirms its very grave concerns about Soviet policies toward the Baltics and the constituent republics of the Soviet Union, including the refusal of the Soviet Government to engage in good faith negotiations with the Baltic States, and assumes the administration, stating our expectation that an agreement will be reached which will allow for the realization of the political aspirations of the Baltic States, will continue to impress upon the Soviet Government that such critical issues will inevitably impact on United States-Soviet relations and all decisions taken by the United States on those relations, to include undermining the prospects for favorable decision on such questions as the desirability of extending agricultural credit guarantees.

(e) Strongly urges the administration to go beyond the criteria for eligibility for agricultural credit guarantees as outlined in section 202(f) of the Agricultural Trade Act of 1978, as amended by the Food, Agriculture, Conservation, and Trade Act of 1990, to examine the desirability of extending such credit guarantees to the Soviet Union at this time; and, assuming the Soviet Union is found eligible under the criteria in section 202(f) of the Agricultural Trade Act of 1978, as amended by the Food, Agriculture, Conservation, and Trade Act of 1990, the credit guarantees nonetheless not be extended absent clear and binding assurances from the Soviet Government that the Soviet Union will not misuse such credit guarantees to:

(1) Support the military, security or Communist Party apparatus, at the expense of helping the people of the Soviet Union. On the contrary, the Soviet Union must present a detailed statement of its planned use of such credit guarantees, to insure the equitable, nonpolitical and humanitarian distribution of the benefits of such guarantees to the entire Soviet population.

(2) Pressure the Baltic States or the constituent republics of the Soviet Union to support the so-called "Union Treaty," or for any other coercive or political purpose.

(f) Assumes that agreement to provide the agricultural credit guarantees requested by the Soviet Government will be accompanied by binding Soviet assurances to:

(1) Fulfill its commitments under the existing United States-Soviet Long-Term Agreement on grains.

(2) Repay any credits extended under United States guarantees, past or present, according to agreed upon schedules by currency or barter acceptable to grain providers and the United States.

(3) Make reasonable progress in creating a favorable legal and working environment for foreign private investment, which would be mutually beneficial to the investing party and the Soviet Union in exploration, extraction and processing of Soviet natural resources.

(g) If the administration finds that the Soviet Union meets the criteria of section 202(f) of the Agricultural Trade Act of 1978, as amended by the Food, Agriculture, Conservation, and Trade Act of 1990, and otherwise is prepared to provide all of the assurances listed above, recommends that the administration should approve the Soviet request for up to $1.5 billion in agricultural credit guarantees.

(h) Should the Soviet request be approved, recommends that the Administration provide the credit guarantees in three separate $500 million tranches, and condition the release of the second and third such tranches on satisfactory Soviet utilization of any preceding tranche or tranches, in compliance with all of the assurances provided by the Soviet Government.

(i) Urges the administration to explore barter, countertrade, collateralization and other nontraditional means of finance in addition to the direct extension of agricultural credit guarantees to facilitate increased Soviet purchases of United States agricultural and food products.

(j) Urges the administration to do everything possible to take into account the views of the Baltic States and constituent republics of the Soviet Union in deciding on and, should that decision be favorable, implementing a program for, agricultural credit guarantees for the Soviet Union; and to the extent feasible to make those states and constituent republics party to any agricultural credit guarantee agreement.

(k) Urges the administration to include in negotiations over any new credit guarantee or other program of economic cooperation a continued strong admonition to the Soviet Government that the only long-term answer to its economic dilemma is fundamental free market reform of its economy.

(l) Approves this resolution partially in response to (1) the historic step being taken on June 12, 1991, when free elections are scheduled to be held in the Russian Republic, and (2) the meeting between nine of the republics and the central government of the Soviet Union which occurred on April 23, 1991; and in reliance on commitments which were made during the April 23 meeting on a number of vital matters, including an agreement by the parties to hold free and open national elections later this year.

Mr. DOLE. Mr. President, I think there are at this time about 26 cosponsors, about evenly divided between Members on each side of the aisle.

This is an issue that we have been discussing among ourselves again on each side of the aisle—the Senator from Nebraska was prominently involved in those discussions—trying to find some way to satisfy the concerns that some people had about extending credit guarantees to the Soviet Union. Some have expressed some concern that there is so much foreign policy language in the modification, but I would say that was included to allay the concerns that some had about the Baltic States or about the Soviet Union, generally. So I am pleased we are finally going to act today on Senate Resolution 117.

It is a bipartisan effort.

Working with the cosponsors, the administration, and, indeed, with the opponents of the resolution, we have substantially revised and, I believe, improved the text. We have taken into account not only the fast-moving developments inside the Soviet Union but some of the very legitimate concerns raised about the original text.

Our consideration of this issue could not be more timely. As everyone knows, the White House has been reviewing the Soviet request for $1.5 billion in new agricultural credit guarantees, and is getting down to decision time. I think the fact that this decision has taken so much time, and has been the subject of so many discussions and negotiations here in the Senate, reflects the fact that this is not an easy call.

But that is the most important reason for the Senate to act on this resolution now. We have a responsibility to speak our minds, individually and collectively, on a matter of this importance. And we have a real chance to affect the administration's decision in the right way.

This is only a sense-of-the-Senate resolution. It is not binding. But it does express, hopefully with a solid majority, the sense of the Senate on two separate aspects of this question—and let me stress, two equally important aspects.

First, the resolution declares that the United States should provide up to $1.5 billion in agricultural credits, as requested by the Soviet Union. But, second, the resolution makes clear we should do so if, and only if, the Soviets can meet certain conditions, and are willing to provide certain binding assurances on the use of the guaranteed credits.

Those conditions and assurances will guarantee that Senate Resolution 117 is not a blank check for Gorbachev, or an endorsement of Soviet repression, in the Baltics, or inside the Soviet Union. They will insure that Senate Resolution 117 does not undermine our intention, stated in law, that we proceed on agricultural credit guarantees only if we have a reasonable expectation that the credits so guaranteed will be repaid.

In sum, adoption of Senate Resolution 117 will help insure that any agricultural credit guarantees we do provide will advance our foreign policy in-

terests, protect our Treasury, and, I think it is fair to say, maybe help farm prices, which in turn could save the Government, if this all works out as some envision, about $800 million.

No doubt about it, the Soviet Union is in the midst of a crisis of major proportions and many dimensions.

A year ago, Mikhail Gorbachev was selected as the "Man of the Decade." Today, he could not be elected dogcatcher in Moscow.

Let me be clear. I do not believe it is our job to save the Soviet Union, or to save Gorbachev: We could not if we wanted to. As I said recently in a speech in New York, the future of the Soviet Union is primarily in the hands of the Soviet people; The future of Gorbachev is primarily in his own hands. We can have some impact, but it is inevitably going to be less than the impact of factors internal to the Soviet Union.

But neither can we afford to turn a blind eye to what is happening in the Soviet Union today—good or bad.

We have a great stake in basic stability in the Soviet Union. An abrupt collapse of the Soviet Government, and fracturing of the Soviet state, would produce chaos; that would not bring freedom to the Baltics, or advance the causes of self-determination and human rights for the people of the Soviet Republics.

In fact, the opposite is the case—it would likely lead to new repression. And, in the worst case, it could raise serious question about who controls the Soviet Army and the Soviet nuclear arsenal.

The abrupt departure of Gorbachev would jeopardize the continuation of some of the constructive policies he has forged in the international arena. And we need think back no further than to the Soviet role in the Persian Gulf war, or—even more recently—the first-ever visit by a Soviet foreign minister to Israel—to recognize the importance to us of a continuation of some of Gorbachev's policies.

I might say, if you watched this morning's television, you saw the Foreign Minister of the Soviet Union, who is working closely with our Secretary of State, Secretary Baker, in trying to forge some peace in the Middle East, trying to get parties together. And again, it is another indication of the cooperation we now enjoy with the Soviet Union.

One basic fact is clear. One of the things that could cause events to unravel rapidly is food shortages.

And I am told by Russian officials and by the Prime Minister of the Russian Republic—who I might add, supports extending credit guarantees—that time is of the essence. There are food needs, not only in the Soviet Union, in the largest republic in the Russian Republic, but in many other republics.

The Soviets desperately need food and feed, and they must have agricultural credits to pay for them. I met recently with two senior-level delegations from the Soviet Union—one from the central government; the other from the Russian Republic. They made that point clear to me, and to other Senators. They have said that if the Soviets cannot get such credits in the immediate future, there is a real threat of widespread food riots. From what I know from other sources, I do not think those officials were crying wolf. I think the near-term threat of serious food shortages, and resulting unrest, is very real, and could have a dramatic impact on political developments in the Soviet Union.

But in this case, both delegations, one from the central government, one from the Russian Republic—including the one representing Yeltsin's Russian Republic—strongly urged us to provide the credit guarantees the Soviet Government is seeking.

To underscore that point, I ask unanimous consent to have printed in the RECORD a letter I received from the Prime Minister of the Russian Republic, Mr. Silaev. In the letter, Mr. Silaev states:

* * * the Russian Republic supports the request of the U.S.S.R. for granting a credit to the amount of 1.5 billions United States dollars * * * I request [that] you insistently start measures on granting this credit, as it will serve for the benefit of all Republics.

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

OFFICE OF THE PRIME MINISTER OF THE U.S.S.R.,
Moscow, May 5, 1991.

Senator DOLE,
Washington, U.S.A.

DEAR MR. DOLE: In confirmation of the talks I had with official representatives of the U.S. Government in Washington, I should like to be sure that there is the distinct understanding of the question that the Russian Republic supports the request of the U.S.S.R. for granting a credit to the amount of 1.5 billions U.S. Dollars to cover the payment of urgently essential food products. I request you insistently to start measures on granting this credit, as it will serve for the benefit of all Republics.

Sincerely Yours,

I. SILAEV,
Chairman of the Council of Ministers of the RSFSR.

Mr. DOLE. Mr. President, I also ask consent to have printed in the RECORD a recent article from the Washington Post, reporting on the meeting between President Bush and former Soviet Foreign Minister Shevardnadze. During that meeting Shevardnadze declared that the "fate of reform and democracy in the Soviet Union" could be determined by the way we respond to the Soviet credit guarantee request.

And I might add that Mr. Shevardnadze repeated that statement in a meeting that this Senator and the distinguished majority leader had with him about 1 week ago.

I ask unanimous consent that article be printed in the RECORD.

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

U.S. FOOD CREDITS CALLED VITAL TO SOVIETS

(By Don Oberdorfer)

Former Soviet foreign minister Eduard Shevardnadze appealed to the United States yesterday to grant Moscow's request for $1.5 billion in emergency food credits, saying this decision could largely "determine the fate of reform and democracy in the Soviet Union" for years to come.

Shevardnadze, who resigned last December after 5½ years as his nation's senior diplomat, made his appeal in meetings with President Bush and Secretary of State James A. Baker III as well as in a speech sponsored by the Brookings Institution and an interview with The Washington Post as he began a month-long U.S. tour.

"It is very important to us to get credits and food supplies" in the next three to five months, not a year from now or later when the situation inside the Soviet Union may have deteriorated further, Shevardnadze said in the interview. "If we can get through this, a harvest will be coming in," the former minister said.

Shevardnadze, who has formed a non-government Foreign Policy Institute to advance reformist policies, said the credit guarantees to purchase U.S. food are "very psychologically and politically important" as well as vital to the material well-being of the Soviet Union.

State Department officials said a decision on granting the credits is on Bush's desk, and several governmental departments have cited the pros and cons of the issue in preliminary discussion. On the one hand, many in the administration wish to aid Soviet President Mikhail Gorbachev and improve the prospects for his domestic reform program. On the other hand, U.S. law requires the Soviet Union to be creditworthy, and under current circumstances it is doubtful the Soviets could qualify.

Shevardnadze said the creditworthiness issue came up in the talks with Bush and Baker. Despite the Soviet Union's current economic troubles, he said, "it's still a rich country with a huge potential." He added that "as we move to a market economy and as our reforms continue, it will become perfectly creditworthy."

The former minister, who is widely credited with Gorbachev for reshaping Soviet foreign policy, said he was concerned about "a certain pause" in Soviet-American relations and called for an early summit meeting to restore momentum between the two nations. Gorbachev and Bush have pledged to meet by the middle of the year, but no dates have been set or practical arrangements made.

In his Brookings address, Shevardnadze advocated a stronger U.N. Security Council role in the settlement of the Arab-Israel dispute and other contentious international issues, and suggested that international sanctions might be applied against any party that refused an order from the Security Council to negotiate on the settlement of a dispute.

Shevardnadze said it created "a double standard" for the world body to authorize the use of force against Iraq for failing to carry out the U.N. order to withdraw from Kuwait, while taking no action against other nations that have defied U.N. decisions. He

said he was not proposing the use of force to implement U.N. resolutions, such as the "land for peace" Resolution 242 that applies to Arab lands occupied by Israel, but he asserted that non-military sanctions could be taken to ensure that Security Council directives are not ignored and rendered ineffective.

Asked why the Security Council had not exerted more pressure for settlement of outstanding disputes while he was serving as Soviet foreign minister, Shevardnadze said it had been "a great mistake" not to have made use of all the powers of the world body.

Mr. DOLE. It seems to me that Mr. Silaev and Mr. Shevardnadze—one Russian, the other Georgian; both outspoken proponents of democratization; both now political opponents of the Soviet Central Government and Mr. Gorbachev—it seems to me, they are in a pretty good position to counsel us on this issue; and I think we have to take their views seriously.

Finally, I ask unanimous consent to have printed in the RECORD the text of a letter I have recently received from a senior Soviet official, Mr. Ruzanov—the Soviet Trade Representative in the United States. One enclosure to his letter is especially interesting, in that it provides a breakdown of Soviet grain distribution to the republics in the first quarter of this year—a breakdown which shows that every republic indeed did receive grain procured by the central government during this period.

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

TRADE REPRESENTATIVE OF THE UNION OF SOVIET SOCIALIST REPUBLICS IN THE UNITED STATES OF AMERICA,

Washington, DC, May 9, 1991.

Hon. ROBERT J. DOLE,
Senate Office Building, Washington, DC.

DEAR SENATOR: I would like to express my profound gratitude for the efforts you have taken to achieve a positive solution to an acute problem of granting the Soviet Union a $1.5 billion credit for a purchase of grain and other agricultural commodities.

As a follow-up of the discussions we had during a visit of the Soviet delegation headed by Minister Timoshishin, I would like to state the following:

As you are well aware, the USSR President Mr. M. Gorbachev has recently turned to the US President Mr. Bush with a request to grant the Soviet Government the $1.5 billion credit, and one of the major goals of the Soviet representative's latest visit was to discuss with appropriate state officials a possibility of acquiring such a credit.

In the wake of these developments mention should be made that lately several US state organizations, individuals, as well as part of the American mass media have voiced their concern that the credit, if granted, and the grain purchased out of it, might be used by the Union Government as a leverage for exerting pressure on the Republics.

Some agencies and people question the Soviet Union creditworthiness and its ability to honor the commitments. Still others suggest that credits should be granted directly to the Republics.

In this connection we repeatedly clarified our stand, stating that at present a special Currency Committee has been set up in the country, which has Heads of the Republics Governments for its members and the USSR Prime Minister for its Chairman. By common consent of the Republics the Committee distributes among them the grain purchased and imported to the country out of the credit. For your information and to illustrate the above, I am sending you together with this letter a grain distribution program republicwise for the first quarter (a period of three months) of the current year.

Let me remind you, Mr. Senator, that even at a time when consumer goods deliveries to Lithuania had been withheld, grain deliveries to the Republic kept coming on a regular basis.

In all his official statements made during a recent visit to the USA Mr. Ivan Silayev, Chairman of the Russian Federation Council of Ministers, affirmed that the Russian Government fully supports President Gorbachev in his quest of the credits for the Union Government. Mr. Silayev confirmed his statement once again in his letter of May 5, c.y. addressed to you (the letter is attached herewith).

As to whether the USSR is creditworthy or not, I must say that so far the Soviet Union has fully serviced its state debts. Besides, the $1.00 billion state credit earlier granted to the USSR had been fully guaranteed by the Government of the USSR and the Bank for Foreign Economic Affairs of the USSR.

In view of the above, I am urging you to do everything possible to reshape the opinion of American businessmen about creditworthiness of the Soviet Union.

On my part, Mr. Senator I can promise you every support on this score.

Sincerely yours,

ROBERT N. RUZANOV,
Trade Representative of the U.S.S.R. in the U.S.A.

DISTRIBUTION OF GRAIN BY REPUBLICS, JANUARY–APRIL 1991

[In percent]

	Share of republic in import of grain purchased by Central Government	Share of republic in import of grain purchased by Central and RSFSR Governments
RSFSR	38.9	51.2
Byelorussia	9.7	7.8
The Ukraine	8.5	6.7
Uzbekistan	5.9	4.7
Moldavia	5.6	4.4
Lithuania	4.2	3.8
Azerbaijan	4.6	3.7
Georgia	4.0	3.2
Latvia	3.6	2.9
Armenia	2.8	2.2
Turkmenistan	2.6	2.1
Kirgizia	2.6	2.2
Tajikistan	2.6	2.1
Kazakhstan	2.4	1.9
Estonia	1.4	1.1
Total	100	100

Mr. DOLE. Again, let me stress that has been one of the reasons I have been reluctant to extend further credit guarantees, because we have been told by some leaders in some of the other Soviet republics that they were not benefiting; we were only benefiting Gorbachev, the central government, the Communist Party, the army. So we insisted if there are going to be any further credit guarantees, we would have to have some proof, demonstrable proof, that there was appropriate and fair distribution.

In any event, there appears to be no dispute about the urgency of the Soviet request. The question is: How should we respond?

As I indicated before, Senate Resolution 117 says we should respond favorably—but if, and only if, certain tough conditions are met.

Again, I would conclude by saying we ought to act favorably. We believe that careful reading of the resolution—and I hope Members who are yet undecided on this issue will read the resolution. It is the handiwork of a lot of Members on each side of the aisle, and it is also the result of some of the concerns, as I have said earlier, raised by the opponents.

But first we want to make certain, and I think we have made certain, that the Soviets will use the agriculture credits to help the Soviet people—not just to subsidize the Soviet military, the Communist Party, and security apparatus.

Second, we must be certain that the Soviets not misuse these credit guarantees for political purposes.

As I said, I met with a number of Soviet Republic leaders over the past several months, and I think in most cases they agreed that if there is a fair distribution, that this is not used to intimidate other leaders in the other republics about signing the union treaty, or something else, then in my view, they would support this.

I would even say about the Baltic leaders—the Prime Minister of Estonia, the Prime Minister of Latvia, and the President to Lithuania were here last week, 10 days ago—they were all critical of this effort to extend credit guarantees. I think it is fair to say that none of them had read the resolution. I met with them privately on the majority leader's balcony for about 20 minutes while we were waiting for him to appear for a meeting.

I asked them for their input. I asked them if their staff could remain and carefully study the resolution because it is fairly well known that even the Baltic leaders understand that, if Mr. Gorbachev leaves, their fate may be even less desirable. They do not want Gorbachev to fail, from my understanding of my visit with them.

What they wanted to put in the resolution was that there would be no credit guarantees to the Soviet Union until they obtained their independence. Well, that is not practical. We cannot do it. We cannot do it in a sense-of-the-Senate resolution. We cannot do it in any event. We cannot impose our will on another sovereign government.

But the resolution itself is replete with language addressing the concerns of the Baltic leaders. I regret they did not find it appropriate to have additional input. I said, send us some language; we will take a look at it. Maybe there is something you are aware of

that ought to be addressed in the resolution.

In any event, for all the reasons I have stated, it seems to me we should approve up to $1.5 billion. It may not be $1.5 billion; it may be $500 million, maybe $1 billion, maybe a part of that. But I would like to point out that one reason the President cannot proceed is because in the 1990 farm bill we state, in effect, the recipient country has to be creditworthy, which makes a lot of sense to me. It probably should have been in the law before. But we did not say what should be considered to meet that test.

We tried to outline in the resolution four tests that ought to be given: The assets of the country, their repayment record—things of that kind, when we make a reasonable determination that they will repay the extent of the credit guarantees.

So the issue of repayment is essential to this deal, as it is for any credit deal. We are not talking about making a gift to the Soviet Union. The law demands that. The President does not want to violate the law. The Secretary of Agriculture, Mr. Madigan, does not want to violate the law. And we have incorporated enough language in this resolution that would give the Secretary of Agriculture, in this instance, some flexibility.

Some suggest we ought to change the law. If we start changing the law, the 1990 farm bill, we might have a whole new farm bill. So there is some difference of opinion on whether or not we ought to change the law.

Finally, we should include the condition that the Soviets use these new credit guarantees as necessary to fulfill their obligations under existing long-term grain agreements. We have long-term agreements with the Soviet Union. We think they ought to go ahead and fulfill that agreement.

Without getting too technical, let us say we extend credit guarantees of $1.5 billion. Let us say that has an impact on wheat and corn prices, maybe corn at 15 cents a bushel, wheat at 20 or 25 cents a bushel, and the credit guarantees are repaid. If we raise the market price of our grain in this country, it means it will cost the Treasury less because deficiency payments—as those of us who come from rural areas understand—are going to be less because the market price is going to be higher. We have calculated that, if this happens, the American taxpayer would save about $800 million.

For those who say this is just another raid by the farm belt Senators on each side of the aisle, I would say this. From the standpoint of the farmer's income, it is not going to make any difference. If the market price does not go up, there will be a larger deficiency payment, a bigger cost to the Government, and the farmer is going to get the same. So this is a not some scheme to enrich the American farmer.

The one advantage it does have, as I have indicated, is if everything works as we hope it might work, there would be a saving to the U.S. Treasury of $800 million, plus we would move a big chunk of the surplus we have now in wheat or corn, for example, and that would take the burden off the market and might let the market prices even increase further. We would also get ready for the next harvest.

I also point out the resolution does not limit this to wheat and corn; it may be poultry, it may be soybeans, it may be dairy products, it may be some other product the Soviets want. They would certainly be covered under this resolution.

To reiterate, we must be certain that no American credits are ever again used as a political club, to suppress the growing movements for greater democracy and self-determination in the Soviet Union.

In my view, and in the language of Senate Resolution 117, the Soviets would have to provide us a firm plan for the use of the credits, to ensure that the benefits would be distributed on an equitable, and nonpolitical basis to all the people of the Soviet Union.

From my discussions with the Soviet and Russian Republic Delegations, I believe the Soviet Government may be willing to provide such binding assurances for the proper, nonpolitical use of new agricultural credits.

As further, and even more effective insurance, I would suggest—as the resolution does—that we divide any guarantee package up to $1.5 billion into three parts; the first part to be made available immediately; but the second and third installments conditioned on the appropriate utilization of the earlier ones, and on the Soviets meeting their repayment obligations.

In other words, if the Soviets misbehave, or do not pay their creditors on schedule, the spigot is turned off.

And let me stress that this issue of repayment is essential to this deal, as it is for any credit deal. The law demands that. Even more important, common sense demands it.

The administration is still grappling with this issue. I believe that the criteria we lay out in the resolution to help them judge the Soviets' capacity to repay will help them make a sound decision on this important matter. That in itself is reason enough to pass this resolution.

Finally, we should include the condition that the Soviets use these new credit guarantees, as necessary, to fulfill their obligations under our existing United States-Soviet long-term agreement on grains.

Certainly increased sales of agriculture products will help the American farmer.

Preliminary analysis from the Department of Agriculture indicates that slightly over two-thirds of the $1.5 billion package would be used by the Soviets for the purchase of wheat and corn. Given that, the estimated deficiency payment saving would be approximately $800 million. That amount, of course, would substantially offset any residual risk that the Soviets would not be able to make full repayment of the credits.

And there is one final new development that we have to consider as we make a decision on the Soviet request. Both the French and Canadian Governments have announced their own agricultural credit packages for the Soviet Union. And there is good reason to believe that the E.E.C. may soon announce a new program, too.

These countries apparently have been convinced that providing credits to the Soviets will serve their overall national interest. As I indicated, I am equally convinced that a properly packaged, and conditioned credit guarantee offer, can serve America's overall national interest, too.

Mr. President, I have written to President Bush on this matter, and I have previously included the text of my letter in the RECORD.

Let me conclude by quoting from the last paragraph of that letter:

> The Soviets' need for agricultural credits gives us an opportunity to further our foreign policy interests while simultaneously helping the American farmer. I hope we will move quickly to take advantage of this important opportunity.

I hope all Senators will now join me in sending that message to the President, by unanimously passing this resolution.

Mr. President, I reserve the remainder of my time.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The Senator reserves 11 minutes and 24 seconds. Who yields time?

Mr. EXON. May I request what time I may need from the Republican leader?

Mr. DOLE. Yes.

The ACTING PRESIDENT pro tempore. The Senator from Nebraska is recognized for up to 11 minutes and 19 seconds with the time charged to the Republican leader.

The Senator from Nebraska.

Mr. EXON. Mr. President, I salute the leadership of the Republican leader in being the driving force behind Senate Resolution 117. I thank him for first coming up with the concept that was embodied in the original Senate Resolution 117 that, as written, this Senator could not support. But I thank the Republican leader and all of the other cosponsors who worked very closely together for an expanded and modified version of the original Senate Resolution 117 that the Republican leader has just submitted.

I believe the statements made by the Senator from Kansas adequately reflect this Senator's general feeling with regard to some of the concerns—and some of them are legitimate—that have been raised regarding this possibility. I point out, of course, that we recognize there are laws that we have duly passed and they should be followed. If they are wrong, then we should change them.

This sense-of-the-Senate resolution, I think, though, will eventually go down as a landmark piece of legislation by the U.S. Senate, assuming that this Senate Resolution 117, as modified, is approved. It encourages taking a broader look at credit in general and agricultural credit in particular as it affects not only the Soviet Union but other states as we go on down the road to use the mighty food production technology of our American farmers and the great infrastructure that is tied in with that, which we generally refer to as the follow-on—the ones who package and produce the food to make it readily available and salable and also able to be used in international trade. It is a foregone conclusion, if it were not for the significant contribution that agriculture makes, the imbalance of payments that we suffer with many countries would be much, much larger than it is now.

I point out, Mr. President, Senate Resolution 117 takes into consideration many of the concerns that all of us have with some of the shortcomings of the policies of the Soviet Union today and yesterday and probably tomorrow with regard to individual rights, with regard to the continuation of the more democratic process within the Soviet Union.

Certainly last week we met with the leaders of the Baltic States who were here. I was part of a delegation a month ago that visited that part of the world. We were in the Soviet Union and we were also in the Baltic States to hear their side of the difficulties that those states are having in attempting to establish a system where they could eventually become independent states, as they truly are.

Having said that, I think we should recognize and realize that there is a torment and a lot of concern today by people inside the Soviet Union—and those viewing it from the outside—with regard to the basic instability of the Soviet Union and the parts of the Soviet Union. As we go on down the road to pursue a peace with the Soviet Union, that for the most part has at least ended the seriousness and the swords-point critical situation with regard to the cold war.

Certainly this Nation, the Soviet Union, and the world can be better served with a gradual loosening of the strong ties that have been centered in Moscow under the almost Communist dictatorship that previously prevailed in that very important country of the world.

To those of us who have been there recently, the situation is quite frightening and, certainly, while we are going to continue to press the Soviet Union, as is done on many key points in Senate Resolution 117 we, nevertheless, should recognize that a stable Soviet Union is absolutely essential if we are going to have chances for long-term peace in this very troubled world of ours.

We have been allies of the Soviet Union in many instances that I will not take time to recite, in just the last few years; indeed, just the last few months. On the other hand, we recognize and realize a very serious situation that confronts the leadership of the Soviet Union today on the leadership of Mr. Gorbachev.

If all Members of the Senate could have been with those of us who visited the Soviet Union recently, they would have gotten a firsthand feeling on the spot, so to speak, of the difficulties that face that Nation today. Indeed, on the second day that our delegation was in Moscow, they had a very large anti-Gorbachev demonstration in the streets of Moscow itself. We saw and we witnessed that up close in a very vivid fashion.

The same day the demonstration took place, we met earlier, before the demonstration, with Mr. Shevardnadze. Mr. Shevardnadze told us at that time that on this day there were more Soviet troops in Moscow than at any time since World War II. So our problems and our actions there, Mr. President, are fraught with all kinds of danger. Nevertheless, it seems to me that Senate Resolution 117, as modified, in seeking to express the sentiment of the Senate of the United States, working in cooperation with the administration, is a very important step in the right direction.

Mr. President, I will just cite a couple examples that I think are particularly important with regard to this whole proposition that we are launching on. First, let me say that the United States should not follow a road where we are making grants or loans for which there is little, if any, chance of repayment at this particular time with the Soviet Union or, for that matter, primarily any other state.

I will simply say that the creditworthiness of the Soviet Union today can certainly be questioned, it should be questioned, and it should be understood by all that if we grant the $1.5 billion in additional food credit that the Soviet Union is requesting, and I suggest that they need this very badly given their present situation, that they are still not a particularly good credit risk.

What Senate Resolution 117 attempts to do is to broaden the base, if you will, to set upon a new course, perhaps, with regard to how we handle such transactions and how we best assure, Mr. President, the chance of this money being repaid in some form.

The resolution urges:

> The administration to expeditiously and prudently complete its review of the Soviet * * * agricultural credit guarantees * * * request.

Then it goes on to state a whole series of matters. I think it is particularly important if we would refer to the third page, I believe, of Senate Resolution 117, at least the copy that I have, wherein it states:

> Assumes that agreement to provide the agricultural credit guarantees requested by the Soviet Government will be accompanied by binding Soviet assurances to:
>
> (a) Fulfill its commitments under the existing United States-Soviet Long Term Agreement on grains.
>
> (b) Repay any credits extended under United States guarantees, past or present, according to agreed upon schedules by currency or barter acceptable to grain providers and the United States.

On down further in the resolution, reference is made a second time to the matter of barter. I think this is a very important and significant step and one, Mr. President, that this Senator has been working on and preaching for a number of years. In fact, in the omnibus trade bill, the Senator from Nebraska was successful in having inserted therein the establishment of an Office of Barter in the Department of Commerce for the very first time.

Certainly, it is always better and more convenient if we can always have these kinds of exchanges in the form of the almighty American dollar. That is not possible in the Soviet Union today because of their extreme shortage of so-called hard currency. The Soviet Union is the only major international economic or military power today whose currency, in their case the ruble, has no value or standing whatsoever in the international currency realm.

To put it another way, unless we can move and keep open the option, Mr. President, of securing barter as a means of international trade, we are not going to be able to guarantee the return of dollars that we lend on such programs.

I simply will close, Mr. President, by saying of all the important things embodied in this resolution, I think for the first time we are recognizing that barter should be used as a form of international trade. It can serve America well in the future in a whole series of areas, and I hope in this instance we will have complete cooperation from the administration in instituting this new instrument of trade that can be helpful to all.

I thank the Chair, and I yield the floor.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. BRADLEY addressed the Chair.

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from New Jersey.

Mr. BRADLEY. Mr. President, I yield myself 15 minutes.

The ACTING PRESIDENT pro tempore. The Senator is recognized on his own time for up to 15 minutes.

Mr. BRADLEY. Mr. President, I rise in opposition to the resolution pending before the Senate at this time, a resolution to extend $1.5 billion in credits to the Soviet Union for the purchase of agricultural commodities.

Mr. President, I rise in opposition to this for a number of reasons. First, let me say that this is a particularly inappropriate time to provide this kind of assistance to the Soviet Union, given the continuing aggressive repression that is taking place throughout the Soviet Union.

In December, we provided $1 billion in credit to the Soviet Government for the purchase of agricultural commodities. They have already drawn that down.

What happened 1 month after we provided $1 billion in agricultural credit? In January, dozens of people were killed in the Baltic States, hundreds were wounded as Gorbachev cracked down on democracy and independence movements. Mr. Shevardnadze resigned saying that dictatorship was gaining ground.

Last week, I inserted into the RECORD a series of eyewitness accounts of that repression. I now ask unanimous consent to print once again in the RECORD the eyewitness accounts of Soviet repression in the Baltics in January, and ask that they appear in the RECORD at the conclusion of my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. BRADLEY. Mr. President, so that the Senate might get some flavor of what the Soviet forces did in the Baltics 1 month after we granted $1 billion in credits, let me read from eyewitness accounts of the Soviet attack on the Lithuania broadcasting facilities in Vilnius on January 13:

As soon as we got to the TV tower, the first person I saw was a man walking in our direction; his head was cut open. His head was injured so severely that even his skull was fractured, and the pulsation of the cerebral cortex could be felt. I bandaged him. I heard people shouting from the hill that there were many injured. I climbed up the hill slipping, and it seems to me for some time I was petrified by the sight there. I saw people standing. Then the tank fired, and three or four of them fell as they had been hit. At that moment a man came up to me with a cut face and a ruptured eardrum. I told him to go to the ambulance. Then I saw that people were carrying in my direction an adolescent boy shot in the leg. Only when I took the wounded to the Red Cross hospital did I fully realize what was going on.

Mr. President, this is just one excerpt from pages and pages of eyewitness testimony to the events that occurred in the Baltics in January.

If anyone thinks that is the last time that occurred, on April 25, the very day S.R. 117 was first introduced, Soviet forces once again moved into the Baltics and began to aggressively take over buildings and airfields.

I ask unanimous consent that a chronicle of events as committed by U.S.S.R. Armed Forces on the territory of the Republic of Lithuania up to April 25 be printed in the RECORD, and appear at the conclusion of my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 2.)

Mr. BRADLEY. Mr. President, so that we are under no illusion this is restricted to the Baltics, let me report to the Senate that on April 30, in the Republic of Armenia, the villages of Kedashen and Mardounashen were completely destroyed by units of the Soviet 4th Army, using helicopters and artillery, and at least 36 people were killed. The survivors were forced to evacuate. The villages are inhabited by Armenians, but inside the Republic of Azerbaijan.

And on May 6 Soviet troops used helicopters to attack and destroy the village of Vosgepar inside the Armenian border. The Armenian Government has reported that Soviet general and Deputy Interior Minister Yuri Shatalin threatened to blow up the nuclear plant at Medzamor if the Government continued its anti-Moscow campaign.

Mr. President, I submit for the record an eyewitness account of events in Kedashen. I ask unanimous consent that it be printed in the RECORD along with newspaper accounts of other events of atrocities in Armenia by the Soviet Government, and appear at the conclusion of my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 3.)

Mr. BRADLEY. Mr. President, these articles and events show that at the exact time the Soviet Union is carrying out a brutal repression of its constituent republics and the citizens of those constituent republics, the United States is considering another $1.5 billion credit guarantee.

Last week, Mr. Landsbergis, President of the Lithuanian Government, was here, along with representatives of the Baltic States. They said in no uncertain terms that the extention of this credit would be a betrayal of the Baltics. They said that the reliance of this credit on assurances from the Soviet Government was not only insufficient, but was naive. The assurances are considered lies by the Baltic States and therefore a betrayal.

So let us be very clear: We are proposing the extension of this credit precisely at the time when brutal repression is taking place in the Baltics and in Armenia, documented by eyewitnesses.

Mr. President, that is not always the argument made here. We tend to avert our eyes from these brutalities and the issue then relates to credit and economics. I would argue the creditworthiness of the Soviet Union has plummeted. Their exports are down. Their deficit is up. Foreign indebtedness is up. Interest repayment requirements are up. They are selling gold every day to try to get enough money to make repayments.

Mr. President, the creditworthiness of the Soviet Union alone, notwithstanding the political repression going on, would argue against extending another $1.5 billion in credit guarantees.

It is not only the United States Government that is in the business of extending credit to the Soviet Union, but there are also any number of American companies trading with the Soviet Union, some that have extended credit to the Soviet Union, many not being repaid.

By extending official credits to the Soviet Union, the Soviet Union, being essentially a government that does not recognize how a private economy works, will always put priority on repaying a government as opposed to repaying a private company. The result will be that American companies involved in trade with the Soviet Union will have their repayments made further and further into the future.

So, Mr. President, I would argue that not only should this not be done because there is a very brutal political repression now going on in the Soviet Union, but also because the creditworthiness of the Soviet Union is declining dramatically and American companies owed payment for loans and payment for goods will be less likely to be paid.

So, Mr. President, it makes no sense on economic grounds. What about the American taxpayer? This is a debatable issue. But recently, GAO reported on loan guarantees currently held by the U.S. Department of Agriculture. The GAO predicts that of the $11.2 billion in loan guarantees, 60 percent of that $11.2 billion will ultimately have to be assumed by the American taxpayer. The study predicts the American taxpayers will have to pay an additional $6.7 billion over the next 18 years because countries which have received U.S. loan guarantees have consistently refused to pay off their loans.

Sixty percent of $1.5 billion is about $900 million, if this is a parallel circumstance. But if that is not correct, if the GAO is wrong, in the President's budget, on page 247 of part 2 asserts that 26 percent of the outstanding loan guarantees are expected not to be paid

off and will have to be assumed by the American taxpayer, which means about $360 million.

Mr. President, $360 million is about 400,000 kids on the WIC Program; it is about 100,000 kids on the Head Start Program. By extending this credit, we are denying this money to children in this country who need that kind of assistance.

Mr. President, I argue this is not the right time. Political repression is going on in the Soviet Union. The Soviet Union is by any economic measure not creditworthy. And American taxpayers are going to end up having to foot a big chunk of this bill and those moneys would better be used on programs that help children in this country like the Head Start Program or the WIC Program.

But this particular resolution includes a nod in the direction, "Well, gee, we need to assure the Soviet Union is creditworthy."

In an attempt to assume the Soviet Union being creditworthy, there is a reference made to section 202(f) of the Farm Act which lists several criteria for creditworthiness. I think that is very interesting, and I think it is an improvement over the previous resolution. But what does section 202(e) of the Farm Act say? Section 202(e) of the Farm Act says "Credit guarantees authorized by this section shall not be used for foreign aid, foreign policy, or debt rescheduling purposes."

Mr. President, what is the extension of $1.5 billion of credit guarantees to the Soviet Union if it is not foreign aid, if it is not foreign policy? The proponents of the resolution have asserted that the reason we should adopt the resolution is because it will help Mr. Gorbachev, because this is a difficult time, and we are trying to balance all the foreign policy objectives. In fact, in the resolution itself is language that clearly indicates that this is being done for foreign policy reasons. To me, it is in direct contradiction of section 202(e) of the Farm Act.

Mr. President, this proceeds I believe from a basic misunderstanding about the nature of our dealings with the Soviet Union, whether they are primarily political or economic. I argue that before any extension of credits are made to the Soviet Union, the administration should answer a few questions.

I sent a letter to the President today that I hope the agriculture advisory mission that is going to the Soviet Union will take with them. In the letter I pose a few questions that I believe must be asked before American taxpayers are asked to foot a big chunk of this credit extension. Questions like: How extensive and intensive are the food shortages in the Soviet Union? Are they limited to Moscow, Leningrad, and other major cities, or do they extend throughout the country? Is there real deprivation or just a crisis mentality created by shortages and uncertainty about the future? Do shortages in urban areas indicate far worse problems in rural areas or are the residents of rural regions more self-sufficient and therefore comparatively better able to meet their nutritional requirements? How much of the Soviet grain production is ultimately available in the form of consumer goods? How much is lost in waste and technical shortcomings and corruption?

I understand that out of last year's total harvest of about 235 million metric tons, less than 100 million metric tons ultimately entered the Soviet distribution systems. Even less reached store shelves.

So who are we kidding with this amendment that allows the Soviet Union to buy agricultural goods? And we are going to beat our chest and say, see, we have fed the Soviet people?

Mr. President, if they are losing over 50 percent of their own production and unable to get it to their own people, how could we consider that grain we would send would get to their own people?

Other questions: What role do prices play in the Soviet agriculture? Are there appropriate incentives for production and sufficient distribution? The answer is probably no.

So, Mr. President, I submit the letter I sent to President Bush for the RECORD, and ask unanimous consent that it be printed at the conclusion of my remarks. There are probably another 30 or 40 questions that I hope our advisory committee will find the answers to in the Soviet Union on their visit.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 4.)

Mr. BRADLEY. But the fundamental misunderstanding is the belief that by providing credit for grain purchases we will be successfully intervening in the internal politics of the Soviet Union, and supporting those forces which we believe to be in our interests.

Mr. President, how would we feel if the Soviet Union intervened in the domestic politics of the United States favoring one candidate over another candidate, attempting to form a policy to promote one candidate over another candidate? I do not think it is our purpose to intervene in the domestic affairs of the Soviet Uniion.

Mr. President, I think the Soviets suffer from the misconception, that they can attract capital for investment in the Soviet Union without changing their economic structure. But no President of the United States can tell an American businessman to lose money in the Soviet Union. The Soviets themselves have to change to attract money.

So, Mr. President, I argue that this resolution comes at the wrong time; that the Soviet Union is not creditworthy; that the cost to taxpayers will be exorbitant; that the law of the Farm Act that the proponents of this legislation quote to justify support has in the Farm Act in the preceding section a section which argues against this amendment and this resolution; last, that there is a fundamental misunderstanding about the nature of our relationship with the Soviet Union.

The Soviets think it should be political, but politics will not solve their economic problems. Only tough decisions on economics will solve their problems.

Mr. President, that raises the question of why now? Why is this resolution coming up now? It is coming up now, in my opinion, because the Jackson-Vanik provision of the Trade Act was waived several months ago. That waiver expires on June 3d which means before the President could get another round of credit guarantees for the Soviet Union he would have to waive the Jackson-Vanik amendment again. In the face of the kind of political repression going on in the Soviet Union, this will be a controversial decision.

Mr. President, I argue further: Why do we not at least wait until July? We gave them $1 billion in December. In July they are supposed to make their first interest payment. Will they do that? Nobody knows. I think it could be doubtful. Why the rush to do this now?

Mr. President, this is not the time to do this. It is a time when we will send the wrong message to Soviet leaders as opposed to a clear message that only economic reform will allow them to improve the standard of living of their people.

By passing this resolution we will send a message that they can continue to solve their problems by political means, and that is the wrong message for the U.S. Senate. It is very important that we reject this resolution.

I reserve the remainder of my time.

EXHIBIT 1

EYEWITNESS ACCOUNTS OF THE SOVIET ATTACK ON LITHUANIAN BROADCASTING FACILITIES IN VILNIUS ON JANUARY 13, 1991

Vaclovas Krisciunas, Vilnius:

When I turned to face the roaring tank right next to me, I saw three people under its treads. They were shouting, screaming incredibly, moaning. We jumped to help them. We pulled one out quickly. But we couldn't pull out the other two women because their legs were still pinned under the treads. The tank wasn't moving. We leaned on the front of the tank and gestured to the tank driver to not drive forward, to go in reverse. After a few minutes we heard the sound of the engine, and the tank pulled back about a meter and released the legs of the two women. They weren't moaning or screaming. They had probably lost consciousness because of the unbearable pain. We picked them up and carried them to Suderve St. After carrying them for a bit, I ran to look for an ambulance because I couldn't see one anywhere. At last I saw an ambulance in the distance.

I ran up to it and saw a man who had been shot in the chest lying in it (he was stripped to the waist, and his chest was bandaged). He was pale and lying still. A young woman in a dark coat and who was pale in the face was lying by his side. She also wasn't moving.

Nerimantas Markevicius, Medical assistant of the First Aid Station, student:

As soon as we got to the TV tower, the first person I saw was a man walking in our direction; his head was cut open. His head was injured so severely that even his skull was fractured, and the pulsation of the cerebral cortex could be felt. I bandaged him. I heard people shouting from the hill that there were many injured. I climbed up the hill slipping, and it seems to me that for some time I was petrified by the sight there. I saw people standing. Then the tank fired, and three or four of them fell as if they had been hit. At that moment a man came up to me with cut face and a ruptured eardrum. I told him to go to the ambulance. Then I saw that people were carrying in my direction an adolescent boy shot in the leg. Only when I took the wounded to the Red Cross Hospital did I fully realize what was going on. The corridor was full of wounded people; doctors were stitching wounds right in the corridor since all the operating rooms were occupied.

Loreta Trucilauskaite, Vilnius:

When the shooting started I didn't feel any fear. Just my friend Loreta became very frightened. I told her, "Pull yourself together; pray; everything will be all right; there are so many people here; there's a whole crowd here, not just a few people, they won't do us any harm." Then window panes started falling. We pulled back from the tower. We chanted "Lie-tu-va!" We were pulling back as the tanks were approaching. Only now I remember that Loreta said, "Give me your hand." I was stretching out my hand to her but slipped and somebody fell on top of me. I didn't understand what was going on. I saw the cannon of the tank above me and suddenly felt that something was pressing on my legs. I heard somebody scream. I remember through a haze that somebody was lying next to me, but I couldn't understand if it was my friend or not. I managed to pull one leg out, but my other leg was under the treads of the tank. I also remember men waving and shouting something to the soldiers sitting on the tank. I hear rumours that supposedly the Lithuanians themselves were pushing girls under the tanks. That's sheer nonsense. We were retreating when the tank was pushing us. But I slipped and wasn't quick enough to get up. . . . When I remember that horrible night, I really think that I wouldn't be afraid to defend the tower again if it were necessary. I have no feeling of revenge for the tank operator who injured me. But I can't understand how he could drive over people, even if he had been given such an order. This is inhuman, terrible. . . .

Sigitas Lenkevicius, Plunge District, Gegrenai:

People sang and danced by the tower till 1:30 in the morning. Then the siren wailed. The tanks started to move towards the tower. People encircled the tower. The tanks began to shoot. It was terrifying. People were singing hymns. A vehicle came after the tanks; soldiers jumped out, and all hell broke loose. . . . The soldiers would hit people on the head with machine-gun butts; it didn't matter if they were attacking a woman or a child. Shots were cracking all around. And the crowd chanted: "Lietuva, Lietuva!". . .

Vidas Janaudis, Vilnius:

I was part of the group of medical personnel allowed to enter the TV tower seized by the paratroopers. The troops were calm, they were smoking, some of them were slightly bruised. Looking at them you got the impression they were people resting after an ordinary day's work. One of them tried to explain: "It was more terrifying in Baku!" Then he fell silent and went on as if trying to justify himself, "Why are people getting in the way of tanks for no reason? If we're given an order, we will occupy [the building] at any cost! Once we've gotten in here, the people had better get out of the way. Later the authorities will have it out among themselves."

Igoris Braslavskis, Physician, intensive care team of the first aid station:

When we were called to the Television Committee building, the first thing I saw there was a man on a stretcher next to an ambulance. One glance was enough to conclude that he was already dead. Many people were willing to help, and I asked to bring all the wounded people to the car. A man ran up and told me that he had seen a burnt man in the enclosure by the Television and Radio Committee building where armored personnel carriers were already standing. Together we went to the enclosure, and I tried to squeeze inside through an opening between the booth and the fence, but the troops spotted me and opened fire, although I was wearing a white doctor's smock. A young man with a burnt face was walking about in the enclosure shouting that he didn't know which direction to go. Having stepped back, I started to shout commands for him to come in the direction of my voice. He oriented himself and came up to me. His whole face was burnt; his eyes were swollen; blood was oozing from his nose and mouth. He could speak, and still knew where he was, and what was going on. He said he was a student from Silute. He was worried that his parents would find out that he had been wounded and asked me not to tell them anything. While in the ambulance, we diagnosed burns in the respiratory tract, possible external and internal trauma of the thorax resulting from an explosion. Most probably, it had been an exploding cannon shot. Later we also heard these kinds of explosives exploding in the crowd. The young man's face was swelling; tiny particles of powder had stuck in the skin; his face was black, and we couldn't make out his eyes. The agony of death started. We were in a hurry to bring him to a hospital as quickly as possible. When we were driving off from the Television Committee building, a shot was fired above the ambulance. When we recovered from the shock, we looked through the window and saw a tank five metres away from the ambulance.

Romualdas Burba, Assistant professor, Cand. Sc. (Medical Sciences), Head of the Traumatology Department, Vilnius Clinic No. 1:

I have been working as a surgeon for thirty years. I have never seen such severe injuries. The character of the wounds was quite obvious; in most cases it was bullet wounds and wounds resulting from people being crushed by tanks and armored personnel carriers. Those were obvious cases of field surgery. We were in a hurry to sort out the injured persons so we could make sure who had to be operated on without delay, whose condition was not so critical, and who had to be X-rayed. Already in the course of the first operations performed by surgeons, bullets and splinters, including plastic splinters, were extracted from wounds. The type of bullets was also quite obvious—dum-dum bullets possessed only by professional military and prohibited under Geneva conventions even during wartime.

Vaclovas Buzas, Kupiskis district, Simoniai:

The tanks stopped, and paratroopers jumped out one after another. They fired several blank shots and then started throwing explosives. One fell close to me; I kicked it back. A second explosive was thrown at us. I grabbed it and threw it back. At that moment I was hit; and that was that. A shot from a machine-gun. I thought my leg had been cut off; I couldn't move it. I was pulled out by a Japanese journalist; I would have been trampled otherwise. Then another man ran up to me and pulled me to an ambulance; from there I was taken directly to the operating table.

Algirdas Sukys, Vilnius:

We held hands as we stood in front of a huge moving tank which crawled by quite close to us. Hardly had I managed to pull my leg away from its treads when on the left, almost beside me, I heard a scream. Turning, I saw a woman or a girl lying on her back (in the shade of the tank it was hard to see her face distinctly, but I noticed that she had a light-coloured kerchief or a cap on her head, and was wearing a light-coloured scarf and a dark or grey coat). Her legs were under the treads of the tank. Men tried to push the tank back, to pull the victim out, but they could not budge such a heavy object (it was a heavy tank, not an armored personnel carrier). I began to hit the top of the tank with my fists, screaming in Russian that there was a woman under the tank. Then, cursing furiously, a soldier jumped up to me, gave me a poke in the back, kicked me in the stomach and pushed me from the tank. The tank drove backwards, but before forward, it pulled back a bit and ran over the woman once more. Several men took the injured woman and carried her off. At the same time on the right side shots were heard. One soldier wearing a helmet shot at a man who fell down and who was also taken away from the tower into the darkness. A young, well-built man in a soldier's uniform and with medals on his chest, standing among us, jumped in front of the tank and fell down, shouting, "What are you doing! You're shooting at your own people! I served together with you in the army. Even in Afghanistan we didn't act like this. Crush me, too!" A soldier ran up to him. I don't think he managed to kick the man lying on the ground because our men pulled him to where we were. He stood and cried. Big tears were rolling down his cheeks. We joined our hands and began to chant, "Lithuania! Lithuania! Lithuania will be free!"

Helde Aivars, Latvia:

But another rocket was fired, and they began shooting. They pretended to be shooting in the air, but people fell all around. Searchlights blinded us. I tried to go, but then a tank fired and a piece of concrete, which split off from the tower, hit me on the shoulder, while a man standing next to me was hit in the eye. Luckily, I had opened my mouth because a girl standing near by clutched her ears and started to shout. Her boy friend was holding her, and it looked as if she was going out of her mind. A body was dropped down from the tower; I'm not sure from which floor. When a tank fired I saw a man thrown up into the air and then drop to the ground as if he were an empty sack. At that moment I became scared. I realized how meaningless and helpless my body was; I felt as if I were separated from it. I just wanted to see everything, everything that was going

on, because I realized that the real essence of the communist empire was unfolding in front of eyes; I was seeing its real face . . . Then the paratroopers really turned brutal. They weren't shooting into the air anymore, but into the ground quite close to the feet or even directly in the legs. A soldier hit a man with the butt of his gun, and then hit him again on the head with a truncheon. The tanks were approaching, people panicked, but they didn't run. Bullets were flying around and shouts were heard. I saw a Japanese journalist behind the fence and having come up to him I started telling him what was going on. Ambulances were standing at the bottom of the hill. The first person killed was lying on stretcher. Photographers had surrounded him like flies. Back up on the hill tanks were chasing people like crazy. People could only get away by jumping the fence or getting under the tank. The soldiers kept beating them and shooting them in the legs. It seems they had been given an order to disperse them from that area. A drunken voice shouted from a megaphone, "Go home, your grandmas and grandpas are waiting for you." Then another man started speaking in a more normal voice, first in Russian, then in Lithuanian, "Your resistence is senseless. The committee for national salvation is taking all power into its hands. This is the power of workers and peasants. Our aim is humanism . . .", while at the same time paratroopers were still shooting people in the legs. I saw an elderly man fall . . .

Stasys Ivanauskas, Nida:

Trying to keep warm, we were dancing and singing. I myself was playing the accordion and was happy that so many people were joining in. I want to stress that neither our songs nor our words contained anything insulting to people of other nationalities. Somebody made fun of use of force. We were singing mostly patriotic songs and were chanting. That was the only weapon we had. . . . After breaking through the barriers below, the tanks surrounded the TV tower. A powerful searchlight was turned on and directed at us. As soon as the tanks halted, the soldiers started shooting with live ammunition and throwing explosives. Window-panes were shattered by bullets and the shock of noise. Paratroopers, clearing their way with the butts of their guns and with truncheons, attacked the people. I saw a tank driving over a woman who had fallen down. We dispersed. Women's moans and children's screams were heard everywhere. Men were shouting "Fascists!" . . .

EXHIBIT 2

CHRONICLE OF OFFENCES COMMITTEE BY U.S.S.R. ARMED FORCES ON THE TERRITORY OF THE REPUBLIC OF LITHUANIA, 7 JANUARY–25 APRIL 1991

(Office of the President, Supreme Council of the Republic of Lithuania, May 1991)

The following document is a chronicle of recorded instances of Soviet military actions in the Republic of Lithuania, 7 January through 25 April 1991, which resulted in material damages, injuries, and loss of human life. The chronicle is based on reports submitted to the Supreme Council of the Republic of Lithuania by the Procuracy General of Lithuania under the leadership of Procurator General Arturas Paulauskas, official news releases of the Supreme Council Bureau of Information, reports from the Ministry of Health of the Republic of Lithuania, and information provided by the Lithuanian Television and Radio Committee.

This chronicle is an informal report on Soviet military action, and is published at this time to provide practical information in English on these actions until detailed conclusions are released by investigators of the Procuracy General. Certain reports which have not produced more substantial evidence have been excluded from this chronicle. Updates will be published as new information is made available.

1991

7 January

Bureau of Information release: At 14:30 today, President of the Supreme Council of the Republic of Lithuania, Vytautas Landsbergis, acquired information by telephone from the Commander of the USSR Military Forces deployed in the Baltic States, General Fyodor Kuzmin, that, in accordance with orders issued by USSR Defense Minister Dmitri Yazov, conscription of youths by force into the Soviet Army is beginning in Lithuania. A special division of paratroopers will be used to execute this order.

8 January

At approximately 17:30, a green ambulance with 6 men in civilian clothes (one of whom spoke Lithuanian) arrived at Simonys village (Kupiskis district), and abducted Linas Cerniauskas (born 1970), who had left service in the Soviet Army. Mr. Cerniauskas had voluntarily entered the Soviet Army in July, 1990, but, after his mother had taken ill, returned home. Mr. Cerniauskas later returned to service once more, but later ended his term in the army voluntarily. A criminal case regarding the abduction of Mr. Cerniauskas has been opened by the Kupiskis municipal procuracy. (Article 131, Lithuanian Criminal Code).

11 January

Soviet military attacks and occupies the Lithuanian Press House, a facility which publishes and prints the greater majority of newspapers currently in circulation. Large crowds gathered in defense of the building witness the assault. Several civilians are beaten, and one man is shot in the face. (see Procuracy reports below)

Bureau of Information release no. 016: At 11:50, Director of the National Defence Department, Mr. Audrius Butkevicious, informed the Bureau of Information that the National Defence Department building in Virsuliskes (suburb of Vilnius) was taken over by armed forces of the Soviet military. Shots were fired at employees. No one was injured as the employees were fired upon and ejected from the building. According to reports by the Procuracy General, representatives from the investigations department of the Ministry of Internal Affairs of the Republic of Lithuania were not allowed to examine the building. All materials and information regarding this matter are conveyed to the office of the Procurator General.

The National Defense Department is located at Kostiuskos Street 36.

Procuracy General official information: On 11 January, at approximately 12:15 p.m., on Kosmonautu Prospect in Vilnius, during the seizure of the Press House, V. Luksys and Kvickauskas received gunshot wounds to the face, A. Vaitiukas received a gunshot wound in the leg, and assaulted was J. Kaziniauskas, who in hospital was diagnosed as having suffered a brain concussion.

On January 11, at approximately 12:55 p.m., in the intersection of Zalgirio and Rinktines streets in Vilnius, Soviet army tank No. 511 entered the oncoming traffic lane and collided with a ZIL–130 truck, driven by J. Zaunys. Zaunys suffered broken bones and was put in hosptial.

12 January

Bureau of Information release No. 027: At approximately 01:00 this morning, paratroopers broke the windows of the main National Defence Department building in Vilnius, stormed in, and soon left with the Department's paperwork. The two employees who were inside were beaten with riot sticks, though they are not hurt badly. The offices inside are almost completely demolished, there is evidence of explosions.

Bureau of Information release No. 028: A military driving school on the outskirts of Vilnius was stormed by paratroopers and demolished inside at approximately 02:00 this morning. There is no apparent reason for this action.

Bureau of Information release No. 030: At approximately 03:00 a special unit of the Lithuanian police on the outskirts of Vilnius (in Valakampiai) was taken over by special Soviet paratroops. About twenty armored vehicles surrounded the building, special unit soldiers stormed into the yard and sliced telephone wires, cutting off all communications. Four officers out of about forty were able to escape through a window.

Vilnius municipal IAD receives written complaint from a Mr. Kvicauskas, stating that, during the military attack on the Press House, he was wounded in the face by a plastic bullet.

Vilnius municipal IAD receives written complaint from a Mr. A. Vaiciukas, stating that during the military attack on the Press House, he was wounded in the foot.

Vilnius municipal IAD receives written complaint from a Mr. V. Luksys, stating that, during the military attack on the Press House, he received a bullet wound to the face.

Vilnius municipal IAD receives written complaint from a Mr. J. Kariniauskas, stating that he was beaten on 11 January during the military attack on the Press House.

At 11:10, on the Druskininkai-Pariece highway, Varena district, armed soldiers attack a National Defence Department guardpost, confiscating equipment and the guardpost trailer. Damages amount to eight thousand rubles. The Druskiniankai municipal procuracy opens a criminal case on 25 January 1991 (Art. 92, LCC).

At 17:40, uniformed soldiers enter the offices of the Hunting and Fishing Association in Vilnius (Stikliai St. 6–8), and, wielding machine guns, break into the society's weapons storage closet and steal eight hunting rifles as well as a list of society's members. Criminal case opened by the Vilnius municipal procuracy.

Soviet army soldiers attack and occupy the former Central Committee building of the Voluntary Association for the Support of the [Soviet] Army, Air Force and Navy (DOSAAF in Russian) in Vilnius (Basanaviciaus St. 15), which was being used by Lithuanian Government agencies as a storage facility. Representatives of the Vilnius municipal Internal Affairs Department are not allowed to examine the scene. All materials and information regarding this case are conveyed to the office of the Procurator General.

A Soviet army tank, having blatantly violated traffic regulations, runs into and crushes a ZIL–130 truck (corner of Tuskulenai and Zalgirinio Streets), and severely injures the truck's driver. Criminal case opened by the Vilnius municipal IAD (Art. 246, paragraph 2, LCC).

Vilnius municipal IAD receives compliant from Mr. V. Palkevicius, stating that his VAZ–2109 automobile had been stolen. Fur-

ther investigation reveals that the theft was committed by Soviet army soldier V. B. Mackevich (unit no. 71464), born 1971. Criminal case opened by the Vilnius municipal IAD (Art. 250, paragraph 1, LCC).

Procuracy General official information: On 12 January, at approximately 2:00 p.m., in Ziberto street in Kaunas, a GAZ-66 automobile from military unit No. 10999, in violation of traffic regulations, was unable to avoid a collision with an automobile being driven by L. Gerulis. One civilian death and injuries to three others resulted.

13 January

Soviet army tanks units, violating traffic regulations, damage automobiles and state-owned transportation vehicles along Suderve Street, in Vilnius: a car belonging to the Trakai municipal highway patrol (make: IAZ-27-15, license no. 8216 LLU)—damages=1,525 rbl.; 5 automobiles belonging to the Vilnius special automobile factory (make: ZIL-130 and GAZ-51)—damages=10 thousand rbl.; an automobile belonging to the Vilnius municipal IAD (make: VAZ-2108)—damages=8,300 rbl.; a private car belonging to Mr. J. Juskauskas, damages=2,000 rbl.; and a private car belonging to Mr. V. Ravaitis (make: Moskvich-412)—damages unknown. Total number of vehicles damaged=nine. Total damages=approx. 11,825 rbl.

Vilnius municipal IAD opens criminal case on 13 January (Art. 99, paragraph 2, LCC).

Soviet army soldiers attack and occupy a branch of the Police Academy training center of the Republic of Lithuania, in Valakampiai (suburb of Vilnius). Criminal case opened (Art. 234, paragraph 1, LCC). Investigation is conducted by the Criminal Investigations Department of the Procuracy General of the Republic of Lithuania.

At approximately 01:30, a military column of tanks and armored vehicles departs the Northern Barracks military base. The caravan divides, with one column moving toward the Vilnius television tower in the suburb of Karoliniskes, the other heading for the Lithuanian Radio and Television Committee building (Konarskio Street, central Vilnius). Paratrooper divisions are dispatched from the armored troop carriers, and, with the support of tanks and armored vehicles, begin shooting and assaulting the television buildings, where employees of Lithuanian television were still working. Large crowds of unarmed civilians had gathered at both buildings to defend them against a possible Soviet attack. Advancing on the tower with tanks and a shower of bullets, the soldiers kill thirteen civilians. During the time of the attack on the tower, a Soviet soldier is almost mortally wounded from "friendly fire." Many are wounded during the military take-over of the Radio and Television Committee building as well.

The following is a list of casualties provided by the Procuracy General of the Republic of Lithuania:

1. Algimantas Petras Kavoliukas, 51, resident of Vilnius, employed as a butcher in a Vilnius suburb grocery store. First to die during the attack on the television tower. Mr. Kavoliukas was killed on Suderve street, as he tried to block a moving tank. The tank hit Mr. Kavoliukas, and drove him into a nearby sand container. On 11 January 1991, Mr. Kavoliukas was among the civilians defending the Press House against a similar Soviet assault. During the attack he received wounds from a blow to the head by a rubber truncheon. According to reports from his spouse, Mr. Kavoliukas was determined to go to the television tower, as he was convinced that the tanks would not attack unarmed civilians. Mr. Kavoliukas was the father of three children. The oldest, Gintaras, had returned from service in the Soviet army on 13 January 1991, hours after the death of his father.

2. Loreta Asanaviciute, 23, resident of Vilnius, employed as a seamstress in the "Dovana" souvenir company. Died from severe injuries after she fell under an advancing tank. Ms. Assanaviciute was accompanied by her friend, Ms. L. Trucilauskaite, who also suffered severe injuries after she was caught under the same tank treads.

3. Rolandas Jankauskas, 22, resident of Vilnius. Mr. Jankauskas had returned from service in the Soviet army one month prior to his death. Death from severe injuries after falling under an advancing tank. Mr. Jankauskas came to the tower with his brother and Ms. Grazina Veikutyte. According to Ms. Veikutyte, she and Mr. Jankauskas fell to the ground after hearing tank fire, and seconds later she said she felt a tank roll by them.

4. Alvydas Kanapinskas, 38, resident of Kedainiai, employed in the Kedainiai "Progresas" factory. According to paramedics, Mr. Kanapinskas died near the television tower at 02:10. Death from bullet wounds to the lungs.

5. Vytautas Vaitkus, 47, resident of Vilnius, employed as a plumber in a Vilnius meat plant. Death from bullet wounds to the heart and lungs received at the television tower.

6. Darius Gerbutavicius, 17, resident of Vilnius, high school student. Death from bullet wounds to the right lung, right thigh and lower leg.

7. Vidas Maciulevicius, 24, resident of Vilnius, locksmith. Death from bullet wounds to the face, neck and spine.

8. Apolinaras Juozas Povilaitis, 53, resident of Vilnius, locksmith. Death from bullet wounds to the heart, right lung, upper arm, and thigh.

9. Virginijus Druskis, 21 resident of Vilnius, university student. Death from bullet wounds to the heart and lungs.

10. Ignas Simulionis, 17, resident of Vilnius, high school student, Died alongside Darius Gerbutavicius, from bullet wounds to the head.

11. Titas Masiulis, 28, resident of Kaunas. Friends report having seen Mr. Masiulis trying to wave off an advancing tank. Death from bullet wounds to the heart and lungs.

12. Rimantas Juknevicius, 24, university student. Severe injuries from bullet wounds and severe burns, resulting in death several hours later in hospital. Accompanied to the tower by friends from the Kaunas University of Technology, who witnessed the attack.

13. Alvydas Matulka, 35, death from heart attack after witnessing the assault on the tower.

14. Soviet soldier Viktor Viktorovich Shatskikh, 30, death from bullet wounds.

According to the Procuracy General of the Republic of Lithuania, over six hundred persons suffered from a wide range of injuries as a result of the Soviet assault on the television tower and TV and Radio Committee building. Injuries ranged from bullet wounds, broken bones, and acoustic trauma for persons standing near tanks as they shot blanks to disperse crowds. Some injuries also resulted from the detonation of canisters containing an unidentified gas. Many persons were reported missing by friends and relatives in the first forty-eight hours after the assault. After several days, all but two of the missing had been acounted for.

As a result of the Soviet occupation of the main television facilities, more than 400 radio and television employees remain without normal working conditions. A temporary television facility was established at the Lithuanian parliament building, with a broadcast radius encompassing the city of Vilnius and its environs. Smaller television stations in major cities throughout Lithuania began transmission in January, and continue to rebroadcast Vilnius transmissions as well as local programming to all points in the country.

Recently, a group of evicted radio and television employees began a hunger-strike outside the Soviet-occupied Radio and Television Committee building, petitioning for its return to the Lithuanian government. The strike continues to this day.

Procuracy General official information: On 13 January, at approximately 2:00 p.m., on the Vilnius-Kaunas road in the Trakai Region, during the course of filming a moving column of military armoured vehicles, A. Zrelskis received a gunshot wound, and an automobile belonging to A. Bublaitis was damaged by gunfire.

14 January

Bureau of Information release no. 034: This morning at 11:45, paratroopers barged into the local radio communications building at Gedimino Ave. 34 (central Vilnius), ordering all employees to leave. The building is presently surrounded by soldiers.

Vilnius municipal procuracy begins official criminal investigation proceedings concerning the occupation of the Press House (Article 274, LCC). The investigation is led by procurator Levickas, Criminal Investigations Department, Vilnius municipal procuracy. Complaints regarding injuries from the attack are also included in this investigation.

Procurary General receives report that, at approximately 14:00 on 13 January, Mr. A. Zrelskis received a bullet wound to the foot while he was attempting to film a moving column of armed vehicles on the Vilnius-Kaunas highway. A car belonging to Mr. A. Bublaitis (VAZ-21011) was also shot at the same military caravan.

15 January

Vilnius municipal procuracy receives written complaint from Mr. A. Fedoseyev, stating that, on 14 January 1991, Soviet army soldiers, armed with machine guns, attacked him near the electricity net facility at Gedimino Ave. 36, and stole a BETA-CAM SR video camera belonging to the French television company TF-1, which had been filming in Vilnius from 10 January. Criminal case opened by the Vilnius municipal IAD (Art 148, paragraph 2, LCC).

16 January

Vilnius municipal procuracy receives written complaint from Mr. R. Dubickas, stating that on 14 January 1991, he was abducted by Soviet soldiers on Seskine Street in Vilnius, taken to military command, beaten, and held for forty-eight hours. On 16 January 1991, Mr. Dubickas was blindfolded, tied and driven out of Vilnius, and later was thrown out of a car along the Vilnius-Kaunas highway. Mr. Dubickas suffered severe injuries. Dubickas later tells procuracy officials that fourteen more people were held under arrest at the military command at that time, and were also beaten and driven outside of Vilnius. Criminal case open-raised on 21 January 1991 by the Vilnius municipal procuracy (Art. 111, paragraph 1, LCC). Investigation conducted by R. Savickas.

At 18:00, in the Ulmerge suburb of Pasile, Soviet military armored vehicles block the road to a passing highway patrol car. Soldiers disarm the militia inside the car, confiscate their identification cards, and destroy the car's short-wave radio. Criminal case opened by the Ukmerge district procuracy on 25 January 1991 (Art. 214, LCC).

17 January

Bureau of Information release no. 051: The National Defence Department of the Republic of Lithuania informed the Bureau of Information that at "17:30 today military personnel began a violent, mass hunt for youths (who have either used their rights as Lithuanian citizens to leave service of a foreign army, or have not answered the Soviet draft)." According to the National Defence Department, at least eleven kidnapings of youths [have occurred] in Vilnius alone today.

18 January

Bureau of Information release no. 059: Yesterday a car of the Supreme Council of the Republic of Lithuania, [transporting member of parliament Vidmantas Povilionis], was stopped by an armed military patrol. Deputy Povilionis issued the following statement to the Procurator General of the Republic of Lithuania: "On 17 January 1991, at about 22:10, on the Vilnius-Kaunas highway, a car of the Supreme Council was stopped near the Gariunai intersection. In violation of immunity [accorded all parliamentarians], I was threatened with a weapon, forced to get out of the car and was detained for about 2.5 hours, together with my driver and a few highway patrol officers, in the cold with our hands held up behind our heads. . . . We were brutally brought onto the floor of a military truck and taken to military headquarters, where we were interrogated and eventually released."

24 January

Vilnius municipal procuracy receives written statement from Ms. L. Liaudanskaite, stating that, at 03:40 on 22 January 1991, on Giedraiciu Street in Vilnius, Soviet soldiers abducted two draft-age men. Investigation begun by Vilnius municipal IAD.

Vilnius municipal IAD receives written complaint from Mr. A. Bakzenas, stating that on that same day, at approximately 17:40, Soviet soldiers stopped him as he was driving along Savanoriu Avenue. The soldiers checked Mr. Bakzenas' documents, and allowed him to drive on. Having driven one hundred meters, the driver saw an armored vehicle driving alongside, which began to fire at Mr. Bakzenas' automobile. Damage was done to the automobile. Criminal case opened by the Vilnius municipal procuracy on 25 January 1991 (Art, 75, LCC). Investigation conducted by K. Betingas.

25 January

Three members of the Supreme Council Security department are arrested as they try to retrieve an automobile damaged earlier in a shooting incident. S. Steponavicius, D. Matulaitis and G. Macenas have been taken and detained at the Northern Barracks military base.

Bureau of Information release no. 073: After 01:00, the Bureau of Information received reports that foreign correspondents who had been on their way to [cover Soviet actions near the Northern Barracks] were abducted by the Soviet military. This was confirmed when at approximately 02:00 the Bureau received a call from Brian Killon, "Reuters" correspondent based in Moscow, saying that he had just returned from the Northern Barracks base where he was held with Marcus Warren of the London Daily Telegraph and Anatol Lieven of the London Times, as well as other Lithuanians. The three correspondents had found two people to drive them to the scene of [earlier] shootings, but before they actually reached the [site], they were stopped by military personnel, ejected from their automobiles at gunpoint, and loaded onto a military truck. According to the correspondents, there were already three people inside the truck, a few of which they recognized as having seen before in the parliament building. The correspondents and the three men (later identified as the arrested Supreme Council Security department personnel) were interrogated. The journalists reported that the Supreme Council Security department personnel were severely beaten.

Vilnius municipal IAD receives written complaint from Mr. M. Pleckavicius, stating that, at 17:30 on 24 January 1991, he was stopped by soldiers on Savanoriu Avenue, beaten, and driven to military command. He was later released. This case is included in the investigation of similar events of 24 January (see above).

Vilnius municipal IAD receives written complaint from Soviet APN Novosti press agency correspondent Mr. N. Baranauskas, stating that, at 22:45 on 24 January 1991, on Gelezinio Vilko Street, he was stopped by Soviet soldiers, beaten, and his Nikon FM-2 camera was stolen. Investigation begun by the Vilnius municipal IAD.

Vilnius municipal IAD registers complaint from a Mr. Baikstis, manager of the "Spauda" publishing company's central warehouse, stating that, at 13:30 on 23 January 1991, approximately twenty armed soldiers entered the warehouse (Kirtimu St. 55), and occupied the building. Militia arriving on the scene were not permitted to enter the warehouse territory. Criminal case opened by the Vilnius municipal IAD on 28 January 1991 (Art. 178, paragraph 2, LCC).

26 January

Vilnius municipal procuracy receives written complaint from Mr. R. Vaitkevicius, stating that, on 24 January 1991, as he and two other men (Steponavicius and Balnis) attempted to retrieve an automobile belonging to the Supreme Council Security department damaged by Soviet soldiers, they were stopped by soldiers, beaten, and taken to the Northern Barracks military base. Later, they were driven to military command and released only on 25 January.

Similar complaints of violent acts by Soviet soldiers on this day were received from Mr. S. Steponavicius, Mr. J. Balnis, Mr. Z. Slusnys, Mr. Matuliauskas, Mr. G. Terleckas, Mr. R. Aukstuolis, and Mr. S. Skiudulas. Mr. Slusnys later told procuracy officials that, while being held at the Northern Barracks base, a Soviet general demanded that he confess to shooting at a military caravan, and that this confession would be filmed by journalists from the Soviet television program "Vremya." After Mr. Slusnys refused to comply, his hands were tied and he was driven to the military command, where he was held until 26 January 1991. Slusnys suffered severe injuries, and remained in critical condition for some time after the incident.

These events are included in a general investigation of events of 24 January 1991 (see above).

After the events of January 24, 1991, when six men were captured by soldiers of the Soviet military unit in Vilnius, three employees of the Supreme Council Security department and a driver are still in the hospital. Following is the medical data on their conditions:

Matulaitis Darius, driver—Brought into the hospital at 3:50 p.m.

1. Light degree cerebral trauma
2. Fractured nasal bones
3. Multiple face and head bruises
4. Bruises of the back and the thorax

Steponavicius Saulius—Brought into the hospital 3:50 p.m.

1. Medium degree cerebral trauma
2. Fractured left side of the skull base (suspected)
3. Blood outpouring under the covers of the Cerebrum (suspected)
4. Multiple head and face bruises
5. Laceration of the back of the nose (patient received stitches)
6. Traumatic tear of the left eardrum and bruise on the left ear
7. Beating of the right thorax, beating of the left thigh, bruises and lacertations of the left shin

Macenas Gintaras—Brought into the hospital at 8:30 p.m.

1. Medium degree cerebral trauma
2. Fractured left side of the skull base
3. Laceration of the lower lip
4. Multiple head and face bruises
5. Traumatic tear of the right eardrum

27 January

Vilnius municipal IAD receives written complaint from Mr. A. Salkinas, stating that, at 01:00 on that same day, as he was driving along the Vilnius-Kaunas highway near the town of Gariunai, he was stopped by soldiers who checked his documents, and then began shooting a series of bullets into the pavement. Mr. Salkinas was wounded in the foot by a stray bullet. Investigation conducted by the Vilnius municipal procuracy.

At approximately 19:20, ten men, armed with automatic weapons and dressed in black uniforms, attack the Lithuanian customs post at the border town of Lavoriskiai (Lithuanian-Byelorussian border). The men search the customs officers, beat three of them, and destroy equipment in the post booth. Criminal case opened on 28 January 1991 by the Vilnius municipal procuracy (Art. 203, paragraph 2, LCC).

At approximately 20:30, ten men in two UAZ automobiles attack the Lithuanian customs post in Medininkai (Lithuanian-Byelorussian border). Two customs officers are beaten, and damages are done to equipment. Criminal case opened on 28 January 1991 by the Vilnius district procuracy (Art. 203, paragraph 2, LCC).

28 January

Vilnius municipal procuracy receives written complaint from Mr. R. Brazevich and Mr. V. Brazevich, stating that at approximately 20:20 on 26 January 1991 on Savanoriu Ave., they were stopped by soldiers wielding weapons, forced to lie on the ground, and were beaten with rifle butts and kicked repeatedly for no apparent reason. The injured were then driven to military command, were held over night, and only released the next morning. V. Brazevich suffered from serious injuries. Investigations being conducted by the Vilnius municipal procuracy.

29 January

Bureau of Information release No. 088: At 02:15, Mr. Jonas Tautkus (born 1970, a resident of Vilnius), was brought to the hospital from the Vilnius-Kaunas highway with a bullet wound to the back of the head. Dr. Alvydas Pauliukevicius performed surgery on Tautkus, but did not retrieve the bullet from the brain. Ms. Danguole Kaladiene,

head of the intensive care department, later told the Bureau of Information that Tautkus "has no chance of survival."

According to a report by the Procuracy General, several witnesses who had brought Mr. Tautkus to the hospital explained that he had been shot by soldiers near the Gariunai (Vilnius suburb) gasoline station. An investigation into the incident has begun.

Bureau of Information release No. 091: The following report was issued today by the Ministry of Health of the Republican of Lithuania: [To date], 580 people had reported to hospitals and clinics for injuries [received during the Soviet military assault on the television tower and Radio and Television Committee building], 152 of these women. The hearing of 312 was impaired, 122 suffered from multiple injuries, 46 were injured by bullets, 10 were burn victims. One hundred and ten were treated in hospitals, 31 are still hospitalized, and the condition of one is still critical. From 20 January to today, thirteen injured men have reported to hospitals and clinics [as a result of continuing Soviet assaults on civilians—ed.]. Two of these men suffer from bullet wounds. Nine are still being treated in hospitals for serious head injuries, one [Jonas Tautkus—ed.] is in critical condition.

Procuracy General official information: On 29 January at 12:50 a.m. near the Gariuani bridge in Vilnius, soldiers opened fire on an automobile owned by G. Ziura. The automobile suffered four bullet holes. There were no injuries.

30 January

Bureau of Information release No. 095: The Ministry of Health reports that at 14:25 today Jonas Tautkus died in the First Clinical Hospital in Vilnius of a bullet lodged in the brain.

2 February

According to a Ministry of Health statement, on 1 February 1991 Valdas Puzinas, 22, was beaten by four soldiers in Lukiskiu square. On requesting him to produce documents, the soldiers began beating him on the head with automatic rifle butts. He lost consciousness and when he came back to himself, they were gone. The youth was taken to the Red Cross hospital and diagnosed as suffering from dislocated jaw-bone and a fractured brow-bone.

Procuracy General official information: On 2 February at approximately 10:00 p.m. at the Manto Street bus stop in Klaipeda, five soldiers assaulted D. Ubartaite, V. Ubartas and V. Loktevas.

16 February

Procuracy General official information: At about 6:00 a.m. on the road near the town of Druskininkai, Soviet Army soldiers shot up an automobile belonging to A. Pauza. The front windshield of the automobile was damaged. There were no injuries.

18 February

The Ministry of Health reports that at 05:15, Mr. Vytautas Koncevcius, from Kedainiai, suffering from bullet wounds received during the Soviet military assault on the television tower, died in hospital, bringing the death toll from Soviet attacks to sixteen.

26 February

Procuracy General official information: On 26 February at about 9:30 p.m. Soviet Army soldiers conducted an illegal search of the television retransmission tower in Plunge. Having found nothing, they cut telephone lines and left. The soldiers claimed they were searching for weapons.

8 March

Bureau of Information release No. 154: On 7 March at approximately 1 a.m., two employees of the State Intelligence Department of the Republic of Lithuania, Kestutis Mickus and Vitoldas Petravicius, were stopped in their Department car by Soviet special militia while driving near the Lithuanian special police building, presently occupied by the USSR military. They were accused of not stopping to the blink of car headlights, supposedly shown to them by the Soviets. After being held in Military, headquarters of Vilnius they both were released at approximately 4 p.m. today. At the headquarters Mickus and Petravicius were interrogated many times and searched separately. The Department car still remains in the yard of the headquarters.

9 March

At about 5:00 a.m. shots were heard in Basanavicius Street in Vilnius. A foreign correspondent living nearby heard the shots and went outside to investigate. He saw three Soviet soldiers; one was shooting into the air. When the correspondent approached him, the soldier struck him on the jaw.

Procuracy General official information: On 9 March [at approximately 5:00 a.m.] intoxicated Soviet soldiers arbitrarily detained Meilunas, Charitonovas and Jasiulionis in the vicinity of Basanaviciaus Street 15. Meilunas and Jasiulionis were assaulted; taken were cash, a watch, and an audio cassete. The above individuals were made to lie in the street, were struck with rifle butts, were mocked, and obscene curses were aimed at them.

11 March

Last night six Lithuanian policemen and an employee of the National Defense Department were detained by Soviet Special Militia in Vilnius.

Yesterday at approximately 9 p.m. National Defense Department employee Arturas Merkys was detained by the SSM while bringing furniture for the Department in a department automobile. The furniture and the car are still in the possession of the Soviet Military.

At approximately 2:30 a.m. a car of Lithuanian Police with four policemen on board was stopped by the SSM. They were stopped by a military car standing across the street. The Soviets said that they will speak to none lower than the "Minister" and took all four Lithuanians to the same Police Academy. Later in the day the policemen were released without their automatic weapons.

At about the same time two sergeants of the Lithuanian Police were stopped in their private car, again, by the SSM. The Policemen were accused of driving while under the influence, even though these were not traffic officers. The Soviets took away the sergeant's pistols and let them go.

14 March

Procuracy General official information: On 14 March at approximately noon, at the former DOSAAF facility in the Virsuliskes [area of Vilnius], a Soviet Army soldier, when acting negligently with his weapons, shot in the head A. Oskolkov (born 1976).

15 March

The headquarters' employee, Major Zaichenko, informed the Lithuanian authorities that on March 14, at approximately 11 p.m. an unrecognized young man was shot dead in the building of the National Defense Department of the Republic of Lithuania (the building presently occupied by the USSR military).

Later today an investigation group of the Lithuanian Ministry of Internal Affairs, which went to the mentioned building, was not allowed inside. The body of the young man is in the morgue at the moment and his identity is still being established.

18 March

At approximately 12:45 a.m., Deputy of the Supreme Council and Director of the National Defence Department of the Republic of Lithuania Audrius Butkevicius and his driver Vaclovas Jezerskas were abducted by Soviet military personnel. They were threatened by automatic weapons carried by four men in civilian clothes. It was only after Deputy Prime Minister Zigmas Vaisvila and Prosecutor General Arturas Paulauskas undertook negotiations with Soviet Internal Affairs officials both in Vilnius and in Moscow that Audrius Butkevicius and later Vaclovas Jezerskas were released.

20 March

At approximately 7 p.m. seven officers of the National Defence Department of Lithuania border patrol in a bus were stopped in Pylimo Street, Vilnius by Soviet OMON jeeps blocking their way and as they did not stop, the jeeps chased, shooting at them. Five succeeded in escaping, four of them were not wounded, one is in hospital with a bullet wound in the thigh near the groin; two wounded were being held at the Soviet military commander's headquarters in Vilnius. After long negotiations between Lithuanian Government officials and officials at the commander's headquarters, Lithuania's Minister of Health, Juozas Oleka, and an official from the Ministry of Internal Affairs were allowed into the building where the two National Defence Department employees were being held. According to Minister Oleka, who was not able to make a close examination, one had slight wounds, the other was wounded in the skull and chest and needed immediate medical attention, possibly surgery. Medical attention had not, as yet, been allowed.

At approximately 2:15 a.m. the two National Defence Department employees were released from military headquarters, one was given first aid treatment and sent home, the other was taken to the hospital with what seems to be head wounds and a broken rib. Both received their injuries while being dragged out of the bus at the scene of the shooting.

27 March

At 12:56 p.m. the Soviet army detained E. Zvinklys at the house 51, Gedimino Street, Vilnius, by aiming automatic weapons at him. He was taken away to an unknown destination.

28 March

Soviet army men, at 12:30 p.m. at 216-9 Taikos av., Klaipeda, broke into the flat of M. Zuravliova, as they searched for her son, who deserted the Soviet army.

3 April

At 11:30 a.m. in Jovaru Street, Kaunas Soviet army men took Mindaugas Gedmintas out of his car by force put him military lorry and drove him to an unknown destination. M. Gedmintas deserted from the Soviet army.

9 April

At approximately 9 a.m. the automobile drivers' school in Plytines Street in Vilnius was seized. The action was carried out by armed soldiers in camouflage type uniforms and bullet proof vests.

19 April

At approximately 14:00 p.m. today Soviet military forces from an as yet unidentified unit surrounded and forcibly occupied a customs post in the border town of Medininkai, 60 km east of Vilnius, on the Vilnius-Minsk highway.

Having evicted the Lithuanian customs officials from the post, the military disconnected all communications lines to the facility. Customs officials were ordered to leave the area.

24 April

At approximately 11:00 a.m. a group of Soviet soldiers surrounded and entered a building in Naujoji Vilnia housing two banks: a branch of the Agricultural Bank of the Republic of Lithuania and a Commercial Bank which is registered as a subdivision of the USSR Gosbank. The soldiers reported that they acted upon the order of Boris Pugo, USSR Minister of Internal Affairs.

25 April

During the night technical schools in Kaunas, Marijampole, Alytus, Siauliai, Klaipeda, Panevezys, an aviation factory in Prienai, the Hotel "Signalas" in Alytus, an aeroclub in Kyviskes, an aerosports club in Birzai and a gliding club in Palukne (both close to Vilnius, and belonging to the Aeroclub of Lithuania) were assaulted and occupied. The military have confiscated technical equipment, building materials, inventory and cars from the schools.

Soldiers in the hotel in Alytus broke into guest rooms and disconnected telephone lines. Other buildings remain fully occupied.

At 2:45 p.m. on the territory of the occupied Lithuanian Radio and Television Committee a shot was heard. An ambulance which arrived at 3:15 p.m. found a dead soldier with a bullet wound to the skull. The dead soldier was identified as a Mr. Achmedeev. USSR military procuracy officials based in Vilnius informed Lithuanian police officers that Achmedeev was shot dead accidentally due to unsafe use of a firearm.

EXHIBIT 3

MOSCOW BLAMES ARMENIANS FOR FIGHTING; SOVIET TROOPS DESTROY VILLAGE IN ARMENIA

YEREVAN, ARMENIA (AGBU-AIS).—Hardline Soviet Interior Minister Boris Pugo on Monday, May 6, defended the Soviet military action against Kedashen and Mardounashen, blaming Armenians for the week-old violence in which at least 37 Armenians have been killed and others wounded.

Armenian officials said Soviet troops rounded up at least 500 civilians from Kedashen over the weekend and took them to Stepanagerd for detention. Soviet troops were now conducting a house-to-house search in Kedashen, the officials said on Monday.

Hours after Pugo's remarks at an emergency session of the Soviet Parliament in Moscow, Armenian President Levon Der Petrossian said Soviet troops were attacking Armenian villages inside the Republic with helicopters, tanks and heavy artillery and that dozens of people had been killed.

"The Soviet Union has virtually declared war on Armenia. . . . The soviet army is continuing its punitive operations on Armenian territory," Der Petrossian said.

"Units of the Fourth Soviet Army, deployed on Azerbaijani territory, using helicopters, tanks and heavy artillery on Monday destroyed the village of Vosgepar . . . Dozens of people were killed," Der Petrossian said in a statement.

Vosgepar is in northeast Armenia, near the border with Azerbaijan. Der Petrossian said Soviet helicopters had also started shooting at Armenian villages in the southeast of the republic, near the town of Goris.

As the Soviet-Azeri attacks on Armenian villages entered their second week, Soviet Interior Minister Pugo on Monday openly backed the Azerbaijani view that the Soviet Interior Ministry troops were rounding up "illegal armed groups in the villages of Kedashen and Mardounashen."

Responding to Pugo's remarks, Armenian deputy Nevdon (Newton) Grigorian told the Soviet Parliament that at least 37 Armenians had been killed in the past week and others seriously wounded.

"Soviet and Azerbaijani forces, using tanks and heavy artillery, are conducting an unprecedented campaign aimed at forcibly deporting Armenians from villages in Azerbaijan," Grigorian said.

Pugo, addressing the Soviet Parliament in Moscow on Monday, said his troops had confiscated arms and ammunition in Kedashen and Mardounashen.

In a report on the same day, Pravda said Soviet troops were not involved in any punitive action against the Armenians.

"Suggestions of that nature are nothing but a deliberate lie aimed at discrediting the boys in uniform. . . ."

"War is already being waged—tanks and machine guns are firing. . . . There are dead, wounded and prisoners. . . . Urgent and decisive measures are required. . . . Every day and every hour of delay means not only new casualties, but unpredictable, possibly tragic, consequences," the newspaper said.

SOVIET GENERAL SHATALIN THREATENS ARMENIA

YEREVAN (AGBU-AIS).—A ranking Soviet army general issued a "stop it, or else" warning to Armenia on Thursday May 2, reminding the authorities in Yerevan that Russian troops guarding the medzamor nuclear plant could blow up the facility in retaliation if the anti-Moscow campaign continued.

Yerevan radio and television, in special news reports Thursday night, said the warning was contained in a telephone call from Deputy Soviet Interior Minister Yuri Shatalin to Armenia's official representative in Moscow, Felix Mamigonian.

The state radio and television, basing their information on government sources, described Shatalin's tone as "threatening and aggressive."

"Shatalin demanded that Armenia stop all forms of protest, and in a threatening tone, reminded the Armenian official representative that the troops guarding the nuclear plant near Medzamor are Soviet Russian and that they can blow up the facility any time they want," the two broadcasts said.

Armenian government sources said Shatalin was apparently reacting to the media campaign launched by Armenia accusing Moscow of backing Azeri aggression against innocent civilians in Armenian-inhabited villages of Kedashen and Mardounashen, north of Artzakh.

Armenia has also accused Moscow and Soviet President Mikhail S. Gorbachev of permitting Azerbaijan to commit "state terrorism" and "drawing Armenia into war."

MILITARY ACTION IN TRANSCAUCASUS CONTINUES

Nine Soviet MVD troops were injured in a dawn attack in Azerbaijan's Akstafa raion on May 10. In retaliation Soviet troops surrounded and fired on the Armenian village of Paravakar; the troops withdrew May 11 after coercing villagers to surrender all weapons. (Reuters, May 11; AFP, May 12). On May 11 Azerbaijani OMON troops landed by helicopter in Nagorno-Karabakh and attacked the Armenian village of Seislan, killing one person, the Armenian Interior Ministry reported the same day. TASS reported May 11 that USSR MVD troops stationed in a hotel in Stepanakert were fired on by militants. Restrictions on traffic were imposed in Nagorno-Karabakh and the curfew brought forward 2 hours to 9:00 p.m. (AP, AFP, May 12), (Liz Fuller)

ARMENIA ACCUSES MOSCOW OF ECONOMIC BLOCKADE

In an interview given to Reuters May 11. Armenian Prime Minister Vazgen Manukyan said that over the first three months of 1991 Armenia had received only 30% of the anticipated food supplies from Moscow, and that over the past month supplies had deteriorated even further. Manukyan compared Moscow's action to the economic blockade imposed on Lithuania last year. (Liz Fuller)

ARMENIA WANTS DEBATE AT UN

Speaking at a press conference in Moscow May 12. Armenia's permanent representative Feliks Mamikonyan accused Moscow of "trying to bring the Armenian people to their knees." Mamikonyan argued that "Armenia can only count on world opinion." He said that Armenia was putting its case to the UN, but that as many countries view Armenia as part of the USSR any such request "meets with a cold response" (AP, May 12). Acting Armenian Foreign Minister Ashot Eghiazaryan is quoted (The Los Angeles Times, May 10) as appealing for "moral and political support from the West" to bring pressure to bear on Gorbachev over the Armenian situation. (Liz Fuller)

US, UKRAINIAN OBSERVERS TRAVEL TO ARMENIA

The US State Department said May 10 that it will send a representative from the Moscow embassy to Armenia May 13, to talk in Erevan with Armenian Supreme Soviet chairman Levon Ter-Petrossyan; the official will then travel to Baku to meet with senior Azerbaijani officials, TASS reported May 12 that a Ukrainian Parliament delegation had arrived in Ervan to assess the situation there and "attempt to find a way to stabilize the situation." (Liz Fuller)

POPE ON ARMENIA

Radio Rossii reported on May 12 that the papal nuncio in the Soviet Union, archbishop Francesco Colasuonno, said in Erevan that the Pope is deeply concerned about the force being used against Armenian population. He added that the Vatican is well-informed about the situation in Armenia and that the Pope prayed last Sunday for the restoration of peace on Armenian soil, (Oxana Antic)

MEETING OF GORBACHEV WITH YELTSIN AND ASSR LEADERS

Gorbachev had a five-hour meeting with RSFSR Supreme Soviet Chairman Boris Yeltsin and the chairmen of the Supreme Soviets of 14 of the 16 autonomous republics of the RSFSR on May 12 to discuss how the autonomous republics should sign the Union treaty, TASS reported May 12, Yeltsin has been insisting that they should sign it as part of the RSFSR delegation and reportedly got Gorbachev's backing for this when the 1 plus 9 agreement was signed in April.

AN EYEWITNESS ACCOUNT OF EVENTS IN KEDASHEN

YEREVAN, ARMENIA (Information Office, Parliament of Armenia).—The battle for Kedashen and Mardounashen is continuing. The inhabitants of these two Armenian villages north of Artzakh are resisting the blockade, shelling and beatings by Soviet and Azerbaijani Interior Ministry Omon forces aimed at deporting the villagers.

On Thursday, May 2, at about 6 p.m., helicopters sent from Armenia transported to Yerevan many of the casualties of the Kedashen battle. Some of the wounded were taken to the Republic Hospital, there our reporter had an interview with Arsen Atanessian of Kedashen, who was also a participant in the events.

The following excerpts are from the eyewitness account of events as presented by Mr. Atanessian.

On April 30, at about 6 p.m., tanks and armored vehicles drove into Kedashen. First we thought they had come to defend us. They arrived with maps of the village. They stopped at the guard posts and surrounded the village. Then the military burst into the village. A Soviet army lieutenant came to my house and demanded my passport. My house is one of the first when you enter the village. I gave him my passport. He examined and tore it. He then hit me. turning to those who had arrived with him, he said, "Take him too."

Then they gathered our neighbors, twenty-nine individuals in all, and took us away from the village. They made us lie on the ground with our faces down. They started to walk on our bodies and to beat us. Then the lieutenant ordered his people to pull back and handed us to the Azerbaijani Omons [special republican forces].

The Omons beat us for about two hours. After that a bus took us to Kamo, an Armenian village until it was depopulated a year ago. They started to beat us again, then gave us some papers to sign. These were prepared agreements indicating that we were willing to abandon our houses and move to any other republic. First, they called out S. Chilingirian, a seventy-year-old one-legged invalid who had been taken to Kamo with us, and demanded that he sign the paper. Chilingirian refused to do so and they hit him on the head with a machine gun. None of us signed and they started to beat us again.

Then Mamedov, the chief of the Khanlar region police, called me out and took me to Alikend in his car. I saw buses parked all the way from Kamo to Alikend, a distance of about ten kilometers. I was told that those were the buses that were to transport us. Then I was brought back to Kamo and told to go to Kedashen and bring the village officials as if for negotiations, since the village had to be evacuated within twenty-four hours.

At that very moment I saw two women with the children; they had signs of beating all over their bodies. I asked that these women and children be sent back to the village. This is all I can remember. After that request I was called back. I remember being hit by an Omon captain. Then I must have fainted. I was taken to the village hospital.

As far as I know, thirty to forty houses in the village have been burnt. For two hours after the army had attacked the village, all the guard posts and the roads were occupied by the military and the paths to the woods were closed off. Some ten minutes later the Omons started robbing people and houses. I must say that the twenty-nine hostages taken by the Azerbaijanis have been brought back to the village, but sixteen others were taken in an unknown direction. They are said to have been moved to Khanlar. The clothes and passports of six of them were brought to the village at night. There is no information about the rest.

The shooting continued after the armored vehicles and tanks had driven into the village. They have shelled three houses in Mardounashen. That is when Keri [Uncle], as everyone used to call him, was shot. About four hundred cows have been taken away from the village by Omons. They have robbed everything that could be robbed. As far as I know, there are twelve victims among the village people and the defenders. I cannot talk any more . . .

KEDASHEN, MARDOUNASHEN ARE DESTROYED BY SOVIETS

YEREVAN, ARMENIA (ADL Press Office; Information Office of the Armenian Parliament; other sources).—In a special communique issued by the President's Office, Levon Der Petrossian announced on Monday, May 6 that units of the Soviet 4th Army stationed in Azerbaijan had completely destroyed the village of Vosgepar in the region of Noyemperian, Armenia.

This latest unprovoked attack on a defenseless village was carried on with helicopters and tanks, missiles and artillery fire. Other units of the 4th Army bombarded villages in the Goris region, causing property damage.

In Vosgepar, dozens of villagers were killed, and nearby orchards and forests were put on fire.

This ominous escalation of hostilities came a day after Soviet troops began arriving at Zvatnotz Airport in Yerevan, without even bothering to notify the airport tower. In Moscow it as announced that the troops were there "to protect" the Medzamor nuclear power plant, which was shut down in May 1989. At least one thousand soldiers had arrived in Yerevan by Sunday, May 5.

On Monday, May 6, the Supreme Soviet (Parliament) met in an emergency session in the Kremlin, and most of the speakers blamed the Armenians for the current violence in the region.

On Wednesday, May 1, President Der Petrossian had a 10-minute telephone conversation with President Gorbachev, and asked for the immediate cessation of military activities in Kedashen, Mardounashen, Shahoumian and Artzakh; permission for helicopters from Yerevan to fly to Kedashen and evacuate the dead and wounded; and to stop at all cost the deportation of Armenians from the villages. President Gorbachev promised to take these matters under his personal care. Yet the forcible uprooting of the villagers continued; there are now less than 1,000 people in Kedashen.

The attack on the two villages had begun on early April 30. The survivors were forcibly put on buses and taken to Stepanagerd. This was a clear sign that the aim of the combined military operation was the depopulation of the region.

According to reports, women and children were last week evacuated from the town of Shuski, Artzakh—an Azeri stronghold. No reason was given for this step, but it is thought that preparations are being made there for an eventual armed assault on neighboring villages of Pertatzor as well as on Armenia itself.

EXHIBIT 4

U.S. SENATE,
Washington, DC, May 15, 1991.

The PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: Mr. President, I understand that you have decided to send an agricultural advisory mission headed by Under Secretary of Agriculture Richard Crowder to the Soviet Union to help improve the Soviet agricultural production and distribution systems.

While technical improvements are an important element in reducing the hardships created by food shortages, I hope that the team will also examine the underlying causes of those shortages. In particular, in order to guide you and the Congress about appropriate U.S. actions, I believe it is important to address the following questions:

How extensive and intensive are the food shortages in the Soviet Union? Are they limited to Moscow, Leningrad and other major cities, or do they extend throughout the country? Is there real deprivation or just a crisis mentality created by shortages and uncertainty about the future? Do shortages in urban areas indicate far worse problems in rural regions, or are the residents of rural regions more self-sufficient and therefore comparatively better able to meet their nutritional requirements?

How much of Soviet grain production is ultimately available in the form of consumer goods, and how much is lost to waste, technical shortcomings and corruption? I understand that of last year's total harvest of 235 million metric tons, less than 90 MMTs ultimately entered the Soviet procurement and distribution system and even less reached store shelves.

What role do prices play in Soviet agriculture? Are there appropriate incentives to production and efficient distribution? Can technical changes make a significant difference in the absence of a market system that allocates resources efficiently?

What is the role of private and "black" markets in the Soviet Union? Do they provide for the needs of a significant percentage of the population? Why are prices on these markets so high? How closely are these markets linked to corruption and illegal activities? Do Soviet policies encourage or discourage the growth of unofficial markets?

Are there differences in agricultural policies among the Republics? For example, Armenian President Levon Ter-Petrossyan has claimed that while food prices are rising in the Soviet Union, privatization of agriculture has kept prices stable in Armenia. Have economic policy changes made by the governments of the Baltic states and constituent Republics like the Ukraine and Georgia had any impact on agricultural productivity?

Has the centralized Soviet food distribution system been used to coerce Republic governments? Armenia claims that it received only 30% of anticipated food supplies from Moscow in the first three months of 1991, and that supplies had deteriorated even further in the past month. Lithuanian and Moldovan officials have said that food and feed grain supplies provided through the central distribution system have been significantly reduced in times of political tension.

Does the United States have the ability to monitor distribution within the Soviet Union and verify adherence to an agreed-to distribution schedule?

Hunger and poverty in the Soviet Union stem more from political and structural flaws than technological shortcomings, and efforts to relieve hunger will not be successful unless they are addressed. I hope the mission will be able to explore these questions in addition to strictly technical ones. I look forward to your reply.

Respectfully,

BILL BRADLEY.

The ACTING PRESIDENT pro tempore. Who yields time?

If no Senator yields time, the time will be deducted equally from all Senators from the time remaining.

Mr. BRADLEY. Mr. President, how much time remains for the Senator from New Jersey?

The ACTING PRESIDENT pro tempore. Eight minutes 45 seconds are remaining.

Mr. BRADLEY. I yield 3 minutes 45 seconds to the distinguished Senator from Florida. I am sure the distinguished Senator from Arizona will accommodate him for a longer period of time.

The ACTING PRESIDENT pro tempore. The Senator from Florida, Mr. GRAHAM, is recognized for up to 3 minutes and 45 seconds.

Mr. GRAHAM. Mr. President, I ask unanimous consent to extend my time to a total of 7 minutes.

The ACTING PRESIDENT pro tempore. Is there objection? Without objection, it is so ordered.

Mr. BRADLEY. Whose time is being yielded?

Mr. GRAHAM. I ask unanimous consent for additional time.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. GRAHAM. Thank you, Mr. President.

Mr. President, this debate brings us to a recurring theme of American relations with the world. Since our very beginning, from the time of Thomas Jefferson and Alexander Hamilton, this Nation struggled with the standard by which we should deal with foreign nations. The Jeffersonian principle was essentially that announced in the Declaration of Independence. That is that the fundamental core of U.S. values to the world should be based on human rights with the respect which other countries accorded to their citizens, and the citizens of the United States are committed to the universal values of that declaration.

Alexander Hamilton took a more European view of our relations with the world, that it should be largely economically driven of what was in the self-interest of the United States.

We have reached another one of those debates about that fundamental difference as to how we view the United States and its position as a nation-state on this planet, and how we should respond in terms of the specific issues of public policy.

That question of the United States standard of conduct has been institutionalized, among other ways, in the Jackson-Vanik amendments of the 1970's. That amendment said that—as it related to the United States economic relations with the Soviet Union—they would be predicated upon the Soviet Union making certain basic changes in its human rights policies, with a central issue being the right of Soviet citizens to emigrate.

As the Senator from New Jersey has indicated, the President, in an act that I consider to be ill-advised, waived Jackson-Vanik last year in order to allow for a $1 billion extension of credits to the Soviet Union. That waiver extends until the early part of next month.

I believe, Mr. President, that we should reject this resolution and should reject any further acts under the existing waiver of Jackson-Vanik, or tolerate any extensions of that waiver, until the Soviet Union has taken steps to confirm and institutionalize its own standards of human rights, particularly, the right to emigrate.

There has been a long series of representations, commitments, and assurances that the Soviet Union was on the verge of institutionalizing its human rights policies. I believe it is fair to comment, Mr. President, that the Soviet Union has, in fact, in recent months, by action, demonstrated a substantial change in its policy relative to the right of emigration, particularly, as it relates to its Jewish citizens' rights to leave for the State of Israel.

Today, almost 1,000 Soviet citizens a day are leaving to emigrate to Israel. The Soviet Union and its current leadership deserves to be recognized for that important step. But what has not happened is the translation of those individual decisions into a system of law and due process, which will give us some assurance that whoever the individual personality in leadership in the Soviet Union is, those practices will be continued.

There has been great attention focused in our press, media, in the Congress, and among the American people, on the current efforts by the Supreme Soviet to adopt a permanent right of emigration law; and hopes have been expressed that that will represent what we have been asking for so long of the Soviet Union—to provide a permanent system of law on the right to emigrate.

Mr. President, it therefore, grieves me to have to report that the law that is pending before the Supreme Soviet has been repeatedly delayed in terms of its actual adoption. I was told personally in August 1990, when I was in Moscow, that the right to emigrate law would be adopted before the end of 1990.

It is now May 15, 1991, and it has not been adopted. It is my understanding that it has been set aside in terms of immediate consideration by the Soviet Parliament.

Mr. President, even if adopted, that draft does not comply with our expectations in terms of the right to emigrate.

What are some of the problems with the draft currently being considered?

One, it does not take effect until July 1992. So we are looking at more than a year, in the most optimistic timetable, before it will be actually placed into effect.

Second, articles 7 and 12 of the draft provide that a citizen can still be denied the right to travel abroad, or to emigrate, if he or she possesses state secrets. Those words, "state secrets," are the very words which were used for decades to deny the right of Soviet citizens to emigrate. Moreover, the law does not clarify what constitutes state secrets.

Article 12 refers to a law on protection of state secrets, but the law does not exist and, as of this date, has not been drafted.

Under article 12, a citizen may be denied the right to leave the Soviet Union for no more than 5 years on secrecy grounds, but this term may be extended indefinitely. This codifies the past objectionable practices relative to arbitrary refusal on secrecy grounds.

Secrecy denials may be appealed to a commission under the cabinet of ministers. This commission, however, does not exist, and the draft does not specify who it is to compromise this commission, or its mandate or authority.

Another catch 22: Article 11 requires that citizens who are eligible for military callup—basically, those between the ages of 16 and 28—must serve their term of active duty prior to emigrating. However, Soviet citizens have been and are being routinely denied permission to emigrate on the state secrets grounds after military service, assuming that while they were in the military, they acquired state secrets.

Under article 14, adults are still required to submit affidavits from relatives, such as parents and ex-spouses, renouncing any financial obligation. This is the so-called poor relative clause. In the absence of a signed affidavit, the decision may be appealed, but the process of appeal is not mentioned.

Mr. President, the law, as it is before the Soviet Parliament today, by no means brings the Soviet Union into compliance with international standards on the freedom to emigrate and the freedom of movement.

So, Mr. President, based on the failure of the Soviet Union to yet adopt—and even if they were to adopt the draft currently before them and found it to be acceptable to meet the basic core issue of the right of humans within the Soviet Union to emigrate, I find the Soviet Union to have failed the essential test of Jackson-Vanik.

Therefore, we continue to be in a position where the United States should not extend to the Soviet Union the economic benefits and the tacit statement of acceptance of the Soviet Union's current standard of human rights.

For that reason, I shall vote "no" on the resolution.

Mr. DECONCINI addressed the Chair.

The PRESIDING OFFICER (Mr. LIEBERMAN). The Senator from Arizona is recognized.

Mr. DECONCINI. Mr. President, I yield 15 minutes of the time allotted to me.

First, I compliment the Senator from Florida for his raising the very important points about the fact that the Supreme Soviet did not pass the emigration law. This has been promised for a long period of time. It has been held out as the new approach toward emigration by the Soviet Union. Yet, Mr. Gorbachev, who seems to have total control of the Supreme Soviet, when it really comes down to getting authority for his policies, cannot or will not permit this to go through for reasons they say might cost some money.

Sure, it will cost money. But what are we talking about? Fundamental human rights that are guaranteed under perestroika and glasnost, and certainly under the Helsinki final act.

I compliment my colleague from New Jersey for his leadership in this effort.

I understand that some were surprised when Senator BRADLEY and I would not give our consent to this simple, little resolution.

The truth is that it is not just a simple, little resolution. Senate Resolution 117, goes to the heart of the debate regarding out present foreign policy with the Soviet Union. Senator BRADLEY and I, at least, believe our relations with the Soviets are too critical to be blithely dismissed by Congress late at night when no one is around to comment. The issue at stake here is how the United States can most effectively further the progress of democracy in the Soviet Union.

Congress has a responsibility to the American people to engage in a thorough and meaningful debate on this issue. And, I might add, the extra time we have taken to deliberate on this matter has resulted in a new draft which, although still unacceptable in my view, is a more meaningful product than the original version.

The arguments for and against pledging U.S. support through the guarantee of the American taxpayer's dollar break down essentially into the following:

Those who favor extending the Soviet Government financial support now believe this will help Gorbachev fend off the infamous hardliners who are trying to reverse the reform movement which he is rightfully praised for starting.

Many of us have a different view. We believe the best way to support genuine democratic reformers—and Gorbachev may or may not be in this group—is to relate financial assistance to actions by the Soviet Government which demonstrate a commitment to real reform. In other words, reforms first and financial support will follow.

I am growing increasingly concerned that the perestroika the Kremlin leadership has in mind is one which is defined not by democracy but by socialism. Gorbachev said recently that he preferred the "socialist choice." But his citizens are illustrating through elections, referenda and demonstrations throughout the U.S.S.R. that they prefer democracy and a free market system now. The republics are legitimately obtaining more control over their own affairs. And, if I believe the emphasis noted in Senate Resolution 117 regarding the importance of stronger relations with the republics and the Baltics is a key direction which our Government ought to be aggressively pursuing. But the resolution is still predicated solely on the Kremlin's assurances. We must have a stronger commitment from Moscow.

In a Washington Post editorial this past Sunday, Jeffrey Sachs, the Harvard economist who has earned our respect for his efforts to assist the transition economies of Eastern Europe, believes Western passivity to the Soviet appeal for aid "could result in one of the greatest foreign policy blunders of modern times." I agree with Professor Sachs that to do nothing "would be to miss an historic opportunity."

But I also feel that to act irresponsibly would be just as bad or worse. Dr. Sachs believes our policy should be one of conditional financial assistance to the Soviet Union based on our "democratic principles." To quote Dr. Sachs, "linkage to reforms should be absolute: If the Soviets don't like it, no aid should flow." I could not agree more. Where I would part company with Professor Sachs is with respect to his belief that these particular credits should be used now as a carrot toward more substantial financial assistance in the future which would then be linked to radical reforms. In my view, we have already given carrots that the assurance reform is coming, but so far all we have seen is repression.

For those with short memories, let's review some of Mr. Gorbachev's assurances made during the past few months.

In early December, Gorbachev was informed that he was going to be awarded the Nobel Peace Prize. Throughout December and January he massed Soviet troops around the Baltics.

On January 13 in Lithuania, or bloody Sunday as it has come to be known, Soviet special forces massacred 15 people. This was shortly after the Kremlin began drawing down the agricultural grain credits the United States had just extended.

This is certainly a carrot and stick approach but the Soviets are the ones with the stick.

Seven days later after we were assured by Gorbachev that the violence would not reoccur, Soviet troops repeated their slaughter in Riga.

Two weeks ago, just days before Senate Resolution 117 was introduced, Soviet troops stormed and still occupy several buildings in Lithuania.

For the past 2 weeks Soviet troops, under instructions from the Kremlin, have again been demonstrating what they think about democracy by engaging in the most vicious slaughter in recent years of men, women, and children in Armenia. To quote some excepts from accounts of this massacre:

"Customs that come from the dark ages have again been used" and mutilations too repulsive to describe are taking place. An example of those mutilations, Mr. President, are numerous reports of scalpings. And, as one person described a village scene.

> The Soviet Army used all its forces against these small villages. They used tanks, helicopters and artillery * * * a Soviet soldier killed a 70-year-old man and said: "Is it you who wants independence"? It was just like 1915 * * * people were ready to die only to save children * * * it was a physical extermination.

So Mr. President, we learn the real problem in Armenia—Gorbachev has made his peace with the Azeris because they have decided to stay in the union. But Armenia has democractically chosen the path to independence and for that the republic is being subjected to unspeakable cruelties.

Mr. President, before we go any further in this discussion let's dispel a couple of myths.

Myth No. 1: The Soviet Union is on the brink of chaos and must have these credits to save it.

I do not disagree that the U.S.S.R. may be on the brink of chaos. But does anyone really believe this relatively small amount of credits is going to save that country? Let's look at what these credits are really going to save. Let's look at why the official Soviet delegations which were in town last week to plead for these credits were so desperate.

To begin with, the 1990 wheat and feed grains harvest was at near record levels. I have the production tables here for anyone who wants to see them and I would ask that they be inserted in the RECORD along with my statement. Where is all this grain? Is it all lost in the disastrous Soviet distribution system? That is part of the answer but certainly not the whole answer. The reason why meat production, for example, in state-owned—and I emphasize state-owned farms, is falling is because state farms cannot get enough feed grains for their livestock. Why?

Because Soviet farmers do not want to be forced to sell their record harvests to the state farms at the virtually worthless price of the ruble. Of course Soviet officials are telling my colleagues the people may not get bread. Of course they are saying a decision not to extend credits could result in shortages which will affect the whole food chain. These officials are worried about the disintegration of the state-owned farming system. Do the sponsors of Senate Resolution 117 really want to help perpetuate that system?

Myth No. 2: famine is imminent.

Curt Kamman, the Deputy Assistant Secretary of State for European and Canadian Affairs recently testified that "we have not seen signs of famine or starvation." I would urge my fellow Senators to read his testimony. It is very enlightening.

Second, as I have mentioned there is sufficient food, but farmers are tired of being workhorses for the state. Some of my colleagues point out that food in some private markets, especially in Moscow, is too expensive. But have they asked why? Have they asked Soviet officials why the Kremlin resorted to Stalinist-era monetary repression this spring by confiscating hard-earned rubles and by ordering sharp price increases instead of letting market forces come into play?

Have my colleagues, who listen so intently to official Soviet delegations, talked to farmers outside the Moscow establishment? Have you visited their farms—not state-owned farms, but private farms? Have you visited democratically elected republic-level leaders in Ukraine and elsewhere? Should we not be placing at least as much stock in what democratically elected leaders are saying as what the Moscow establishment is saying? No, I guess we want to put more faith in Shevardnaze than we do in the Baltic leaders. Could it be that these people are not sophisticated enough for us? Could it be that they are saying what we don't want to hear? Mr. President, if we extend these credits now, we will be giving the Kremlin control over bread not those who work so very hard to produce it. We will, Mr. President, be selling out the Soviet people.

Let's call a spade a spade. This resolution is not about concern for the Soviet people. It is about selling grain. For those among my colleagues who have that as their first consideration, I can respect a vote on that basis. But let's be honest about it. We all know the American farmers have already sold their grain this year. The real beneficiaries of this resolution will be the large grain conglomerates and others who stand to gain from the boost these credits will give to the futures market.

I know there are also Senators who are considering voting for this resolution on the grounds that we must support Mr. Gorbachev and/or the reformers in the Soviet leadership. I can only say that we extended credits last December and our support was rewarded in January when troops stormed Lithuania and Latvia. As the press reported last week, "extending new credits is viewed by some in the administration as the equivalent of giving drugs to an addict".

I cannot support this resolution Mr. President because, I can no longer go on the good faith assurances of Mr. Gorbachev. Last weekend, President Bush announced that he was sending a team of technical experts to the Soviet Union to help the Soviet begin developing a workable food distribution system. I consider that exactly the type of political and practical support that both Soviet leaders and their citizens can benefit from. As the Latvian American Association stated yesterday:

> There is a substantial question as to whether additional commodity credits to the Soviet Union will not serve to delay the pace of market reform in that nation. As long as the Kremlin can rely on a foreign source of grain, it does not need to restructure its own commodity system. * * *

Mr. President, we must call the Soviet leadership's bluff. If we do not, we continue to hold the United States hostage to the threats of pending doom which Shevardnaze so dramatically articulated during his recent visit. I like to call it the "Give us assistance or else" syndrome. The trouble is the "or else" keeps happening and we keep on giving.

Before we tranch out any more assistance, we should insist that Mr. Gorbachev start tranching out real democracy but on a timetable set by democratic forces rather than by those whose clock is ticking back to a time we had all prayed was ending. As Hedrick Smith said today, "We must keep the heat on Gorbachev."

Let me just point out the GAO today reports the bad United States agricultural loans we have already made not counting the $1 billion we made to the Soviet Union in January could cost the taxpayer $6.7 billion because these loans will not be paid.

To me, that in something we cannot afford to do. I think we should indicate we want the Soviet Union to make some changes in their market system. We want them to stop the repression in the Baltic countries. We want them to pull their tanks out of Riga. We want them to leave the television towers and the other buildings they are occupying in Latvia and in Lithuania today. We cannot in good conscience approve this sale.

I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Michigan.

Mr. LEVIN. Mr. President, I ask unanimous consent that I be allowed to yield to the Senator from New Jersey for a unanimous-consent request.

The PRESIDING OFFICER. Without objection, it is so ordered. Mr. BRADLEY is recognized.

Mr. BRADLEY. Mr. President, I ask for the yeas and nays on the resolution.

The PRESIDING OFFICER. The Chair is advised the yeas and nays have been ordered on the resolution.

The Senator from Michigan.

Mr. LEVIN. Mr. President, the Republican leader authorized me to utilize 8 minutes of leadership time, and I ask unanimous consent that immediately following my remarks the Senator from Oklahoma be recognized to utilize the remainder of the Republican leader's time.

The PRESIDING OFFICER. Is there objection?

Mr. DECONCINI addressed the Chair.

Mr. EXON. Mr. President, reserving the right to object, as a matter of inquiry.

The PRESIDING OFFICER. The Senator will withhold.

The Chair recognizes the Senator from Arizona [Mr. DECONCINI].

Mr. DECONCINI. As a matter of inquiry, Mr. President, the time of the Republican leader has expired, is that correct, the time on this resolution?

Mr. DOLE. My time has expired.

The PRESIDING OFFICER. The Chair advises the Senator the leader's time on the resolution has expired.

Mr. DECONCINI. And the request is for additional time taken from the leader's time?

The PRESIDING OFFICER. The Republican leader has time on his leader time.

Mr. DECONCINI. I have no objection to that. However, I would only ask if on our side we run out of time that the Republican leader would be so kind to not object if we so ask our majority leader.

The PRESIDING OFFICER. Is there objection?

Mr. EXON. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Senator from Nebraska reserves the right to object.

Mr. EXON. Mr. President, reserving the right to object, and I shall not object, so I have an understanding of the situation that exists.

The Senator from Nebraska has words that I would like to make in response to some of the arguments that have been made against the resolution.

As I understood it, the time of the minority leader had expired. My question of the Chair is, Will the Senator from Nebraska have an opportunity to at least request unanimous consent for an additional 5 minutes over and beyond any other time that has been assigned?

The PRESIDING OFFICER. The Chair advises the Senator that it certainly will always be in order for a

Senator to make a unanimous-consent request. However, the agreement to that consent would have the effect of postponing the recess that had been scheduled for 12:30.

Mr. EXON. Reserving the right to object, I ask at this time that the Senator from Nebraska be allowed to continue, when recognized, for a period not to exceed 5 minutes at the discretion of the Senator from Nebraska.

The PRESIDING OFFICER. Is there objection?

Mr. DECONCINI. Mr. President, just reserving the right to object, I do not have any problem with the Senator from Nebraska having 5 minutes or 10 minutes. But I think we need to find out how much time is left here on both sides, if we can, if I could make that parliamentary inquiry before the approval of the unanimous-consent request of the Senator from Nebraska, and also when we plan to vote.

We have a recess, I understand. If we could just understand when this is going to come to an end, if it is.

The PRESIDING OFFICER. The Chair advises the Senator from Arizona that there is, of the allotted time, 1 hour and 5 minutes remaining for debate, plus the 10 minutes of time that the Republican leader has yielded; and there is now a recess scheduled for 12:30.

Mr. DECONCINI. For how long is the recess, Mr. President?

The PRESIDING OFFICER. Until 2:30.

Mr. DECONCINI. I will not object to the Senator's request.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Nebraska? Hearing none, it is so ordered.

Mr. EXON. I thank the Chair.

The PRESIDING OFFICER. The Chair recognizes the Republican leader.

Mr. DOLE. Mr. President, I yield to the Senator from New Jersey. I think he has a unanimous-consent request. I think we can get an agreement.

Mr. BRADLEY. Mr. President, I ask unanimous consent that there be an additional time at 2:30 p.m. for consideration of Senate Resolution 117, with the time divided as follows: 10 minutes for Senator DOLE, 10 minutes for Senator DECONCINI, and 10 minutes for Senator BRADLEY.

The PRESIDING OFFICER. Is there objection? Hearing none, that will be the order.

The PRESIDING OFFICER. The Senator from Michigan has the floor.

Mr. LEVIN. Mr. President, all of us in this debate want economic and political reform in the Soviet Union to succeed. But there is a disagreement over whether expanding agricultural credits will help or hurt the chances for real democratic and economic reform in the Soviet Union. What is at issue is whether we can extend agricultural export credit guarantees in a way which will, on balance, foster democratic reforms.

It is a judgment call, but who can be a better judge than Eduard Shevardnadze, whose credentials as a reformer are better than just about anybody recently in office in the Soviet Union. Eduard Shevardnadze quit his job as Foreign Minister to promote democratic reforms. In calling on us to support these agricultural export credits, he said that the granting of these credits could largely determine the fate of reform and democracy in the Soviet Union for years to come. That is an endorsement which opponents of these credits will have a difficult time just shoving aside. We ignore that kind of endorsement at the peril of helping to sink the very reforms which we all endorse.

Some who oppose this resolution argue that by extending these credits we are lending a hand to those who seek to crush those forces of freedom with which we sympathize. But we who support this resolution argue that hunger and chaos within the Soviet Union will only strengthen the hand of the hardline forces which yearn to smother the light of freedom in the Baltics, Armenia, and elsewhere. The only thing that is certain is that neither proponents nor opponents of this resolution can be absolutely sure that the approach they are advocating will lead to the desired result.

I support the aspirations for independence of the people in the Baltics. I have done so strongly and consistently for decades. I support the Armenian people's right to be secure and to breathe free and have done all in my power to promote that right, and always will. I recognize the risk that if the Soviet Union does not abide by the assurances in this resolution regarding the equitable and humanitarian distribution of the benefits of these agricultural credits, then we may have instilled a measure of vigor into an unworthy Government. But, Mr. President, I also believe that if we take a hands-off attitude to the request for additional agricultural credit guarantees, then there is a greater risk that we will have pulled the rug out from under the forces of reform in the Soviet Union, to the detriment of the people of the Baltics, as well as to the detriment of the people of other republics such as Armenia and Georgia.

Successful Western efforts to foster economic reforms in Poland provide credible evidence of the value of incentive packages. In his piece in the Washington Post, Harvard Prof. Jeffrey Sachs, one of the architects of democratic economic reforms in Poland, argues forcefully that foreign support can be vital as a lubricant in fostering economic reform. He points to Poland where he states with authority that support from abroad has been vital at every stage of Polish reform.

There is caution expressed on this pending resolution on the need for confidence in the ability of the Soviet Union to repay these loans. But however careful we are there will be some risk. If the Soviet Union defaults on these loans the United States Treasury could lose out. But at stake also is the risk to the American taxpayer in the event that the forces of reform within the Soviet Union are overwhelmed by the hardliners, who retain a warm spot in their hearts for the cold war and the bloated military spending and intrigue which accompanied it.

The forces of repression recognize that if the promises of freedom are weakened in the Soviet Union by the pains of hunger and the pangs of despair, they are more likely to prevail. And, if the Soviet hardliners do prevail, the American taxpayer will again be asked to carry the burden of higher military spending associated with a cold war that always runs the risk of heating up.

Support for the resolution before us depends on a realistic appraisal of what is in the interests of freedom-loving people throughout the world. The extension of these agricultural export credit guarantees will not, by itself, point the Soviet Union irrevocably in the direction of freedom and free markets. But, it can help. More important, it can send a signal of the kinds of trade openings which we are willing to extend to the Soviet Union in exchange for its progress in the direction of greater political and economic liberalization.

This resolution underscores the importance the United States places on the historic Soviet commitment to free elections by linking that commitment to the agricultural credit guarantees. That is why I helped draft the amendment to the original resolution so that it now reads that the Senate:

> [a]pproves this resolution partially in response to (1) the historic step being taken on June 12, 1991, when free elections are to be held in the Russian Republic, and (2) . . . in reliance on commitments which were made during the April 23rd meeting . . . including an agreement by the parties to hold free and open national elections later this year.

So I support this resolution, in the belief it will, on balance, further goals we have worked for unceasingly and believe in fervently, including freedom for the Baltics and protection of Armenians in their homeland. Defeat of this resolution will play into the hands of the hardest liners in the Kremlin who are ready and willing to pull down Iron Curtain No. 2.

If I have any additional time, I yield it back to the Republican leader. I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Oklahoma [Mr. BOREN] under the previous order.

Mr. BOREN. Mr. President, I am pleased to join with the distinguished minority leader, Senator DOLE, and others in sponsoring this resolution expressing the sense of the Senate that the administration should act quickly but prudently on the Soviet Union's recent request for agricultural export credit guarantees.

I recently led a trip to the Soviet Union with four of my distinguished Senate colleagues. We met with a wide range of leaders, both in the Government and out, as well as both leaders of the central government and with the Republics.

The Soviet Union is at a critical juncture in its history. The coming weeks and months should dictate which path President Gorbachev, and in turn the Soviet Union as we have known it, will take.

President Gorbachev has taken some serious steps away from his path of reform since September which concern me, and I know concern all of my colleagues. The crackdown in the Baltic Republics, questionable moves away from prior agreements on arms control treaties, and proposals to reimpose restrictions on demonstrations are all cause for concern by the United States.

However, while we witnessed with our own eyes some of these actions taking place and the crackdown on demonstrations in Moscow, we also saw the dire situation of the people in the Soviet Union caused by their inability to purchase basic goods, including food. This resolution primarily calls for assurances from the Soviet Government that credits will not be used to support the military and the Communist Party, nor will they be used to coerce the Baltics or other republics away from seeking a more democratic form of government.

There should be no doubt that the existence of credits is not a reward for repression. Instead, any additional extension of credit guarantees should be seen as a measured step to meet their food needs as well as a sign of approval of the cooperation over the last few days between President Gorbachev and Russian President Boris Yeltsin, who only recently has stated that President Gorbachev was moving back toward the path of reform.

It should be made very clear to the Soviet Government that congressional support for closer relations between our countries, not just food assistance, hinges upon their assurance and demonstration that this food will not be used for political purposes.

I also want to make it clear it will be up to our administration, and especially the State Department, to ensure that these new sales are not used by the central government or the Communist Party apparatus in any way to manipulate republic governments or reform efforts.

I simply state it this way. This resolution, as it is now worded, is really a resolution which pushes the Soviet Union toward more reform. I am convinced that if we should have a collapse of the current government at this moment, it is very likely that government would not be replaced by a government which would bring us closer to reform or would be more democratic in its orientation. The forces of reform and democracy need more time in a transition period to build unity both in terms of leadership and in terms of common purpose before this transition of government takes place, which certainly will come at some point in time. My fear and the fear that I heard again and again from reform leaders in the Soviet Union is if the situation becomes too bad too soon, if an emergency is reached right away, that the Gorbachev government is likely to be replaced by one that is more repressive, more dependent upon the army and the KGB, and we can see a move back toward real repression.

By extending these credits, by giving the Soviet people the food they desperately need, by extending the credits that have been endorsed both by Mr. Gorbachev and also by Mr. Yeltsin and the leaders of the reform movement, we are giving the Soviet Union precious time to build unity on the democratic and reform side so that will be the ultimate course and direction of the Soviet Government.

Mr. President, I ask unanimous consent I might be allowed minutes on the time of the Senator from New York [Mr. D'AMATO].

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

Mr. BOREN. Mr. President, I feel those of us supporting this resolution are indeed supporting the cause of human rights, because we have made it clear this aid will be coming. It will give more time to the forces of democracy and reform to bring about a transition in the Soviet Union. At the same time it is crystal clear if the central government, if President Gorbachev, acts in a repressive way, if he were to use force and violence again in the Baltic Republics, for example, there would never be any more aid. This aid is provided in three different payments. If this were to occur, the other two payments would never take place; the other two extensions of credit would never happen.

So, through this resolution, we are using the leverage we have to encourage President Gorbachev to stay with the path of reform, we are sending a warning to him there will be no more credits extended if he moves away from the path of reform and moves toward the path of repression.

It is not only a benefit to the Soviet people, Mr. President, it is also a benefit to the United States of America and to our farmers, who right now are in desperate need of markets for their products. Wheat prices, for example, are at an all-time low. If the Soviet Union does not get food from us, they will get it from some of our competitors. Let us do something to help our own farmers for a change while we help the Soviet people at the same time.

Nor is this a giveaway, Mr. President. We provide strong terms in the sense-of-the-Senate resolution encouraging the use of barter as a form of repayment. While the Soviet Union may be short on currency, they have products and goods which they produce which we can use: oil, for example. That could be traded with us in a barter arrangement to make the payment. The Government must still assure the American taxpayer gets payment back, either in the form of currency or in the form of barter.

We brought the Republics and the leaders of the Republics into this particular arrangement with the Soviet Union and the United States. So this is a win-win situation, Mr. President. The American farmer will win with better prices, with a market for their products, with the extension of these credit guarantees. The cause of reform in the Soviet Union will win because we encourage the Government to stick to the path of reform and we send them a message that the credits will stop it they stray away from the path of reform. The American taxpayers are protected because these payments are made in three installments, and the second and third installment will not take place if payment is not made. And we provide that payment can be made through the form of barter as well as the form of currency. It makes sense, Mr. President. Let us adopt this resolution and let us agree to it with a large majority.

The PRESIDING OFFICER. The Chair recognizes the Senator from Iowa.

Mr. GRASSLEY. Mr. President, I ask unanimous consent to speak for 6 minutes on this resolution.

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

Mr. GRASSLEY. Mr. President, as I stated on the floor last week, I favor extending export credit guarantees to the Soviet Union so that they can purchase agricultural commodities from the United States. When I addressed the Senate on this issue last Tuesday, I focused on how extending these credits would benefit the Soviet people and how they might affect efforts for real democratic and economic reforms. Today, I want to touch on how important exports are to America's farmers.

I just received a report from USDA'S Foreign Agricultural Service which presents a graphic and sobering view of the status of our agricultural trade. In short, our agricultral export picture is not promising. In particular the Soviet

Union has bought 61 percent less this year when compared to the same period last year. In dollar terms, through the first quarter of this fiscal year, the Soviets have reduced their purchases from $1.5 billion in 1990 down to just under $600 million worth of agricultural goods this year.

Now you all probably remember that about a year ago we were preparing to debate the Senate's version of the 1990 farm bill. At that time, a lot of things were looking pretty good to our farmers. Prices were relatively high and stable for most crops and dairy products. Since then, the world situation has changed drastically: Iraq invaded Kuwait, oil prices rose, the United States and many other countries slipped into recessions, and budgetary forces compelled us to make drastic cuts in the farm program safety net even as our farmers' cost of doing business increased.

As a consequence of huge harvests all over the world and a drop in demand by consumers due to recessionary pressures, prices for corn, wheat, soybeans and milk, just to name a few of the hardest hit, have dropped dramatically. Milk prices have dropped by 25 to 40 percent by some estimates. Wheat and corn have seen drastic price dropoffs. I must point out to my colleagues this one bit of agricultural economics: The domestic market for corn, wheat, soybeans, and milk products is fairly stable from year to year, although it grows slightly in response to increases in our population. It is largely through our export markets that the prices for the farmer is determined. Therefore, when the United States exports a lot of agricultural commodities, our farmers have a good year. When we do not, farmers, who operate with little financial cushion, have a bad year. 1990 was a good export year, 1991 has so far been a dismal year for ag exports.

Certainly, there are parts of the agricultural economy which are doing well now. I do want to just point out how macro-economic forces—in fact worldwide events—shape the well-being of our farmers. This is important to discuss because the Soviets are one of our top markets for feed grains such as corn and sorghum, for wheat, and for soybeans and its many byproducts.

We have the opportunity today to help our farmers. We can do this by passing this resolution which will force the Soviets to detail a number of things never before required of any recipient of these credits. Approval of this resolution puts the Senate on record to the effect that we expect the Soviets to begin good-faith negotiations with the Baltic States, that we expect the equitable distribution of the commodities that the Soviets buy, and that the Soviets will take steps to create an atmosphere more conducive to free markets, including foreign investment.

This resolution explicitly states that the Soviet Union shall make clear and binding assurances that they will not use the credits to pressure the Baltic States or to prop up their faltering military and Communist apparatus. I point this out because some people keep raising the issue that anything we do in the way of expediting exports to the Soviets ultimately benefits the ruling Communists and the Red army.

This resolution is a good faith effort to move grain and feed people. President Bush wants to do this. On several occasions over the last several weeks he has gone to great lengths to show his willingness to sell the Soviets grain and to help our farmers.

I am further concerned that we are now losing markets to the Europeans. The European Community has begun granting hundreds of millions in credits to the Soviets, and individual countries such as France and Germany have provided additional aid. Italy recently announced that it had sold 100,000 tons of soybean oil to the Soviets. This was possible due to the Italian Government's granting export credits to the Soviets. What is remarkable about this sale is that the Italians are not large or even a traditional supplier of soyoil to the Soviet Union. In fact, this one sale of soyoil is more than Italy has ever exported in 1 year to all countries combined.

Let me make it clear: I do not subscribe to the school of thought that if everyone is doing it, it must be OK. But the actions by our competitors do bear upon the overall question of whether the Soviets are a worthy credit risk.

This resolution makes it clear that many factors and methods of repayment must be well-understood before we agree to extend any further credits. Commodities purchased must help people, not the Government. The Soviets are proud of their historical reputation as reliable customers and are not likely if humanly possible to jeopardize that reputation by failing to make their payments on time, as expected. If credits are to be extended, we should move forward as quickly as possible because feed shortages have forced the Soviets to cull cattle, hog and chicken breeding stock. Such culling hurts their people, and it hurts our future export picture.

Mr. President, I reiterate my strong support for this resolution, and urge my colleagues to do likewise.

Mr. CRANSTON addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. CRANSTON. I ask unanimous consent that I may proceed for 6 minutes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. The Senator from California has the floor for up to 6 minutes.

Mr. CRANSTON. Mr. President, I rise in support of the effort to provide $1.5 billion in emergency food credits for the Soviet Union.

Former Soviet Foreign Minister Eduard Shevardnadze, whose reform credentials are beyond doubt, believes that the vote on the issue might very well "determine the fate of reform and democracy in the Soviet Union" for years to come.

Shevardnadze told those of us who met with him that the credit guarantees are very important psychologically and politically, as well as vital to the well-being of the Soviet Union.

President Gorbachev's reform policies appear to have gotten a second wind in the past few weeks, and we must encourage this trend.

Last week, in a move that likely heralds greater economic decentralization, the Soviet Government agreed to sign over control of Siberia's coal fields to the Russian Republic.

The pact comes just 2 weeks after Gorbachev and the rebellious Soviet republics signed a joint declaration of momentous import. In it, the central government promised that the Republics would become sovereign states, and that the Baltics and the Republics of Georgia, Moldavia, and Armenia could seek independence if they wished.

Earlier this week, Jeffrey Sachs, the young Harvard professor who is one of the architects of Poland's economic reform program, wrote in the Washington Post:

> Policymakers in the West are not sure whether the forces unleased by Soviet President Mikhail Gorbachev will lead ultimately to democratic reform, repression, or chaos, but almost all are convinced that the West can do little to affect the outcome. This passivity is wrongheaded and could result in one of the greatest foreign policy blunders of modern times.
>
> The truth is that the West can play a decisive role in pushing the outcome towards peaceful, democratic, and market-oriented reform through a policy of conditional financial assistance to the Soviet Union firmly based on our democratic principles.

I met with Jeffrey Sachs a few days ago and actually he believes that we must do much more than this $1.5 billion of assistance to the Soviet Union, not all of course from the United States, but from other nations and from international organizations like the World Bank.

There are few foreign policy issues, if any, we will face that are more important than United States-Soviet relations.

We need a stable Soviet Union if we are to assure the final removal of Soviet troops from Central and Eastern Europe. We need their cooperation in order to build a viable post-Cold War European security system.

A Soviet Union, in a state of economic meltdown and wracked by centrifugal ethnic and nationalist forces,

could not help but have a very destabilizing impact on world politics and stability.

The importance of a relatively stable and benign Soviet Union is grimly underlined by one further fact: It still controls some 25,000 nuclear weapons. As Soviet Deputy Communist Party Chief Vladimir Ivashko has noted: "No one should forget that half the nuclear potential of the world is concentrated in this country."

I understand, and I share, frustrations with the slow pace of reform in the Soviet Union. But I think we must be careful not to confuse our own expectations with the practical possibilities for democracy and economic freedom there.

As former Ohio Gov. Richard Celeste has pointed out: there really are four revolutions, occurring simultaneously, each with its own dynamic, in the Soviet Union.

There is a revolution in the change from an omnipotent central government led by a single party, to the challenges of Communist and non-Communist reformers and assertive republican and municipal governments led by multiparty coalitions.

There is a revolution in information, as the Soviet Union is transformed from a closed society in which news dissemination is merely another form of state manipulation, to a country in which there is vigorous debate in the country's media.

There is a revolution in the change from a centralized command economy toward a decentralized, market-oriented one that is increasingly in private hands.

There is a revolution, in the twilight of the cold war, as Soviet industries face the daunting task of shifting from military-led production to providing for the people's consumer needs in a competitive way.

These events are occurring in the context of wrenching economic decline, dramatic nationalist and regional tensions—sometimes bordering on civil war—and a virtual absence of democratic civic culture.

The small size of its middle class, the lack of autonomous civil and economic institutions, and the existence of a parasitic administrative caste, make reform in the Soviet Union a risky and uncertain business.

Mr. President, I am as aware as anyone of the continuing shortcomings of the Soviet system—the quasi-official tolerance of expressions of anti-Semitism, the brutal repression of Armenians, the lack of a more surefooted and bold move to a free-market economy.

Yet the Gorbachev government has brought an important measure of freedom and liberty to the Soviet Union. Furthermore, it appears to be the only option for staying the course on internal change and on being a good international neighbor.

While hardline cold warriors may hope that troubles in the Soviet Union provide a historic opportunity for its dismantling, the risks of confrontational politics far outweigh its benefits—especially since those who would take such a course cannot assure its outcome.

Eduard Shevardnadze was one of the principal architects of better Soviet-American relations. A wise and prudent man, he resigned his high office when he feared movement toward greater freedom and economic liberty was endangered.

Today, Shevardnadze tells us that the fate of reform and democracy in his country can be positively influenced by the actions we take in this Chamber.

His words may not be the final ones on the subject, but for now they may very well be the best possible available. The coincidence of interests between President Gorbachev and his reforming critics such as Boris Yeltsin need to be nurtured back into an effective coalition for change.

U.S. policy can and should make a difference.

And for that reason, a calculation that is both morally right and politically wise, I urge my colleagues to support this effort to bring food to those who do not have it in the Soviet Union.

The PRESIDING OFFICER. Who yields time?

The Senator from New Jersey [Mr. BRADLEY].

Mr. BRADLEY. Mr. President, I yield myself 4 minutes from the time of the distinguished Senator from Arizona [Mr. DECONCINI].

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

Mr. BRADLEY. Mr. President, there have been a number of assertions made in the debate, and I think it is important that they be challenged before the debate proceeds further. An authority often cited on the value of providing the assistance—the argument for providing this assistance being we will be able to help Mr. Gorbachev and we will be able to make a difference in the Soviet economy—is the distinguished economist Jeffrey Sachs of Harvard.

The distinguished Senator from Michigan argues that the provision of assistance is essential to Soviet progress in economic reform. That is true, and Professor Sachs does make that assertion. But he says that what we should provide the Soviet Union is $30 billion a year for the next 5 years. Mr. President, this resolution does not provide $30 billion a year for the next 5 years. It provides $1.5 billion in credit guarantees for the purchase of agriculture goods.

How much in agricultural goods will that purchase? With the commitments made in the long-term grain agreement, it will purchase about 4.2 million metric tons of grain, 4.2 million tons. What did the Soviet Union produce last year? Two hundred and thirty-five million metric tons—235 million metric tons. This would purchase 4.2. How much of the 235 million metric tons that the Soviets produced last year actually got into the distribution and procurement system? Under 100 million metric tons. In other words, 135 million metric tons were lost. And of the 100 million that made it into the procurement and distribution system, not that much even made it to the consumer, to the shop shelves. So let us not deceive ourselves that this will make a big difference and cite a leading economist who, indeed, says we can make a difference, but it will cost us $30 billion for the next 5 years to make that difference. It is very important we keep that point in perspective.

In addition, I believe we have to recognize that this kind of credit guarantee to a country, whose creditworthiness is dropping like a rock essentially amounts to taxpayer subsidies for continued waste, inefficiency, and corruption in the Soviet system. What do you think happened to that 135 million metric tons that was lost in the Soviet system? Wasted, shifted into the black market, a variety of things.

It is an act of self-delusion for us to believe that 4.2 million metric tons in an economy that produces 235 million metric tons is going to make a difference. I think, frankly, it simply allows the Soviets to put off the day when they realize that prices for agricultural products should be what consumers are willing to pay for those agriculture products. It is putting off the day when Soviet leaders recognize that the only way they are going to improve the standard of living of their people is by moving to a more market-oriented system, which they have consistently refused to do, time and time again, and by a move to more democratically based reforms.

The analogy was made earlier by one of the speakers to Poland. Well, Poland is an interesting example, except there is one striking difference. The economic reforms taken in Poland were after an election, a popular election where one party clearly said we are going into tough times, we are going into the market, and it will take a lot of sacrifice. People voted for that. In the Soviet Union, there virtually is no democratic basis for what is taking place.

Furthermore, Mr. President, we are all citing our favorite Soviet, Eduard Shevardnadze, or our favorite President of a republic, President Landsbergis, or any of the other Baltic Republics. The fact is, not even quoting what the Baltic leaders have said, which is do not do this, not even quoting what the Armenians have said, but quoting Mr. Shevardnadze himself, he said when he resigned that dictator-

ship was gaining ground in the Soviet Union. This simply pushes into the future the day of reckoning for a Soviet leadership that continues to engage in political repression even as we speak.

As I said earlier, in a letter I submitted to the RECORD which I sent to the President today in hopes that the agricultural advisory mission to the Soviet Union would ask a few questions and we would get a few answers before we did this, I asked: Are there differences in agriculture policies among the republics? For example, the Armenian President, Levon Ter-Petrossian, has said that while food prices are rising in the Soviet Union, privatization of agriculture has kept prices stable in Armenia.

Have the economic policy changes made by the Governments of the Baltics had any impact on agriculture productivity? I would like to know the answer to that before we approve another $1.5 billion.

Mr. President, let us keep in mind that in December we approved $1 billion in agricultural credit guarantees. They are mostly all gone. Since we did that, the Soviets have moved into the Baltics, dozens have been killed, 36 have been killed in Armenia, hundreds have been injured.

Sooner or later I think we are going to have to put our money where our mouth is and we are going to have to say, for example, in the Baltics that no more taxpayer dollars are going to subsidize a system which after receiving $1 billion in credit guarantees proceeded to kill people in the Baltics, and Armenia—and occupy buildings like the radio and television towers, police stations, interior. At a minimum, no credits until the Soviet Government withdraws, evacuates, and returns those buildings to the democratically elected governments in Lithuania, Latvia, and Estonia.

Mr. President, this is not a trivial issue. This is not some little aid for a group in this country. This happens to be, I believe, a tremendously important issue related to really what we stand for.

One last point: In the Farm Act of 1990, section 202(e) says, "Credit guarantees authorized by this section shall not be used for foreign aid, foreign policy, or debt rescheduling programs." I do not know what this is if it is not foreign policy or foreign aid.

Mr. President, I yield the floor.

Mr. CONRAD addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I ask unanimous consent to proceed for 5 minutes as if in morning business.

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

Mr. CONRAD. Mr. President, I rise to strongly support the resolution to provide additional credit guarantees to the Soviet Union for the purpose of purchasing agricultural commodities from the United States. I am proud to be an original cosponsor of this measure.

In my judgment, the issue before us is simple. The people of the Soviet Union are hungry. We have food and we can allow them to buy it from us. That is what we must do. It is good for the American farmer, it is good for the American economy, it is good for American competitiveness, it is good for the political stability of the world, and it is good for the people of a hungry nation.

Time and again we have seen evidence that food must not be used as a weapon. The dismal failure of the 1980 grain embargo gave us ample proof. And in today's world, withholding food will not work as an effective foreign policy tool.

None of our foreign policy goals can be served by denying needed food to the Soviet Union. At a time when fragile reforms are just beginning, we should be doing all we can to encourage real reforms. The Soviet Union is still repressive. We may not agree with the course of reform in the Soviet Union. But we have other tools at hand to express our disappointment.

Withholding food does not punish the Soviet leadership. It punishes the Soviet people and can only add to political unrest, instability, and chaos—conditions which will slow reform and add to the potential for further repression.

Mr. President, I have never heard it stated that somehow human rights is served by the denial of food to people who are hungry.

We have heard on the floor of the Senate that the Soviets are not creditworthy. Their record as one of the largest grain customers of the United States argues otherwise. The Soviet Union has been an excellent customer of the United States farm commodities. And they enjoy an excellent record of repayment.

Let us not forget our own self-interest in this matter. If we do not help the Soviets with credit guarantees, we will lose that market to other countries—Canada, the European Community, and Australia. Our global competitiveness will suffer a serious blow. Our competitors apparently recognize better than we that food is no weapon, no policy tool.

What about American farmers? The farmers in my State of North Dakota are facing the lowest wheat prices in 40 years. The export credit guarantees to the Soviet Union could mean as much as 10 to 15 cents a bushel. That means the difference between survival and failure for thousands of farmers nationwide. And at the same time the credit guarantees should reduce the cost of our farm programs—an attractive sidelight.

The Soviet Union is going through a second revolution, a democratic revolution which could change the world. We can help in this historic transition of our former cold war enemy by providing the food that the country needs at a crucial time.

We have an opportunity to play a role in pushing the Soviet Union toward democratic reforms by helping the Soviet people as they make the transition to a more open market oriented system. It seems a small step to take to make certain that the food shortages do not lead to further repression in the Soviet Union and, indeed, encourage reform.

This resolution makes clear that if a credit review of the Soviet Union is not positive, our Government would not extend the credit guarantees except under certain circumstances. One of those circumstances involves barter. The Soviet Union has many resources that this country needs, from oil to platinum. It is certainly possible to use this resource wealth as collateral to back these credit guarantees. The USDA currently has authority to engage in barter transactions to export agricultural commodities. I urge USDA and the administration to review those options should they receive a negative credit review.

Finally, let me quote the former Soviet Foreign Minister, Eduard Shevardnadze, who is a key player in the democratic revolution in Eastern Europe. During his recent visit to the United States, he asked that the United States provide food assistance and stated that the emergency food credits could "determine the fate of reform and democracy in the Soviet Union" for years to come.

That is not the statement of some agricultural interest in this country. That is not the statement of some rightwing operative in the Soviet Union. That is not the statement of some hidebound Communist from the Soviet Union. That is the statement of someone who resigned his position to protest repression in the Soviet Union, and Eduard Shevardnadze advises that we ought to proceed with these credits.

Three years ago, Mr. President, who could have believed the Warsaw Pact would soon collapse? Who would have believed that East and West Germany would be reunited and that Poland, Hungary, and Czechoslovakia would become independent, democratic nations?

All of that has happened. Much of it has happened because of policy from this country that encouraged those nations to move in a new direction.

I urge my colleagues to keep the pressure on the Soviet Union, but at the same time to extend the helping hand to the Soviet people. That is a course of wisdom, a course of strength, and a course that will encourage further democratic reform.

I urge my colleagues to support this resolution, and support reform in the Soviet Union.

Mr. President, I ask unanimous consent to have printed in the RECORD an editorial that appeared in the Sunday New York Times entitled "Why Help the Soviet Union?"

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

[From the New York Times, May 12, 1991]

WHY HELP THE SOVIET UNION?

Sending the Soviet people $1.5 billion in new credits to buy food would be a decent thing to do. It would also serve hard-headed American interests. So it is good to hear that President Bush is looking for a way to provide the aid, despite considerable advice to the contrary.

"When people are hungry," he said last week, "we ought to try to help." It's more than a humanitarian gesture and it's much more than a favor to Mikhail Gorbachev. It's a sign to anxious Soviet citizens that Americans care.

By giving aid now, Mr. Bush also lends support to the encouraging spirit of compromise between Mr. Gorbachev and Boris Yeltsin that could revitalize flagging reform. And aid deepens America's economic and political engagement with its former rival. That could consolidate relations as the Soviet Union goes through the travail of transformation. After all, U.S.-Soviet cooperation is the keystone to any new world order Mr. Bush hopes to build.

Supplies of U.S. grain could insure against shortages in a Soviet Union caught between a command economy that's disintegrating and a market economy that's not yet functioning. Moscow wants guarantees of $1.5 billion in commercial bank loans. But it's not creditworthy under U.S. law, so Mr. Bush has to find a way to provide the aid.

Some critics say $1.5 billion of food aid would be a drop in the bucket, if not money down the drain. They fear it would be quickly consumed and yield no lasting economic benefit. But they ignore the political message of aid.

Aid is also being resisted by U.S. hard-liners who don't like that message. They want to accelerate the Soviet Union's economic collapse and political disintegration and undermine Mr. Gorbachev. But that's shortsighted. Washington could reasonably seek assurance that food is going to those who need it most. Getting that assurance opens the way to economic engagement with the restive Soviet republics as well as with Moscow.

Such engagement is essential as the nine core republics move toward federation and the others seem headed for commonwealth status or independence. Whatever shape the Union takes, the U.S. will still have to cooperate with the central government, with its formidable nuclear arsenal.

Mr. Bush sees aid as a reward to Mr. Gorbachev. "Yes, the Soviet Union is fighting difficult times," Mr. Bush said. "But I am not about to forget history." He went on to cite the Soviet leader's "enormous accomplishments" in promoting perestroika and glasnost, allowing Eastern Europe to go its own way and working "in sync" with Washington in the gulf war despite opposition at home.

However much aid might bolster Mr. Gorbachev, it would also yield a more enduring effect. As the last six months of turmoil show, the path of Soviet transformation is long and treacherous—and stumbles can harm relations with the U.S. To cast bread on Soviet waters will strengthen those relations, and serve America's enduring interests.

Mr. CONRAD. With that, I yield the floor and note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

The Senator from New Hampshire.

Mr. SMITH. Mr. President, I ask unanimous consent to speak for 5 minutes.

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

Mr. SMITH. Mr. President, I rise in opposition to the passage of Senate Resolution 117. By passing this resolution, the United States Senate will send a message to Moscow that we are prepared to bail out their failing centralized economy. In my view, this is the wrong message.

I am not prepared to prop up the Communist central banking system by extending $1.5 billion in credits to the Soviets, especially at a time when the Soviet Union is continuing to modernize its strategic forces, continuing its crackdown in the Baltics, and continuing its massive military aid programs. How can we justify extension of these credits? Think of all the food their annual $15 billion in military aid could buy.

I am certainly not opposed to some degree of humanitarian assistance going directly to those who truly need it, like the people in those long food lines in the Russian Republic. I certainly want to help the American farmers to find markets for their products.

Obviously, these are tough times. We are in a recession here at home, and I am sensitive to the difficulty facing our farmers. I grew up on a farm. I understand the problems farmers face. But I do not think the majority of the American farmers want to bail out the Soviet Union. They want a fair price for their good product.

It seems to me, Mr. President, that no matter how difficult it may be, the United States must put its priorities and its principles in order, above all else, when looking at the situation in the Soviet Union. We are not to blame for the centralized Communist government that is failing its own people. We always knew that system would eventually collapse, and now that it has, we should not prop it up just because the Soviets are asking for our help.

Indeed, if they want our help, let them first get cracking on some real substantive dramatic reforms, starting with their military spending.

Additionally, if they want help from the world's greatest democracy, let them first show us some results, not just vague commitments concerning the legitimate democratic rights of the Baltic nations. President Gorbachev should immediately renounce the 1939 Hitler-Stalin pact and withdraw his forces from the Baltic nations. This would be a dramatic step that would immediately create a more positive environment for the consideration of aid to the Soviet Union. We should not do it before.

Last week, President Landsbergis of Lithuania met with President Bush to discuss the plight of the Baltic nations, nations we have never recognized as part of the Soviet Union. I cannot see how, in good conscience, we can tell President Landsbergis that we are going to extend credit guarantees to the Soviet Union, a nation occupying his country.

I urge my colleagues to put principle first, turn down this request, vote no on the resolution, and send the right message to Moscow: no credits, no aid, until we see some real reforms in both military spending and in the sincerity of efforts to address the Baltic situation.

Our farmers here at home may lose some opportunities in the immediate future, but they will gain immensely in the long-term future, if the United States uses its leverage to bring real reform to the Soviet Union.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. LEAHY. Mr. President, a parlimentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. LEAHY. Is there a unanimous-consent agreement that allows time for the Senator from Vermont to speak?

The PRESIDING OFFICER. The Senator from Vermont has 14 minutes, as does the Senator from Iowa. The Chair will also advise that under the previous order the Senate will go into recess at 12:30.

Mr. LEAHY. Mr. President, by unanimous consent—and I do not make that unanimous-consent request—if necessary, for the Senator from Iowa and others to have their time, that 12:30 time could be extended. I do not make that request, but it could be; is that correct?

The PRESIDING OFFICER. That is correct.

Mr. LEAHY. Mr. President, I yield myself 7 minutes.

Mr. President, I rise today in uncomfortable opposition to the resolution offered by the Senator from Kansas. This resolution sets no legal prece-

dents. But I am concerned that it sets a dangerous political precedent. We are heading down a slippery slope where foreign policy will dominate our agricultural trade relations and our commercial export programs will become nothing more than foreign aid.

I am puzzled by the Senator's resolution, both in content and in timing.

The resolution serves two totally contradictory objectives—on the one hand it seems to urge the President to extend credit guarantees to the Soviet Union, but on the other hand it makes that extension more difficult than under current law. I have problems with each of these antithetic positions.

By urging the extension of credit guarantees to the Soviet Union without more evidence—and today the Senate does not have enough evidence—I do not believe we can justify writing what in all likelihood will be a bad check to the Soviet Union for $1.5 billion.

By forcing the administration to include a panolpy of foreign policy considerations under this agricultural export program, we may be setting a dangerous precedent that will hamper these programs for years to come.

There is no question the Soviet Union is a critical market for our agricultural exports. The situation in the Soviet Union, and the status of our relationship with it, are both critical components of a peaceful world and a progressive world order.

The law authorizing the export credit guarantee program is clear. The President is authorized to provide export credit guarantees to the Soviet Union, or any other country, if it would increase United States exports of agricultural commodities. However, that law provides that the credit guarantees—

Shall not be used for foreign aid, foreign policy, or debt scheduling purposes; and

Shall not be made available to any country that the Secretary determines cannot adequately service the debt associated with the guarantee.

This resolution before the Senate totally ignores that law.

This resolution makes every foreign policy problem we have with the Soviet Union a matter for consideration under this agricultural export program. Why stop there?

There are other countries that participate in our agricultural programs. Let us bring out all of our foreign policy concerns and precondition the participation of those countries under those programs on the solution to all of our foreign policy goals and wrap it up in an agricultural policy.

Ever since the 1980 embargo, U.S. agriculture has been uniformly opposed to having foreign policy considerations enter into the debate on who they could or could not trade with. This concern is reflected in the 1990 farm bill where we clarified that export credit guarantees could not be issued for foreign policy reasons.

But we have found that we cannot talk about our trade relationship with the Soviet Union without foreign policy considerations becoming involved.

I believe the Senate should explore the other facets of this issue. The proponents of the resolution are asking the U.S. Government to provide a total of $2.5 billion in credit guarantees to a country that is a very questionable credit risk. That is over $1 billion more in credit guarantees than we have ever provided any country in any one fiscal year.

Can the Soviet Union pay off this debt?

I guess on the one hand that any country that can build armaments the way the Soviet Union can, should be creditworthy. But I wonder if the Senate is aware that New Zealand is currently experiencing severe difficulty in getting the Soviet Union to pay for certain dairy purchases. It certainly is not in the amount as we are talking about.

Mr. President, is this just foreign aid on a credit card?

The huge budget deficits of the Reagan years prevent the United States from diving headlong into one foreign assistance bailout after another. Domestically, we cannot afford to help our own dairy farmers or extend unemployment benefits to our workers in need.

Yet this resolution would put the Senate on record supporting what amounts to foreign aid for the Soviet Union. The Reagan budget legacy hamstrings our ability to respond to our pressing needs at home much less meet every demand of the world.

I think we ought to follow the law, not pass a resolution that ignores the law, but let us follow it. I support efforts to export to the Soviet market, I truly do, but within the law. I think we ought to follow that. Let the President decide whether the export credit guarantee programs is the right program to use.

The Secretary is given responsibility in the farm bill to determine whether a given export loan will be repaid. Let the Secretary make that decision.

The Secretary and the President are responsible for ensuring that the provisions in the farm bill excluding foreign policy considerations from this decision are complied with.

Let them execute the law as passed.

I must note, Mr. President, that if the Soviet Union is indeed not creditworthy and is, indeed, in dire need of foodstuffs from the United States, we have other programs that the President and the Secretary can implement and other authorities they can call upon.

There are other credit assistance programs, including title I of Public Law 480, that may be provided to the Soviet Union. Under Public Law 480, the Secretary has explicit authority to ensure that the food provided gets to those that need it and is not diverted to military use. The Secretary of Agriculture has broad authority under the Commodity Credit Charter Act to carry out export programs.

So while I support our efforts to export to the Soviet market, I believe the law is clear. We should let the President decide whether the export credit guarantee program is the right program to use for the Soviet Union or whether our other programs are more appropriate.

Finally, I want to make it clear to the Department of Agriculture that this resolution should not be used to interpret what we passed in the 1990 farm bill. In my view, the discussion of credit worthiness contained in the resolution is inconsistent with the farm bill.

Mr. President, I retain the remainder of my time.

The PRESIDING OFFICER. Who yields time?

The Senator from Iowa.

Mr. HARKIN. Mr. President, I ask unanimous consent that the recess time of 12:30 be extended an additional 10 minutes, and that I be allowed to exercise my time allotment. I believe I have used 14 minutes during that period of time.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. HARKIN. Mr. President, I wish to state my strong support for granting credit through the Department of Agriculture to enable the Soviet Union to purchase $1.5 billion in United States agricultural commodities. I am pleased to be an original cosponsor of Senate Resolution 117, submitted by Senator DOLE, urging the administration to complete its review of the Soviet request for credit and to grant such credit.

It is clear that the Soviet people face a very serious lack of sufficient food.

Mr. President, we are by nature and through tradition a generous people. It would be an embarrassment to our country to stand by, holding our food surpluses, while the Soviet people go without.

And it must be remembered, we are not talking about giving these commodities away. We are talking about extending credit, which must be repaid, so that the Soviets can purchase food.

Again, this is not a giveaway to the Soviets. This resolution clearly addresses the need to ensure that the Soviets live up to their commitment to repay the loans.

Without credit the Soviets are essentially locked out of the United States market.

Apart from humanitarian reasons, experience has shown that helping people in other lands obtain sufficient food

is in the best interest of our country as well. Selling agricultural commodities to other countries increases demand and imposes prices and income for farmers. Improving farm income is critical to small towns and rural communities across this Nation. And that is good for taxpayers too, for when prices increase the cost of our farm programs declines.

One estimate from the grain trade, which I believe is sound, is that if we provide the Soviets with the requested $1.5 billion in credit guarantees and thus open up the Soviet market, the result would be an increase in the farm price for wheat of 20 cents a bushel; for corn, 15 cents a bushel; and for soybeans, 50 cents a bushel.

USDA's recent projections show sharply lower exports of corn and soybeans, which are very important to the farm economy, and indeed the entire economy, of my State.

For example, last year the United States exported 60 million tons of corn. USDA expects that the United States will export only 43 million tons of corn this year.

The most significant reason for these declining exports is the lack of sales to the Soviets. Last year the United States sold 16.5 million tons of corn to the Soviet Union. This year the Soviets have bought only 6.5 million tons from the United States and are not expected to buy any more without credit.

With this large reduction in export sales, it is no surprise that commodity prices—and farm income—are suffering.

The bottom line is that by not extending credit to the Soviets the United States has essentially placed an embargo on sales of our agricultural commodities.

There has been a lot of discussion in this body about the wisdom of extending credit to the Soviets during this time of transition and turmoil in the Soviet Union. I do not agree with these arguments against extending credit.

I believe that sales of United States agricultural commodities to the Soviets will facilitate their transition from communism to democracy and free and open markets.

If the Soviet people lack the food they need there will be much more turmoil, which could cause the country to collapse. That is not in our best interest. We could end up with a military crackdown and possibly a military dictatorship, which would send all the progress Gorbachev has made down the drain.

The majority of the Soviet Republics support granting the credit. Shevardnadze says the credit is critical to the success of the reform efforts in the Soviet Union.

This resolution supports reform, not repression. The resolution is meticulously drafted to ensure that the Soviets adhere to a path of reform on human, political, and economic rights.

The President has mentioned his concern that the Soviets do not meet standards of creditworthiness required by law. But I believe the President is getting some bad advice. The administration is reading the requirements of law far too strictly—and inconsistently with the requirements applied to other countries.

How can we say that the Soviets are worse credit risks than Nicaragua, El Salvador, Algeria, Tunisia, Pakistan, Mexico, Turkey, Panama, Trinidad, and Tobago to cite a few examples?

I fear that the President is listening to those in his administration who, perhaps for ideological reasons, do not want to provide credit to the Soviets—who perhaps throw up this question of creditworthiness as a pretext.

The fact of the matter is that the law only requires that countries receiving credit show an ability to service debt and that USDA avoid undue credit risk.

Mr. President, the credit history of the Soviets is clear. The Soviet All Union Bank has never defaulted on any principal or interest payments.

So why should we hold the Soviets to a higher standard than we apply to other countries? Especially when we consider the benefits of selling agricultural commodities to the Soviets.

We must also consider the resources the Soviets have for repaying these loans. They have $30 to $50 billion in gold; vast oil and natural gas reserves, diamonds, and other minerals for example. So they have a basis for repaying these loans.

We all know that if the United States does not grant the credit, other countries will, thus helping their farmers while ours continue to suffer from depressed markets.

France, Canada, Australia, the European community, Italy, Argentina, and Brazil have all found the Soviets good enough credit risks to obtain loans to buy their agricultural commodities.

Why should we cause our agricultural sector and our United States economy to suffer by holding the Soviets to credit standards more stringent than other countries use?

The Soviets are only asking for the same credit they are getting from Brazil, Argentina, Canada, France, and other countries. That is all they are asking.

While the Soviet request is languishing with the administration, I fear that the opportunity for sales to the Soviets is slipping away. The Soviets wanted the commodities to be shipped in April and May. That is when they needed them. We cannot meet that shipment schedule now. But if the administration moves quickly we still can capitalize on this opportunity.

Mr. President, I hope the administration will act decisively and promptly to approve the Soviet request for credit to purchase United States agricultural commodities.

I congratulate Senator DOLE and thank him for his hard work and leadership on this important resolution. And I want to reiterate my strong support for the resolution and urge my colleagues to support it.

Mr. President, I yield the floor.

Mr. EXON. Mr. President, if I can receive the cooperation of the Senate, I would like to reclaim 5 minutes that I have allotted to me. I cannot be here at 2:30 because I will be chairing a prescheduled meeting at that time. I would like to ask at this time that I be allowed to continue for 5 minutes per the schedule previously agreed to.

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

Mr. EXON. Mr. President, I have been listening with great interest to the debate that has unfolded on both sides of the issue. I just want to briefly sum up, if I can, to refute some of the arguments that I think have been totally off the point with regard to what this resolution is attempting to do.

I have heard some statements made that this is a foolish resolution. Well, it is a resolution that I suspect there are arguments on both sides, but it is not a foolish resolution. Anyone who has been to the Soviet Union recently and recognizes the serious situation that they have there today would not be quite as hasty, I suggest, in talking about the foolishness of this resolution.

The point should be made once again that, although the subject is addressed in this resolution, as I previously said, I think the formal recognition of barter is probably most important, not only to help guarantee repayments in the future, but to help make up for some of the questionable loans that have already been made to the Soviet Union that some people on the floor of the Senate have indicated is already a loss.

If it is already a loss—and I suggest it is not appropriate to so designate it at this time—then those people who are complaining about a loss should be looking to the viable parts of the suggestion embodied in this resolution, in that if we can go to barter we not only can have a better assurance of repayments of loans that we have already made, but also increase loans in the agricultural area to the Soviet Union.

To anyone who read the resolution, it would indicate that those of us who initiated this process recognized very clearly some of the brutality by some people and some entities in the Soviet Union today. However, I would like to suggest we are not taking a full look at what a critical time in history the Soviet Union is going through right now. That does not justify us overlooking or putting aside individual rights, and

some aggressive tactics that have been taken in several places by the military of the Soviet Union. I only say unless we can adopt this resolution and in some fashion work out the $1.5 billion additional credit, I think we are all but guaranteeing a very likely total military control of the Soviet Union, because the Soviet Union today is right at a critical stage.

It is shortsighted indeed, therefore, in my view, to oppose this resolution. I am from an agricultural State, as is the Presiding Officer. I really believe this would be good for the Nation and good for agriculture. More important, though, this has a direct bearing on whether or not we are going to be facing a revitalization, if you will, of the cold war, which is going to cost us additional billions of dollars in necessary military expenditure.

My final point is this: If those who oppose this resolution would have gone to the Soviet Union as I have, within the last 30 days; if they would have talked to Mr. Shevardnadze, one of the democratic leaders in this country; if they had talked to the mayor of Leningrad, who is one of the democratic leaders; if they had discussed this proposition with the mayor of Moscow, who is one of the democratic reformers—all of those people whom we are supporting are saying it is critically important we do today help the Soviet Government headed by Mr. Gorbachev. Because without Gorbachev we are assured of only one thing and that is a military dictatorship with all of the shortcomings and threats and dangers that would come about as a result of that, which would tear apart the fragile relationship that we have with that country now.

Mr. Shevardnadze told us the day we were in Moscow, the day of the demonstration against the leadership of Mr. Gorbachev—and I am not here to defend him—but he said there were more troops in Moscow that day than at any time since World War II.

It is a critical situation. The military might take over. If they take over then there is going to be a dramatic setback for Mr. Shevardnadze and all the democratic leadership that are trying to do the right thing. I hope we can do the right thing by passing this resolution, I emphasize once again, primarily because it recognizes officially, for the first time, we are going to have to go to barter if we are going to have any chance of getting our previous money back from the Soviet Union, let alone continuing hopefully a positive relationship in the future.

I yield the floor.

RECESS UNTIL 2:30 P.M.

The PRESIDING OFFICER. Under the previous order the Senate stands in recess until the hour of 2:30 p.m.

Thereupon, at 12:44 p.m., the Senate recessed until 2:30 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. SANFORD).

AGRICULTURAL EXPORT CREDIT GUARANTEES TO THE SOVIET UNION

The Senate continued with the consideration of the resolution.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The minority leader.

Mr. DOLE. Mr. President, I think, under an agreement, I have 10 minutes. I yield 2 minutes to the Senator from Vermont.

The PRESIDING OFFICER. The leader is correct. The Senator from Vermont is recognized.

Mr. JEFFORDS. Mr. President, I would like to comment on the importance of including dairy products and the export of dairy cattle as part of the Soviet Union Export Guarantee Program under Senate Resolution 117. The U.S. dairy industry is currently suffering from the worst drop in farm milk prices since I have been a member of Congress. Farm milk prices have dropped 30 percent in the past few months and thousands of dairy farmers will be forced out of business if this situation continues.

Although the export of dairy products and cattle have not been a major part of agricultural exports in the past, a great deal of potential exists to increase and expand dairy exports. For example, the Holstein Association, the major dairy breed association, has noted that there is a current demand for more than 375,000 head of live dairy internationally, including the Soviet Union. At the same time, the U.S. has more than 140,000 metric tons of milk powder and 41,000 metric tons of butter available for export under the Dairy Export Incentive Program. These products could certainly be utilized in the Soviet Union given the present shortage of dairy products throughout the country.

A member of my staff visited Moscow this January, and managed, eventually to locate milk in one of the local state-run stores. When she asked if there was any chance she could get some sour cream, the sales clerk looked at her in disbelief. "We haven't had any sour cream in more than a year!" was the reply. A request for butter met the same response. And 41,000 metric tons sit in Government storage in the United States.

Mr. President, this is a travesty. The Soviet Union needs what we have. It should be an important part of this program to deliver to the Soviet Union those stores that are available.

The Soviet Union is very interested in the American dairy industry. I met last month with a Moscow businessman who has begun an exchange program with Vermont Technical College to train Soviet farmers in Vermont dairy techniques. The similar climate, landscape and emphasis on the small family farm attracted the Soviets to my State. They realize that in order to revitalize their industry, they must study our methods, but they are also going to need good stock and we have plenty to spare. We have a unique opportunity to provide a badly needed boost to the industry in both countries.

Including dairy products and cattle under the export guarantee program would substantially help the dairy industry at a time when it is under serious financial stress. This program represents an important opportunity to provide food for those in need and to help one of our major and vitally important agricultural industries.

Mr. DOLE. I yield 2 minutes to my colleague from Kansas [Mrs. KASSEBAUM].

Mrs. KASSEBAUM. Mr. President, I rise in support of Senator DOLE'S resolution which urges the President to approve the Soviet Union's request for agricultural credit guarantees under certain binding conditions.

These are difficult times in the Soviet Union. After a period of dramatic and positive changes in Soviet policy, particularly in Eastern Europe, we are watching the Soviet Union struggle to set its future direction. Recently, the entire world community was concerned that perestroika and glasnost had come to an abrupt end after the use of force in the Baltic Republics in January. Foreign Minister Shevardnadze's resignation and President Gorbachev's shifting alliances toward the army and the internal security forces have raised grave concerns.

But, we have also recently seen President Gorbachev allying himself with his arch rival on the left, Boris Yeltsin, as well as with other Republic leaders in an effort to formulate a union treaty. We have seen free elections scheduled for the Russian Republic. And, we have heard directly from Mr. Shevardnadze that the danger of chaos, as a direct result of food shortages in the Soviet Union, is a very real possibility.

As Mr. Shevardnadze clearly and passionately stated, the next several months are critical to the future direction of the Soviet Union. I believe, Mr. President, this time of unknowns will be a very challenging and difficult time for U.S. foreign policy.

In this regard, Mr. President, I believe Senator DOLE has put together a thoughtful and prudent approach to the question of whether we should approve agricultural credit guarantees to the Soviet Union.

Given the rapidly changing situation in the Soviet Union, I do not believe a simple yes or no on the question would adequately meet the challenges before

us. Senator DOLE has crafted a resolution which can help avoid the possibility of civil strife and further repression in the Soviet Union as a result of food shortages and famine, while leveraging our credit to try to move the Soviet Union toward democracy and free market reforms.

The resolution before us adds to the requirement that the Soviet Union be creditworthy by requiring binding assurances from the Soviets to repay any credits and to improve the environment for foreign private investment. It also urges the administration to receive clear and binding assurances that our credit guarantees will not be misused to support the military, security, or Communist Party apparatus or to pressure the Baltic States or the constituent Republics for coercive or political purposes.

Mr. President, the Soviets clearly need agricultural products, and they are concluding credit agreements with our allies. To vote against credit guarantees would hurt both our farmers and the Soviet people. But, a simple yes without these conditions would not utilize the leverage we have in promoting reform in the Soviet Union. I commend Senator DOLE for his proposal and urge my colleagues to join in supporting it.

Mr. DOLE. Mr. President, I understand there may be other Senators on the other side who wish to speak. We would like to get together and maybe reduce the total time. I will take maybe a minute while they are gathering.

Mr. President, I want to conclude my comments on Senate Resolution 117 by responding to some of the arguments raised against the resolution by the distinguished Senators from New Jersey and Arizona.

GAO STUDY ON THE GSM PROGRAM

Congressman SCHUMER states that over 60 percent of outstanding receivables under the GSM Program will result in program losses.

USDA and AID strongly disagree, stating that the current allowance for doubtful receivables is 36 percent overall, which includes $1.9 billion in outstanding Iraqi debt.

Over the 12-year history of the GSM, $33 billion in credit guarantees have been extended.

Of that $33 billion, approximately $5.3 billion—just 12.5 percent as opposed to the misleading 60 percent Schumer figure—has not been repaid.

The Agriculture Department indicates that these figures are only slightly higher than private sector losses under similar credit agreements.

In sum, the 60 percent Schumer figure is highly misleading, and does not give the Department of Agriculture credit for reviewing the current Soviet request under the same stringent debt-servicing guidelines that has resulted in only 12.5 percent doubtful accounts over 12 years.

SENATOR BRADLEY'S STATEMENT THAT OMB EXPECTS DEFAULTS OF 26 PERCENT IN THE GSM PROGRAMS

The statement is based on anticipated losses, based on the outstanding portfolio.

That is skewed due to outstanding Iraqi debt, which has not been formally defaulted.

Not counting Iraq, on which repayment is yet uncertain, and the forgiven Poland debt—two very unique and special circumstances in the history of the GSM Program—the historic actual loss rate is 6 percent.

OMB would likely assume that the 6 percent rate would be applicable, not Bradley's 26 percent which is misleading and irresponsible to assert.

CREDITWORTHINESS

I would note that the criteria in existing law is not overall creditworthiness but whether the Soviets can adequately service the debt associated with such sale. It's not whether the Soviets have the overall resources to pay all their creditors—but whether they will pay back the specific loans we guarantee. As badly as the Soviets need us now—politically, as well as economically—I can't believe they won't give a very high priority to repaying us before almost anyone else. That does not remove all the risk—there is risk in any credit deal with anyone—but it puts the question in the proper perspective: Not, are the Soviets in economic trouble, but, will they pay back these specific loans? I think there is good reason to believe they will.

TRANCHING

The Senator from New Jersey and others have said that it is naive to accept Soviet assurances. I do not think we should just accept their assurances either. In fact, the resolution deals with this legitimate concern. We have built-in insurance to make certain the Soviets live up to their assurances and repay on schedule.

Under the guidelines we propose, the credit guarantees will be released in installments. If the Soviets do not pay up on time, misuse the credits, or launch new crackdowns on the Baltics or the Republics, we can turn off the spigot. And, under those circumstances, no one would suggest any other course.

AGRICULTURAL CREDIT GUARANTEES AS FOREIGN POLICY TOOL

I would make two points on this question, raised several times by the Senator from New Jersey.

First, the Senator from New Jersey is right about what is in the law. The law says we should not use agricultural credit guarantees for foreign policy reasons. I wish we could build a fence around the agricultural credit issue—but we cannot. The reality is, like it or not, the decision on this issue will send a political message to Moscow and to the Soviet people, and will impact on the situation in the Soviet Union. We can not legislate away that reality.

Second, the Senator from New Jersey says we should follow the law, as I have just described it, and not try to make foreign policy through agricultural credit guarantees—but about 80 percent of his rationale for opposing the resolution is foreign policy: Soviet policy in the Baltics and in regard to the Republics. He readily acknowledges that he is making up his mind on the resolution on the basis of foreign policy. But he says we are violating the law by citing foreign policy concerns as one—and, I stress, only one—factor in causing us to support the resolution.

Whatever the law says, he cannot have it both ways—declare it relevant for opponents of the resolution, but irrelevant for supporters.

BOTTOM LINE

We all agree on goals for the Baltics and Republics. The question is, how to advance those goals. I would like the opponents of Senate Resolution 117 to tell me now refusing to go forward, on a conditioned basis, with the agricultural credit guarantee offer will: First, bring freedom to the Baltics; or second, self-determination and democracy to the Republics? Why would our turning Gorbachev down make him more likely to do what we want?

In fact, if the Soviets cannot get these credits somewhere, there may well be severe food shortages and resulting disorder. And the net result of that is going to be more attacks on the Baltics, not less; more repression inside the Soviet Union, not less; more backsliding toward the bad old days, not less.

Offering these credits, conditioned in the way I propose, gives us the best chance—to use the best leverage we have—to achieve the goals we all share.

I hope all Senators will think carefully about our debate, will read carefully the text of the resolution, and will conclude, as I have, that this is the right message, at the right time—to serve all of America's interests.

There has been a lot of discussion of creditworthiness and what the criteria in the law is or is not: It is not overall creditworthiness but whether the Soviets can adequately service the debt associated with such sale. That is the question in this debate; it is not whether the Soviets have the overall resources to pay all their credits, but they will pay back the loans we guaranteed. They have always done it in the past. There has never been any default. As badly as the Soviets need us now politically as well as economically, I cannot believe they will not give a high priority to repaying us before almost anyone else.

For all the reasons I have stated previously and for all the assurances we have had from the Soviet Union and the desire expressed from other representatives that we ought to go for-

ward with it, it seems to me it is the right thing to do.

I will add that President Bush met with Republican Senators at noon. He indicated his support. He would like to find some way to accomplish this goal, and I believe this resolution will give the President some flexibility. This is not a partisan resolution. There are many sponsors on each side of the aisle. I urge my colleagues to overwhelmingly support this resolution.

I reserve the remainder of my time.

Mr. BRADLEY. Mr. President, the issue before us is whether we shall urge, in the form of a sense-of-the-Senate resolution, $1.5 billion in additional guarantees of agricultural credits for the Soviet Union.

In December, we authorized $1 billion in agricultural credits. Since December, the Soviets have killed dozens of people in the Baltics, 36 to 50 people in Armenia, and injured hundreds of people. Mr. President, I view the sending of additional credits to the Soviet Union as being an accomplice in that repression. It is important for us to be very clear and very strong; and at the exact time when the Soviet Union is repressing the peoples of the Baltics and other Republics, that is not the time for us to give them additional credit.

Mr. President, what are we actually talking about? The Soviet Union last year produced 235 million metric tons of grain. They only got 90 million into the distribution and procurement system. So over 145 million tons was lost because of inefficiency, because of corruption, diverting it into the black market, because of waste. If we are serious about giving more grain to the Soviet Union at a critical time, what we should be advocating instead of increasing credits for them to purchase United States grain that might never be repaid, we should be urging them to decriminalize grain trading in the Soviet Union. It is a criminal offense in the Soviet Union for one person to sell grain to another person, a criminal offense. We should be urging them to decriminalize grain trading. By continuing to subsidize a system that is colossally corrupt and inefficient, we are simply delaying the time when they have to face up to the fact that the only thing that will give their people a higher standard of living is a market-oriented economy and a democratically based system.

As long as we continue to provide these kinds of credits to the Soviet Union, we are subsidizing that waste, inefficiency, and corruption.

Mr. President, the Soviet Union's creditworthiness has dropped like a rock. Exports are down. Deficits are up. Foreign indebtedness is up. Interest owed is increasing. The number of U.S. firms that have not received payment for trade or repayment of credit is increasing. The more we give them officially the further back in line our private companies are in receiving the payments that are due them.

Mr. President, this is an action which I view as unwise because it is offered at a time of political repression in the Soviet Union. It is an action which is also taken in the midst of plummeting creditworthiness on the part of the Soviet Government. It is an action that will cost taxpayers anywhere from $360 to $900 million in losses because of this program which, if you think about it, is the equivalent of hundreds of thousands of kids in the Head Start Program, hundreds of thousands of children in the Women and Infant Children's Feeding Program.

The real irony here is that this is in direct violation of the 1990 Farm Act. Section 202(e) of the 1990 Farm Act says, "Credit guarantees authorized by this section shall not be used for foreign aid, foreign policy or debt rescheduling purposes."

Mr. President, if this is a resolution that is not intended for foreign aid or for foreign policy, what is it? The resolution itself states that we are doing this to try to assist the Soviet Union in a time of crisis. We are essentially sending them a check and in exchange getting promises for future action that may be taken.

That is not good enough, Mr. President. At a minimum, if we are serious about what President Landsbergis says in Lithuania, in Armenia, or in the other Baltics, leaders of republics that are now under a very serious repression, with people being killed, we should at least say no more additional taxpayer subsidies until you have evacuated the buildings, returned the buildings to the democratically elected governments in Lithuania, Latvia, and Estonia, the buildings that were occupied after December when we extended another $1 billion in credit to them.

Mr. President, there is no question in my mind that if this resolution passes it will be viewed as a betrayal of the democratic aspirations of the people of Lithuania, the Baltics, Armenia, and any number of other republics.

Mr. President, I hope we will reject this resolution and state clearly that we will no longer subsidize waste, inefficiency, and corruption. If the Soviet Union wants to attract investment or wants to attract greater trade, then they have to undertake reforms in their own country.

We are at a time where we have giant budget deficits. We are at a time where we are funding the Head Start Program at 25 percent of the eligible recipients, the Women and Infant Children's Feeding Program at 30 to 40 percent of the eligible recipients. We do not have enough money for the Head Start Program. We do not have enough money for tax cuts for middle-income taxpayers. But we do seem to have enough money to subsidize trade with the Soviet Union at a time when the Soviet Union is brutally repressing and, indeed, murdering many citizens in its own country.

Mr. President, I hope we all recognize that the prudent thing to do is to vote no on this resolution. Let us at least wait until July to see if the Soviet Union makes its first interest payment on the $1 billion we extended to them in December. Why can we not wait until July? What is the rush in doing this now?

The answer, obviously, is if you wait until July, the waiver of the Jackson-Vanik amendment will have expired and the President will then have to seek another waiver of the Jackson-Vanik amendment. So he will have two hurdles to get over: First, a waiver extension; and second, increased credit guarantees.

The Jackson-Vanik amendment, of course, says there shall be more liberal emigration from the Soviet Union before they get most favored nation status and other subsidization of trade. The Soviets, 2 years ago, promised to put that into law. They have not done so. So doing this now is a clear attempt to get around the waiver of Jackson-Vanik and send a signal of dubious importance to the Soviet Union.

Does anyone really believe that the 4.2 million metric tons of grain that this $1.5 billion will purchase is going to be the difference between starvation and life for people in the Soviet Union? This is a country that produced 235 million metric tons last year and wasted, lost through inefficiency, and corruption, 145 million metric tons.

So, Mr. President, I hope we will send a clear message that we will not continue to throw money at this problem at a time of giant budget deficits, great needs at home, political repression in the Soviet Union, plummeting creditworthiness on the part of the Soviet Union, at great cost to the American taxpayer, in violation of the 1990 Farm Act, section 202(e) and, instead we will finally have the courage to say no and not intervene in the domestic politics in the Soviet Union.

I reserve the remainder of my time.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. BRADLEY. Mr. President, I was about to propound a unanimous-consent request and that would take the quorum out of the time of the distinguished Senator from Arizona, but he is now on the floor. So I am sure he might want to speak. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. BRADLEY. Mr. President, I ask unanimous consent to submit for the RECORD the testimony of Curtis Kamman, Deputy Assistant Secretary for European Affairs, Department of State, before the House Agriculture Subcommittee on Wheat, Soybeans and Feed Grain on May 9, 1991, and asked that it be inserted at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. BRADLEY. Mr. President, he says one or two interesting things relative to this issue one of which is: "With regard to our concerns for the Soviet people and their food needs we have not seen signs of famine or starvation. In fact, as most of you know, the Soviets enjoyed a near-record grain crop last fall." It is 235 million metric tons. "In general, most necessary food items are available, if not at prices that all citizens can pay. Spot shortages, which have always been common throughout the Soviet Union, have appeared with greater frequency more recently, especially in large urban and industrial areas. Such shortages are expected in a centrally planned economy incapable of responding to the consumer demands as effectively as an economy."

Mr. President, that is just a sampling of the testimony.

I really think that this resolution, if it is passed, will send a very serious damping message to the democratic forces in the Soviet Union that are just beginning to bubble up. There are forces that are achieving greater and greater legitimacy with each passing day, some religious, some national, some ideological, some democratic—many different forces.

The credibility in the Soviet Union is increasingly coming from the bottom up. It is the beginning of a broad-based democratic move. There is testimony to that. I ask unanimous consent that a speech recently given by the distinguished Librarian of the Congress, James Billington, be submitted for the RECORD, and inserted at the conclusion of my remarks.

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

(See exhibit 2.)

Mr. BRADLEY. Mr. President, I think that by this resolution we are saying to all those forces that are bubbling up, no, we are going to continue to do business with the old guys. We are going to continue to have politically subsidized agriculture that is totally insensitive to the needs of the Soviet people, and that continually invokes and provides power for those who are now in control of the apparatus.

The National Salvation Fronts in the Baltics—what are they? They are KGB Communist fronts set up in the old way, to control the apparatus, call for the military to come in to put down what? To put down groups that are attempting to achieve some political freedom through the democratic process.

Mr. President, I hope we will consider the message that this resolution sends which will be far greater than we imagine. I hope we will not send that message and reject this resolution.

EXHIBIT 1

STATEMENT OF CURTIS W. KAMMAN, DEPUTY ASSISTANT SECRETARY FOR EUROPEAN AND CANADIAN AFFAIRS, DEPARTMENT OF STATE, MAY 9, 1991

Mr. Chairman, I am pleased to have this opportunity to appear before the Subcommittee and report to you on events and issues that bear on the recent Soviet request for an additional $1.5 billion in credit guarantees for the purchase of American agricultural products. My remarks are organized to cover three topics:

The current economic situation in the Soviet Union;

The current state of Soviet agriculture and food availability; and

U.S. efforts to help the Soviets and promote political and economic reform.

CURRENT ECONOMIC SITUATION IN THE U.S.S.R.

One of the major tasks confronting President Gorbachev is the improvement of economic performance. By the admission of his own senior economic officials and advisors, this is a daunting one. In virtually every area of economic endeavor, the Soviet Union is experiencing wholesale decline. Consumer dissatisfaction is at an all-time high, and many Soviet citizens who have supported Mr. Gorbachev's reform efforts under *perestroyka* have grown disillusioned over the disappointing economic results to date.

Let me cite just a few statistics that have come to light recently and illustrate the dire condition of the Soviet economy. All of this information comes from official government reports which have been made public.

Soviet GNP for the first quarter of this year was down 8 percent from the comparable period of last year.

Industrial output in the first quarter declined by 5 percent, and the official Soviet forecast estimates a total decline for 1991 of up to 10 percent.

STATE OF SOVIET AGRICULTURE AND FOOD AVAILABILITY

Mr. Chairman, I want to emphasize that we are greatly sympathetic with the predicament of the Soviet people as they grope for ways to cope within a collapsing system. The shortages, the long lines and, above all, the crisis in confidence and resultant fear of being unable to feed and provide for themselves and their families must be very painful. The American government and the American people feel deeply for the Soviet people and strongly urge the Soviet government to take action now which can solve these problems.

The problems of Soviet agriculture are a reflection of the larger problems of the Soviet command economy. There is no natural reason for the Soviets to have the food problems that they do. They are blessed with fertile soils, adequate water resources and hard working and resourceful farmers. But, Soviet farmers have been burdened with a rigid system of state-imposed controls which has destroyed individual initiative and turned what should be an agricultural powerhouse into a nation very much dependent on the outside world for its survival.

Any progress made on overall price reform, privatization and private enterprise could be expected to improve Soviet agriculture almost immediately. Farmers markets have been in existence in the Soviet Union for considerable time now and private cooperatives have begun to operate on a modest scale; both have proven that they can succeed without the intrusive intervention of Moscow. By allowing the same sort of freedom to take root at the farm, distribution, processing and retail levels of this industry, a market improvement in the condition of Soviet farmers and in the availability of goods for Soviet consumers will result. To date, however, the Soviet leadership has been long on talk on improving the plight of farmers and consumers but very short on effective market-opening measures that would do this in the long run.

With regard to our concerns for the Soviet people and their food needs, we have not seen signs of famine or starvation. In fact, as most of you know, the Soviets enjoyed a near-record grain crop last fall. In general, most necessary food items are available, if not at prices that all citizens can pay. Spot shortages, which have always been common throughout the Soviet Union, have appeared with greater frequency more recently, especially in larger, urban and industrial centers. Such shortages are expected in a centrally planned economy incapable of responding to consumer demands as effectively as a market economy.

The problem boils down to one of distribution, and not of supply. Soviet farmers, including state farms and collectives, are not selling to the state volumes called for in contracts because they cannot purchase inputs from their suppliers with the low prices paid them by the state. They withhold their production and end up making barter deals with these same industries to get what they need, or simply wait in the hope of getting higher prices for their goods later. In the end, people do get fed, but it is a very inefficient process and without the price mechanism, people not directly tied into barter arrangements can be left out.

The inefficiencies are present throughout the entire system from the farm to the consumer's table. Moreover, overlaid on the distribution problem is the gradual breakdown of the Soviet infrastructure responsible for getting goods to the consumer: storage and refrigeration facilities, processing and packaging plants, railroads, roads and retail operations. In the end, over 20 percent, on average, of what Soviet farmers produce never reaches the consumer's tables; and for some items, such as produce goods, the wastage is even higher.

An important point to be made in all of this is that credit and loan guarantee programs and even direct grants of food do not address these fundamental problems of Soviet agriculture and food distribution. In fact, they end up being subjected to them in that the system that handle and transport domestically produced products do the same for imported goods donated or purchased with officially backed credits. We must assume these agricultural products will be sub-

ject to the same inefficient process and thus experience the same losses.

U.S. EFFORTS TO HELP THE SOVIETS AND PROMOTE POLITICAL AND ECONOMIC REFORM

Our efforts in the Soviet Union to support economic reform focus on a program of technical economic cooperation proposed by the President at Malta in December 1989 and a series of measures announced by the President on December 12, 1990, which responded to increased economic dislocation in the Soviet Union. These measures reflected a policy designed to address immediate humanitarian needs, support longer-term economic reform, foster private sector involvement in the Soviet Union and expand society-to-society contacts. Specifically, the President proposed a humanitarian medical assistance program; a technical assistance program related to food distribution; and a Special Associate Status for the Soviet Union in the International Monetary Fund and the World Bank.

The President also indicated he would waive the Jackson Vanik amendment to the 1974 Trade Act in recognition of improvements in the Soviet policy on emigration. The waiver made the Soviet Union eligible for the credit guarantee programs of the Commodity Credit Corporation in support of U.S. agricultural exports, and the credit guarantee and insurance programs of the Export Import Bank up to the $300 million ceiling established elsewhere in law. These programs are fundamentally commercial, not humanitarian or development assistance. To qualify for credit guarantees, the law requires the USSR to meet certain standards of creditworthiness.

The President's initiative in food distribution and marketing, like many of our technical economic cooperation programs, will be a joint private-public sector effort to address some of the problems I mentioned earlier. While we do not expect to solve the major problems of the Soviet economy, we do hope to assist the Soviet identify causes, rather than symptoms, of their food distribution problems. The project is still being planned, but we hope to move forward shortly. On the basis of an initial survey done by a USG assessment team, we will put together our largely private sector group that will undertake the study and make recommendations.

Our technical assistance efforts have spanned such diverse areas as small business promotion, macroeconomic policy, financial capital markets, statistical reporting, competition policy and management training. We are looking for other areas where we can be helpful to the Soviets, and a conscious effort is being made to include republic and local level officials in these programs.

As President Bush said on December 12, we stand ready to help the Soviet Union stay the course of economic reform. However, steps toward fundamental market-oriented reform last year have faltered in the absence of a political consensus on the pace and direction of change. The rejection of the Shatalin Plan in favor of the more gradualistic approach envisioned in the Basic Guidelines has resulted in attempts to reform by decree with little tangible benefit and continued economic deterioration.

The commitment of U.S. financial assistance resources to the Soviet economy must reflect commitment and progress on the part of the Soviet Union toward meaningful reform—both political and economic. In addition, the level of defense spending in the Soviet Union and the level of aid provided by the Soviet Union to countries which encourage regional instability will affect our willingness to consider financial assistance.

Mr. Chairman, I thank you and the Subcommittee for this opportunity to discuss the Soviet economy, the Soviet agriculture sector and our programs in support of reform in the Soviet Union. I would be happy to answer any questions you may have.

EXHIBIT 2

THE SEARCH FOR A MODERN RUSSIAN IDENTITY

(By James H. Billington, the Librarian of Congress)

We are living in the midst of a great historical drama which we did not expect, do not understand, and cannot even name. It has been called a revolution, but modern revolutions have generally been violent, secular, and led by intellectual elites with political blueprints. The upheavals in Eastern Europe were almost exactly the opposite: nonviolent, filled with religious idealism, and thrown up from below without clear leaders, let alone programs. It has been called reform from above with Gorbachev as a Peter the Great; but he never had a clear program, and events have long since moved far beyond anything he intended, expected, or can control.

A more appropriate term might be the Russian word perelom which means a break in an entire organism such as a "fever break" which determines whether a person will survive or perish. Stalin used the word perelom to describe his plunge into the holocaust of totalitarianism, calling the first year of his first five-year plan, 1929, "the year of the great fever break." Sixty years later in 1989 came another such year, the fever break that ended totalitarianism in Eastern Europe and is not convulsing the Soviet Union itself.

The dialogue is cacophonous; the set is surrealistic; and the cast of characters unlikely and almost anti-political: absurdist playwrights as chiefs of state in Czechoslovakia and Hungary; archival historians leading the factions that broke with Communism completely in the Polish and Soviet parliaments; purveyors of the most immaterial of the arts, music, as heads of state in a fading East Germany and a rising Lithuania; a curator of ancient manuscripts as head of state in Armenia.

The current conventional wisdom in the West is that this has all been essentially a two-act Eastern drama in which the Western world is only a spectator. Act I was The Liberation of Eastern Europe in 1989, in which a brilliant young Gorbachev entered a gloomy Soviet stage, dismissed the dinosaurs, awakened his sleeping subjects, and precipitated a revolution in the satellites, where walls fell, democracy and open markets began to reign, and Western spectators threw money on the stage and bouquets at the hero.

Alas, this all gave way to Act II, *The Revenge of Russia* (or *The Empire Strikes Back*) in 1990. With the economy worsening and the national minorities rising up within the USSR itself, the old imperial dragons (the Communist party *nomenklatura*, the KGB, the Army) reappeared in the evil empire; St. George seemed to join the dragons; and the Western spectators began quarreling as to whether Gorbachev might yet come up with a miracle, whether he had really been a dragon all along, or whether Yeltsin (the minor buffon in Act I) might prove to be the real St. George.

We Western spectators were inclined to console ourselves that the U.S.S.R. was fundamentally different from East Europe, to root for its Western-oriented republics to break away, and to wait for the inevitable coming repression in Russia itself where endings are always sad, music melancholy, and democracy never had roots.

I want to suggest that this view, although not altogether wrong, is woefully inadequate for understanding either the continuing dangers or the creative possibilities inherent in the current tumult and to suggest an alternate analysis based on seven propositions, many of which lie outside the current consensus.

My first proposition is that we Americans are not merely spectators and are more deeply involved than we realize in what happens inside the U.S.S.R. American political and military strength helped force the change within the U.S.S.R. in the 1980's, and America is now the main model by which reformers in the Soviet Union define and measure themselves as they struggle to open up and restructure their continent-wide, multi-cultural nation.

Russian culture is not securely self-contained like, say, the Japanese or French and has always tended to borrow inwardly from its principal external adversary. The Russians took their religion and art from Byzantine in the 10th and 11th centuries, their modern governmental institutions from Sweden in the early 18th century, and their first industrial models from Germany in the late 19th and early 20th centuries—either during or just after fighting furiously in prolonged wars with each. Now, as the Cold War ends, the Soviet Union seems singularly bent on learning from the American scorpion it so long faced in the bottle.

Most important of all the reasons why Americans cannot be passive spectators at the Soviet spectacle is because the strategic strength of the U.S.S.R. directed at the United States remains unabated, despite the diminished targeting of Europe. The world, for all its multi-polar aspects, remains bi-polar in terms of deliverable nuclear destruction.

We are, I believe, at or near the fever break in the body politic of Soviet totalitarianism, but (I would content as my second proposition) the current scene in the U.S.S.R. is part not of the melodrama in two distinct parts that I previously described, but of a five-act global drama of a high moral order.

Act I in this great drama of the 20th century was that of total war: the two world wars which threw the masses violently on stage and ended European world dominance. Act II was that of *totalitarian peace*, the attempt to impose a totalistic order on the world first by Germany and then by the U.S.S.R. in the Cold that War followed the hot wars. Act III was the victory of freedom, which climaxed in the late 1980's when a liberal political and economic order emerged as the preferred norm over both the totalitarianism of Act II and the surviving authoritarianism of the Third World. Act IV is the search for authority, which seems to be rising in the 1990's: the rediscovery of deeper psychological and cultural traditions as newly freed people search for unique identities in world of creeping technological uniformity, a source of responsibility amidst the fluidity of freedom.

Act V—the classical last act—lies ahead in the new Millennium, when we will have a genuinely multi-polar world in which other presently dormant peoples in the Third World will simultaneously be claiming both freedom's general entitlements and their own distinctive identities. Only Act V will tell us whether humanity will be able finally to live at peace in a culturally divided, ecologically overloaded planet—or whether we

will simply use new weapons and new empowerment to renew old patterns of tribal and national conflict. Only then will we know if the ending will be happy or sad, peaceful pluralism or renewed warfare that could lead to total destruction.

The Soviet Union today is traumatically enduring both the end of Act III and the beginning of Act IV. Its peoples are simultaneously struggling both for common legal rights and for particular national identities.

The central tension in the U.S.S.R. today is not between some overall reform program and the parochial interests of minority nationalities. Nor is the key struggle either a political one between personalities or an economic one between programs. The key conflict is rather an elemental struggle for legitimacy between two very different, rival forces—primeval, moral forces that contest within, as well as among, people—forces that can be better understood by reading the long novels than the short histories of Russia.

So, my third proposition is that the central struggle in the Soviet fever break with its totalitarian past is between physical power and moral authority, between a dictatorial machine at the top and a movement towards democratization from below.

We have paid so much attention recently to the failures of the Soviet system that we have overlooked its one conspicuous success: the creation of the largest, most powerful, and long-lived political machine of the modern era. The Leninist political machine in the U.S.S.R. (essentially the controlling 3 million people in the inner nomenklatura of the Communist Party) has proven probably the most successful political oligarchy of this century in its raw ability to perpetuate itself in power, while skillfully distributing patronage, atomizing dissenters at home, and anesthetizing opposition abroad. Considering the colossal economic failure and human cruelty of the Soviet system, the nomenklatura's ability to maintain this kind of power must be recognized as one of the great, dark political accomplishments of the 20th century.

Gorbachev is a pure child of the nomenklatura elite—a kind of lifeguard at the Beverly Hills Hilton, presiding over the resort area of Stavropol, where the overweight, geriatric leadership came to take the waters at the spa and brought him back to the captial to preside over the oligarchy's transition to a post-war, post-Stalinist generation of party leadership.

Gorbachev in power has proven one of the most dexterous of all Leninist politicians, playing off against each other the requisite left and right oppositions, while continuously consolidating his own power and control over policy by invoking a vague slogan devoid of any objective content (perestroika), which only he can define. After creating new parliamentary institutions, which brought younger, professional people into the political process as a liberal counterweight to the conservative party bureaucracy, Gorbachev built himself a superpresidency beyond the control of either and from which he continues to persuade the outside world that he is a sensible centrist maneuvering between right and left excesses. But he is extraordinarily unpopular at home and has little ability to move anything with all his levers of power. Having gained more formal power than any Soviet leader since Stalin, Gorbachev may now have even less authority than the miserable Chernenko whom he succeeded.

Authority, however, is being reconstituted by the movement: a democratic opposition welling up from below and in from the periphery. In almost every election in which there was a genuine contest last year in the Russian as well as other republics, democratic forces prevailed over reactionary ones—and dramatically so in the three leading urban centers of the Russian republic's military, industrial, and political power: Moscow, Leningrad, Sverdlovsk.

The basic struggle, then, in the U.S.S.R. today is between the Leninist political machine fortified by a resurgent KGB that has immense power but almost no legitimacy, and a broad, diffuse democratic movement that has legitimacy and authority but almost no power or experience in economic and political governance.

My fourth proposition is that the decisive element in resolving the ongoing, deepening union-wide crisis produced by nationality tensions and economic non-performance is the search for identity by the dominant Russian nationality itself. The decisive factor in determining the outcome of the conflict between dictatorship and democracy and of the multiple search for identities within the U.S.S.R. in Act IV of our global drama will be—as in a Greek tragedy or a Russian opera—the chorus, the awakening Russian people, who control most of the national resources and almost all the weapons of the Soviet Union.

The dominant Russian nationality has the most acutely difficult identity crisis of all the nationalities in the U.S.S.R. Whereas the minority nationalities can define their post-totalitarian identity in opposition not just to Communism but to Russian imperial occupation, the dominant Russians must confront the double indignity of being blamed for a system under which they have suffered as much or more than anyone else yet realizing that their Communism was to some extent self-imposed rather than imported by an invading army. The inner trauma is considerable for a people that had been indoctrinated for half a century in Stalin's highly Russo-centric version of Communism that portrayed Russians as the center of human progress and vanguard of history. The televised tumult among the minority nationalities simply heightens the tension within and among Russians, who no longer know who they really are or what they are connected to either historically or geographically.

Defining a post-totalitarian identity for the Russian people is the most crucial single element in reconstituting political legitimacy within the Soviet domain. Each of the two contesting forces in the Soviet Union has come up with an answer; and the result is a struggle for the Russian soul between the Leninist machine and the democratic movement.

The Leninist political machine's fallback form of legitimation from a failed Communism is a kind of Russian nationalism that glorifies the state and army as the heart of the Russian experience, seeks to play one minority nationality off against another and everyone off against Jews in accordance with well-established techniques of imperial crisis management. This view also defends alleged rural values against Western corruption, rehabilitates much of the tsarist past, and courts the hierarchy of the Orthodox church. This is a kind of nationalism that Russians call "governmentalism" (gosudarstvennost' or more derisively, gosudarstvenichestvo).

The rival reformist camp has a quite different vision of Russian identity well depicted in the rich and varied independent press that the Library of Congress, through its new Moscow office, is currently collecting. This openly democratic press represents new independent organizations initially activated by the early Gorbachev reforms, whose leaders then turned to Yeltsin—but now tend to look even beyond him to a younger generation of local activists who seek a more total break with Communism. This view attaches renewed historical importance to autonomous regional traditions and to local organizations of the kind that permitted Russia to survive in two world wars despite extremely bad leadership in both. Russians are beginning to celebrate the forgotten variety and improvisational skills in their past history, just as they are learning to live increasingly out of the so-called second economy which is providing more and more of the basic goods and services needed to survive the breakdown of the state economy.

A new, better educated Russian generation, activated by electronic communication, energized by the genuine opening of *glasnost* is forging a shared determination to build from below political and economic structures that are more participatory and accountable as part of the definition and entitlement of modern civilized life. They have created not so much parties (the very word has been delegitimized) as fronts, platforms, unions, etc.

At the same time many of these same people are also beginning to recover a Russian tradition that is defined more in terms of spiritual and cultural accomplishment than of military and strategic power. This return to a different cultural identity is evident in the extraordinary, multi-million member strength among Russians of the environmental and historic restoration movements (perhaps the two most popular causes in the new civil society) and, above all, in a striking revival of religion, particularly among the educated younger generation in the Russian and Slavic parts of the Soviet Union.

The recovery of religion among the Russians as they move from Act III to Act IV of our global drama (from problems of freedom to those of identity) is a complex phenomenon. It arose out of the moral aesthetic impoverishment and sheer boredom of the stagnation era under Brezhnev. It began as a classical revolt of sons against fathers—in this case, conformist atheist fathers—and has created, particularly in the generation under Gorbachev's, an attitude that is more than curiosity but less than conversion.

Religion grew through a kind of out-migration physically from the center to the periphery and spiritually from the formalistic and politically subservient Orthodox Church to the still growing Baptist Church and on to the even faster growing Pentecostals.

But there was also an in-migration of religion into the political establishment itself, which almost seemed to use the Millennial celebrations of Russian Christianity in 1988 as a relegitimizing device. Gorbachev, the son of a still-living, deeply devout Orthodox mother and his wife both have a close link with the greatest and most deeply Christian scholar of Old Russian culture, Dmitry Likhachev. A survivor of the original gulag at Solovki, this remarkable 84-year-old has Raisa Gorbachev on the board of his Cultural Fund, is one of the few frequent guests at the Gorbachev dacha, and arranged at the Library of Congress during the last summit a remarkable exhibition of books by the Russian Old Believers, the most uncompromising form of Christian opposition to central power in Russian history, which Raisa Gorbachev herself opened. Publications of

the proliferating religio-philosophical circles and organizations are second only in numbers to democratic political publications in the almost unbelievable flood of new independent journals and bulletins.

But the heart of the religious revival is the recovery of the Orthodox tradition within the dominant Russian nationality. The Orthodoxy of the new generation draws inspiration from the so-called new martyrs of the Soviet era, who have yet to be theologically recognized by the still-timid official hierarchy. The most recent martyr was the greatest preacher of the new generation, Father Alexander Menn, who was murdered with an axe last autumn just before he was about to become the first theological lecturer at Moscow University since the revolution. Though often liturgically conservative, the young church tends also to be far more socially inclusive and intellectually alive—drawing strength from a prophetic emphasis on social justice provided by a strong Jewish element typified by Menn and by the legendary long-term political prisoner, Mikhail Kazachkov, founder of the remarkable Leningrad society for Open Christianity. There is also a strong and highly cerebral philo-Catholic element, since many of the Russian Orthodox priests come from the Western Ukraine.

But the real action—the intellectual revival, the interaction with the democratic movement and with the working masses is occurring in the deep interior of Russia: the resurgent church of Vologda under another Judeo-Christian, Father Edelshtein, the growth in a few years of the urban diocese of Nizhni-Novgorod from 2 to 10 churches (plus a mosque and a synagogue) and of Sverdlovsk from 1 to 5, the transformation of the leading literary journal in Siberia, Literary Irkutsk, into an openly devotional and hagiographic voice of Russian Orthodoxy.

Of course, the Leninist political machine will continue to try diverting this recovery of religious tradition into reactionary, nationalistic channels and to try splitting the democratic opposition by playing off against each other the religious and secular, the Slavophile and Westernizing elements within the democratic movement in Russia.

The future of the U.S.S.R. will essentially be determined by which of the two identities—the imperial or the democratic—the predominant Russia population eventually chooses in the three largest republics of Russia, the Ukraine and Kazakhstan.

Here follows my fifth and darkest proposition—that the key diversion in the end game of the Leninist machine against the rising power of the movement will probably not be the predictable provocations of reactionary minority enclaves in opposition to restive larger minorities that we have already seen (such as inciting Ossetians against Georgians or Baltic Russian minorities against native Baltic rule). The major coming provocation may well arise from the dying ideology of class warfare, a final spasm of the Leninist stratagem which Stalin perfected during his dark descent into terror: the incitement of workers against intellectuals.

This demagogic tactic has been successfully used by the reactionaries against Gorbachev who is reviled as a talker rather than a doer; Yeltsin plays with it in his stump attacks on privilege; and the rhetoric of the rising working class portrays the new soft, post-war generation of better-educated party bureaucrats as the undeserving beneficiaries of their work and the contemptible source of all their woes. Either frustration or provocation could produce yet another paroxysm of class warfare that plays the frustrated masses off against the reformist intellectuals, and one would almost have to predict that there will be some forms of major, social violence in the U.S.S.R. during the next year.

Yet beyond—or even instead of—such bloodshed, there may be possible a more happy, evolutionary outcome if my last two propositions are correct.

The first of these (sixth overall) is that the Soviet drama is not fundamentally distinct from the earlier one in Eastern Europe—and indeed may be more influenced by it than is generally realized. To oversimplify a bit, I would say that Gorbachev's reactionary turn of this last year partly resulted from fear induced by what happened in Romania and Bulgaria, where deposed Communist leaders have been either killed or brought to trial. The Leninist political machine fears the much greater retribution that they might face in the U.S.S.R. Such fear seems to me the only explanation for why they did not follow the Chinese pattern of largely decollectivizing agriculture in order to put food on the table cheaply and secure initial popular buy-in during a difficult reform period.

If the Romanian experience inspired fear in the machine at the top, the Polish experience provides hope for the movement from below. The Polish model, by building a link between the working classes and the intellectuals in the Solidarity movement and by going cold turkey into a market economy, has provided the democratic movement with a model for overthrowing the machine altogether and creating the conditions for fundamental change. Gorbachev thus seems to the movement now rather like a Soviet Jaruzelski, claiming to retain order and prevent worse violence from happening, but in fact, a tragic, transitional figure who is merely delaying the victory of the democratic movement from below.

If the Romanian example stirs the fear of machine, and the Polish example inspires hope in the movement, the Hungarian and Czech examples may provide more realistic models for the Leninist machine and the democratic movement respectively. In Hungary economic change preceded and facilitated eventual political change. Any Soviet leader will almost certainly have to undertake soon a radical economic reform, which could lead to a Hungarian-type evolution by Gorbachev who like Kadar was a protege of Andropov. Some are currently intrigued with the Korean model—particularly in Kazakhstan where the principal economic planner is not a South Korean, although others in the nomenklatura seem to prefer the Pinochet option of combining military dictatorship with a market economy.

But could there also possibly be a Czech outcome, a sudden transformation from below brought on by a populace long thought to be cynically somnolent but which eventually, unexpectedly rose up to disarm the still Leninist machine with an essentially moral force?

Consider how non-violent, controlled and yet expressly political have been with the recent mass demonstrations in Moscow and the strikes in the provinces. Consider how the way has already been prepared perhaps for another Havel who could bring new moral authority from outside the corrupting system by an apostolic succession of anti-political prophets of change. Russia's premier laser and nuclear physicists, Khokhlov and Sakharov, who first stirred up the stagnant waters have now been succeeded by Russia's greatest weight lifter, greatest chess player, greatest linguist and a galaxy of other new activists in their early thirties who predominated among the 500 Russians who have worked in the Library of Congress during this past year.

What is needed of course to create new political leadership is a willingness to compromise—a quality not abundantly manifest in Russian history, but seemingly demonstrated somewhat in the modest recent Gorbachev-Yeltsin accord. If, however, the crisis involves basic legitimacy rather than more programs and institutions, there probably also has to be a catharsis. The totalitarian fever must break so that the patient can stop dying and start sweating, stop lying and start getting, move from lying down to getting up.

This leads to my seventh and last proposition: that the perelom, the big break that will enable these creative people finally to focus their presently chaotically dispersed talents may have more the quality of a non-violent, spiritual movement than of the violent civil war everyone seems to expect. There is almost no good Russian literature these days; all of its accumulated moral passion and spiritual questing seem poured into the reform movement from below. And it may be that the only definitive break with the unparalleled institutionalization of violence and of atheism in the Soviet system would be precisely a movement of non-violent spirituality.

Even to allow for such a possibility is to fly in the fact of the entire Realpolitik approach to international affairs. But I would argue that a major non-violent movement of spiritual renewal is one of four possible ways out of the current ideological vacuum and crisis of legitimacy in the U.S.S.R.—and may not be the least likely of the four.

(1) One way out could be a gradual evolution from above towards a partially democratized socialism that would simply bypass deeper problems about past mistakes or basis legitimacy. But such an outcome would be possible only if such questions were transitory, minor ones that could be outgrown rather than answered. Given the enormity of what the U.S.S.R. has suffered through and the depth of domestic disillusionment with Gorbachev, the Russian people would seem to need for the Leninist machine to encounter something approaching the moral equivalent of the decisive defeat suffered by Nazi Germany at the end of World War II if they are ever to make a fresh start.

(2) A second way out would be a revoluntionary rather than evolutionary transformation of the system from below—probably through a political general strike that would paralyze the government and force radical change. This is seen as the only solution by some emigres like Vladimir Bukovsky and by many of the strike committees that have shown an extraordinary determination, discipline, and tactical intelligence in recent months. The strikers have now drawn real blood with Gorbachev's reluctant agreement to concede control over coal mines to the Russian republic. But it is difficult seeing the strike leaders assuming, let alone exercising, effective control of the political and economic structures of the country. There is simply no leadership or institutional structure presently available for alternate government at the national level; and it is hard to foresee any scenario that does not lead either into violence and reaction or into demagoguery and even deeper disillusionment.

If there is, as I am suggesting, a shared need in the U.S.S.R. to relegitimize the social contract rather than just rearrange social relationshps, the choice then would seem to be between two different types of catharsis—one compatible with a nationalistic identity, the other with a democratic.

(3) The nationalistic catharsis, which has already been market tested by organizations such as the Pamyat Society, involves scapegoatism leading to purge. The promise is that a cleansing of Russia from foreign impurities will permit a basically healthy patient to recover naturally, though it is invariably assumed that the national solution will be authoritarian and that the metaphors for the social contract will be organic and unconcerned with purely individual rights and freedoms.

(4) An opposite form of catharsis is as compatible a democratic identity as the scapegoat-purge pattern is with authoritarianism identity. This alternative might be called the repentance-redemption pattern, which looks within and above for a positive identity rather than without and below for a common enemy. Paradoxically, it may be that only in finding one's basic identity within the above will one feel fully free to adopt outside political and economic forms. Perhaps only with a secure inner identity can one truly change one's outer behavior patterns.

A remarkable feature of the East European decompression from totalitarianism has been the absence for the most part of retroactive vindictiveness. Havel's analysis that all (even those like himself who resisted and went to prison) were implicated in the totalitarian nightmare has prepared the way for a sense of common blame and shared expiation rather than selective scapegoating as the means of putting the past to rest. In the U.S.S.R., where both the guilt and the suffering have been greater and more long-lived, repentance has provided a rediscovered theological dimension for freeing people to consider an altogether different future. Repentance is the title and theme of the most important single artistic work of the Gorbachev era: Abuladze's great movie. It is also the title of several new independent journals, the theme of the most innovative new museum of Soviet history (the Museum of the Young Communist League in Sverdlovsk), and a concept central to the powerful, unofficial part of the celebrations of the Millennium of Russian Christianity in 1988.

Even stronger than the apocalypticism in Orthodox circles today is fascination with the prophecies of Seraphim of Sarov, the rediscovery of whose remains has led to some remarkable pilgrimages and processions. He allegedly predicted that Russia would return to faith after a long period of unbelief. The same essential prophecy was contained in Dostoevsky's last project to write a great redemptive trilogy, of which the Brothers Karamozov was only the first part. In the attempt now to come fully to grips with the gulag experience, Russians have been thrown back on biblical analogies and on the reassertion of the Christian theme of the redemptive value of suffering. Out of the shared suffering that resulted from the atomization of society and degradation of moral bonds under totalitarianism has grown a sense of common opportunity in the reassertion of small human communities gathered around shared spiritual ideals.

The coming break in the U.S.S.R. could still be violent: broken bones or even a final paroxysm before death, rather than a fever break leading back to life. So we must keep up our guard even as we raise our sights. But what my sights suggest is a Russian people in movement both forward to democratization and back to religion. This dual movement unites Russia with other peoples; it is what has already happened in Poland. It is not, in essence, what America produced in a very different way many years ago when democracy arose historically out of our own religious base, which underpinned it ethically and preceded it historically? The new Soviet interest in both our liberal democracy and their own conservative spiritual heritage could prove to be two sides of the same coin rather than conflicting sides of an irreconcilable Slavophile-Westernizer polarity as we have usually been inclined to think.

This movement towards democracy may ultimately prove the best long-term guarantee of peace in the potentially dangerous multi-polar world that lies ahead in our global drama. For out of the large and generally depressing literature on how wars actually start in the modern world, there is one encouraging fact: democracies in history do not fight one another. If we can better understand and relate to the extraordinary process of ferment that is going on in the Soviet Union (it cultural as well as its economic and political strivings), we may be able to help build a new agenda that will come to realize together with them the wisdom of what Reinhold Niebuhr once said: Man's capacity for good makes democracy possible; his capacity for evil makes it indispensable.

Mr. DECONCINI addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

I ask unanimous consent that an article in the Journal of Commerce, by Michael Lelyveld, and also in the Wall Street Journal by Michael Ledeen, be printed in the RECORD.

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

[From the Journal of Commerce, May 15, 1991]

SOVIET DEAL MAY SNAG U.S. CREDITS

(By Michael S. Lelyveld)

A reported secret deal between President Mikhail S. Gorbachev and Russian leader Boris N. Yeltsin may be complicating a decision on whether to grant $1.5 billion in grain credits to the Soviet Union, U.S. government sources said today.

U.S. officials believe the alleged deal will transfer all Soviet natural resources, including oil and natural gas, to republics that sign a union treaty. Such an arrangement could further impair the central government's ability to earn hard currency and repay the loans, the officials say.

The Kremlin has denied the existence of a secret agreement, first reported in the Soviet press after Mr. Gorbachev signed an April 23 joint declaration with nine Soviet republics. But several U.S. government officials, interviewd on condition of anonymity over the past week, say they are convinced that such a deal was made.

"We think there was a secret part of the April 23 pact. We're confident they talked about dividing up the natural resources. We just can't prove it," one official said Tuesday.

The question has sparked heated debate among officials at a time when the Soviets are urging President Bush to extend new credits despite doubts about their creditworthiness.

When asked whether proof of a secret deal might figure in the question of credits, another U.S. official replied. "Oh, boy. It sure would."

At press time Tuesday, the Senate minority leader, Bob Dole of Kansas, was expected to move a resolution calling for approval of the Soviet request in three stages of $500 million each to assure the aid would not be used as "grainmail" against the republics.

"We've had assurances from Soviet central folks and the republics that they need this grain and there'll be no mischief," said Mr. Dole's press secretary, Walt Riker, who predicted the measure would pass.

The resolution specifically cites the Soviet Union's resources in weighing its ability to pay and called for "binding Soviet assurances" on developing its assets.

At a Boston news conference Friday, former Soviet Foreign Minister Eduard A. Shevardnadze also cited the Soviet resources in speaking of the country's creditworthiness and denied the persistent rumors of a secret transfer deal.

"If such an agreement was actually reached and signed, why should it be kept a secret?" Mr. Shevardnadze asked through an interpreter. But U.S. officials argue that both Mr. Gorbachev and Mr. Yeltsin would come under intense attack from hard-liners if the deal were made known.

While evidence of an agreement is circumstantial, officials point to a host of reasons for suspecting that the April 25 accord went far beyond transfer of Russia's coal mines to the republic.

First, it accounts for Mr. Yeltsin's sudden support for Mr. Gorbachev on April 23. It also explains how Mr. Yeltsin could count on being able to pay huge wage settlements to the miners following the transfer and the recent nine-week nationwide walkout.

A secret deal would also end the "war of laws" between the Kremlin and the republics over who owns the resources. The yearlong conflict, which has stalled foreign investment, came to an apparent halt on April 23 for no explained reasons, officials say.

U.S. analysts believe the deal also included a commitment by the republics to support the Kremlin with taxes paid out of hard-currency earnings, assuring future solvency for a diminished central government and the new union structure.

Blair Ruble, director of the Kennan Institute for Advanced Russian Studies at the Woodrow Wilson Center for Scholars, agreed that there now appears to be a cease-fire in the so-called war.

"This clearly is critical because what it essentially means is Yeltsin won," said Mr. Ruble. "It'll change a lot if it has really taken place."

A high-level U.S. team is scheduled to leave for Moscow on Friday primarily to evaluate distribution problems in the Soviet Union, but a White House spokesman, Bill Harlow, indicated Tuesday that the group would also address the creditworthiness issue.

Paul Dickerson, general sales manager of the Agriculture Department's Commodity Credit Corp., said the agency would await the group's findings before making a recommendation to President Bush. By law, the credit program may not be used as foreign aid.

Other officials say questions about a secret deal may have to be answered before a final decision is made on whether to grant credits to the central government or directly to republics.

"They have to let us know what they've worked out and we'll deal with it. Generally

we can, but it might require an agreement with the central government. This is new territory for us," one official said. "Basically, we want them to tell us who's in charge of what."

[From the Wall Street Journal, May 13, 1991]

EDUARD SHEVARDNADZE'S BLOODY PAST

(By Michael Ledeen)

Eduard Shevardnadze's current visit to the U.S. has been a triumph. Although formally without office, the former Soviet foreign minister has met with top administration officials (including his close friend Secretary of State James Baker) and congressional leaders, as well as giving advice to new graduates at Boston University.

Yet despite Mr. Shevardnadze's claim to be one of the leaders of the democratic movement in the Soviet Union, there is a very nasty dark side to his own career. He was, after all, minister of the Department of the Interior from 1965 to 1972, and thereafter first secretary of the Central Committee of the Communist Party of Georgia. In both capacities, he was in charge of "anti-corruption campaigns," which, as students of Soviet politics know, were purges by another name.

It is not easy to get details of Mr. Shevardnadze's efforts in Georgia, but some *samizdat* publications of the period, as well as several books by Soviet and Georgian dissidents, contain considerable information. A particularly detailed account consists of the signed confession of one Yuri Tsirekidze, convicted in April 1975 of "extensive bodily injury leading to fatal consequences" (that is, beating a man to death) and "refusing help to a suffering person." He committed these crimes in the Investigatory Detention Center in Tbilisi, where Mr. Shevardnadze was in charge.

Mr. Tsirekidze's actions were part of a vast purge carried out under the supervision of Shevardnadze: In the two years preceeding Mr. Tsirekidze's trial, some 25,000 persons were arrested in Georgia, of whom 9,500 were party members and another 7,000 of whom came from the Komsomol, the party youth organization. Here are some excerpts of the confession:

"On orders of the procurator Lezhava and his brother . . . and on assignment from E. Shevardnadze, I was told, the object Roman Enukidze was sent to me. He was in a group . . . of the Bureau of Land for Gardening . . . Lezhava, Svimonishvili and others promised me that if I handled this case they would free me, since Shevardnadze himself had given his word.

"I processed the Object Enukidze. I put all my energy into it. He had been under observation before. I put him in touch with his home and convinced him of everything. I made him confess . . . to the Minister of Internal Affairs of the Georgian SSR."

The methods used to extract confessions from these unfortunate "objects" were the same as usual in Georgia:

"In room 45 Agdgomelashvili (an agent) beat Mikhelashvili (a Jew) on assignment from Panfilov (chief of operations), in room 44 agents . . . beat and cut with a razor the object Datusania, in room 37 agent Usupyan on assignment from Panfilov and Svimonishvili beat the object Valeri Kukhianidze, whose internal organs got so beat up he spit blood, after which he died in the Central prison Hospital and was "written off.'"

". . . In a word, beating went on in all the rooms, and the groaning and howling of the objects was heard all over the building. . . . [I]t was a slaughterhouse."

The author of these damning statements—the unfortunate Mr. Tsirekidze—was the fall guy for the KGB and Interior ministry officials who ordered him to carry out his acts of brutality. And one of those officials, the one who had "given his word" that Mr. Tsirekidze would go free if he were vicious enough in interrogation, eventually made it all the way up the ladder to become foreign minister of the Soviet Union.

Similar stories, documenting both the general Shevardnadze-led repression and the extensive use of torture under his leadership can be found in Zviad Gamsakhurdia's Russian-language book on "Torture in Georgia" (1976), in N. Gougouchvili's "La Georgie" (1983) and in Ludmila Alexeeva's "History of Dissent in the U.S.S.R.," published in Russian by the Khronika Press in Vermont in 1984.

Mr. Shevardnadze's actions in those years should come as no great surprise, given the nature of Soviet politics, and it is even possible that, having reached the heights, and having seen the wretched state into which the Soviet Union had fallen, Mr. Shevardnadze underwent a fundamental conversion of the values of peace, democracy and the rule of law. But it behooves us to tell the full story of this powerful and ambitious man, who has certainly made a contribution to world peace, but who also bears responsibility for dreadful acts of brutality on a vast scale.

Mr. DECONCINI. Mr. President, we look at the resolution before us offered by the distinguished Republican leader. It is really almost embarrassing, I must say to this Senator, for it says that the United States is gravely concerned.

Yes, we are gravely concerned about the Soviet policy of using force aganist the Baltic States, and the constituent republics of the Soviet Union. Indeed we are concerned. I hope that it is more than just a concern we are expressing today.

One way to express that concern is to vote down this resolution. It says that we are concerned with the Soviets refusal to engage in good-faith negotiations with the Baltic States. We should be more than concerned. We should be outraged about what they are doing, and certainly any kind of a resolution that is going to obligate the United States taxpayer to $1.5 billion in agricultural credits ought to have more than just concern expressed in it. It ought to have conditions, conditions where they will sit down and negotiate with the Baltic States for their independence or whatever confederation or federation that they want to put together.

It demands today that we have more than just concern. How long are we going to express concern in this body? When are we going to finally stand up, and say, no, we are not going to continue this type of activity?

It should not be too much to ask that any resolution that Gorbachev, the so-called reformer, and indeed he was, but I think he has lost that zeal; that he order the Soviet troops to vacate the TV tower in Vilnius, Lithuania, today, or as soon as this is passed, if it is passed. How long are we going to wait for those troops to continue to occupy the public television station in that republic?

Certainly between now and June when President Bush has to make the decision about any additional credits, I do not think it is too much to ask that they sit down and negotiate with the Baltic leaders, which they have said they would do and gave us assurances they would do; and then they marched the troops into Lithuania.

And what about an emigration policy in the absence of emigration laws? I do not think that is too much to ask, because we have been promised for a year and a half now by the Gorbachev regime that emigration laws would be passed bringing them into compliance with the Helsinki Act. You are entitled to a passport and visa, without discrimination, to leave the country and travel. And you can travel throughout your own nation and republic, without permission from the government.

What about the refuseniks? At least, we ought to consider this so that the Gorbachev regime and Moscow permit the refuseniks, and some of them have been there 5 years since perestroika and glasnost started, to leave. They have been waiting to have permission to emigrate, and they are still being refused.

I will be glad to supply people the history and names of these refuseniks because it is just like it was under Brezhnev and other leaders.

Is it really too much to ask that we do more than express concern today if we vote for this resolution? I think we need to vote it down, and I truly hope that this body will do so.

If we are really concerned about how these credits are going to be distributed, and who is going to distribute them, do we not need some details, or more than just assurances from Moscow that they are going to be distributed to the Republics? We have nothing but paper assurance here saying that we will be assured by the Soviet Government, and we know that those assurances are just the paper they are written on.

Finally, I think we owe it to the American taxpayer to at least request the Soviet Union to put up some collateral for $1.5 billion in credits. And they have it. They are not a poor nation. They have over $20 billion—and they do not refute that themselves—in gold. Why not deposit at least half of that, at least $700 million, into an escrow international account, or someplace where the American taxpayer would feel secure that they are going to get their money's worth in this great adventure that we are about to vote on?

It is my hope, Mr. President, that this body will stand for what we have stood for in opposition to the Soviet

Union since 1917. Since the Second World War, we have had some tremendous successes in standing up for human rights.

Why should we abandon that at this juncture and say everything is OK, we gave you a $1 billion credit in January, and you used that up, and you invaded Lithuania and Latvia, and you are beating up the Armenians, and God knows what else is happening in violation of human rights in that country today. So we are going to reward you. We are going to give another $1.5 billion in credits all on the basis that we are concerned. And if we do not do it, my goodness sakes, President Gorbachev is going to have political problems. He has political problems. He has them big, and he has to deal with them, and $1.5 billion is not going to make it any better.

I yield the floor.

Mr. PELL. Mr. President, I support Senate Resolution 117 which calls upon the administration to review expeditiously and prudently the Soviet request for agricultural credit guarantees. Food shortages in the Soviet Union compel the United States, for humanitarian reasons, to consider providing assistance. Accordingly, I welcome the President's decision to send a team of agricultural experts to help the Soviets with food distribution problems.

I believe that the humanitarian nature of this gesture should induce the Soviets to use credits or any other form of economic cooperation to meet truly humanitarian needs. Nonetheless the resolution appropriately includes language calling upon the Soviet Union to assure that it will not use the assistance to coerce the movements for greater sovereignty and democracy in the Baltics or in any of the constituent Republics—and here I would mention specifically Armenia.

Mr. President, in addition to meeting an important humanitarian need, I believe that United States assistance in facilitating food purchases could help foster political and economic stability in the Soviet Union. We consider this resolution at a time when stability in the Soviet Union is crucial to the success of our cooperative efforts. Later this week, the chief of staff of the Soviet Army will be in Washington to discuss outstanding problems with the Conventional Forces in Europe [CFE] Treaty; Secretary Baker and Foreign Minister Bessmertnykh have concluded a new round of meetings on Middle East issues in preparation for a possible peace conference; and there are signals from the Soviet Government that a United States-Soviet summit may be scheduled shortly.

As we face this very full agenda, I believe that the United States should do what it can to lessen the threat of instability and public disorder in the Soviet Union. To the extent that providing agricultural credits could help stave off the possibility of food riots or other forms of instability, I believe that the administration should consider approving such a request.

As former Soviet Foreign Minister Shevardnadze told the Foreign Relations Committee last week, it is reasonable for the United States to consider Soviet stability in its national interest—particularly during the difficult time for the Soviet Union. He cautioned that if the United States hopes to encourage democratization and movement toward a free market, it is crucial to "maintain dynamism and cooperation in all areas of United States-Soviet relations." I believe that this resolution puts the Senate on record as advocating cooperation in a key area of United States-Soviet relations, and for this reason, I urge its passage.

Mr. KOHL. Mr. President, I was inclined to vote against the original version of Senate Resolution 117. The changes that have been made by Senator DOLE and others make this current version more acceptable and I will, with a notable lack of enthusiasm, vote for it. I would like to take a moment to explain both my reservations and my reasons for supporting this modified resolution.

My reservation is simple to identify: The purpose of this resolution is to encourage the President to assist the central government in the Soviet Union. In many ways, that government deserves and merits our assistance and support. But in terms of its response to the unrest in the Republics, it certainly does not. The Soviet system speaks about democracy, but Soviet troops still storm in into the streets and occupy buildings.

The leaders of the Baltic Republics have made it clear that they oppose this grant of additional agricultural credit to the central government. They know that they may pay a price for that opposition. But they believe that the central government should not be rewarded for its oppression. They believe that the central government will be strengthened if it can meet the demand for food. And that will, they believe, weaken their cause.

In addition, others argue that the only way to strengthen the hand of reform and build on the changes that have already taken place in the Soviet Union is to weaken the ability of the central government to continue on its current course. We all know the Soviet system needs to move toward market reform. But the central government has failed to do that, and may not do it as long as they can avoid it. Denial of credits would make it harder to avoid undertaking those reforms; denial of credit might help accelerate democratic changes in the Soviet Union. So the argument concludes, only when we observe some of those changes—economically, politically, internally—should we extend credits.

On the other hand, just a few weeks ago former Foreign Minister Shevardnadze was urging approval of the credits and saying that the "decision will to a large extent determine the fate of reform and democracy in the Soviet Union." There is also a story about an interview which President Gorbachev gave to Rupert Murdoch which suggests that if the credits are not extended, he would see that as an effort to undermine the Soviet Government—and he would react to that by reviewing his approach to Soviet-American relations. And it is not just Gorbachev who makes the argument that this aid will help encourage economic and political reform. Even some of his strongest domestic critics have urged us to approve these credits because they see that approval as their best chance to make basic changes in the Soviet system.

These conflicting arguments raise profound questions: Will granting these credits strengthen the hands of the reformers or the repressors? Will denial of credits plunge the country into chaos or into real changes? How do we influence the course of events in the Soviet Union or can we influence them at all?

Mr. President, those are questions none of us can answer with any degree of confidence.

And if we had been asked to answer them as definitively as the original version of Senate Resolution 117 asked us to do, I would have been inclined to answer them in the negative. But Senator DOLE and other members have improved the language of Senate Resolution 117 substantially. It now more fully recognizes the legitimate complaints of the Baltic States and, I believe, moves to protect their rights. It also is much clearer about the repayment issue. And it does make a strong statement about the need for internal economic and political reform.

I am not totally comfortable with the symbolism of approving this resolution. But I am confident that it protects the interests of American taxpayers and farmers; does not damage the interests of the Baltic States; and may even advance the cause of real reform in the Soviet Union. So, with some reservations but also some confidence, I will vote for this resolution.

Mr. DASCHLE. Mr. President, the Soviet people need food and the United States has grain and agricultural products to sell. Unless the President approves government credit guarantees, the Soviet Union will not be able to buy the food its people need, and American farmers will lose this valuable market. But, while it is important that we keep the Soviet market, there is an even more significant reason to extend export credit guarantees to the Soviet Union. The United States should ex-

tend export credits because doing so will advance our foreign policy and national security interests.

President Bush announced in December that he would waive the Jackson-Vanik amendments for the Soviet Union and provide the U.S.S.R. with emergency credit guarantees. In January, $1 billion in guarantees were made available for the Soviet Union under the Commodity Credit Corporation's GSM-102 Short-Term Export Credit Guarantee Program. By mid-April, the Soviet Union had used almost all of these guarantees. Soviet President Mikhail Gorbachev wrote to President Bush in March to request another $1.5 billion in U.S. agricultural export credit guarantees for Soviet Purchases of U.S. agricultural commodities.

Granting the guarantees will advance our foreign policy objectives. Our goal is to encourage political and economic reform in the Soviet Union. Before there can be reform, political and economic conditions must stabilize. Providing credit guarantees will help reduce political and economic instability. If the food shortages are overcome, the Soviet people can turn their energies to the political and economic changes that must be made. The first step is making sure the Soviet people have food to eat.

The export guarantees are not a reward. The Soviet Union has suffered several serious setbacks in its progress toward a more open and democratic society. This Congress has spoken out strongly to condemn excessive measures used by Moscow to suppress human rights in the Republics. We should continue to do so. As we have used the stick, so must we offer the carrot. The credit guarantees, conditioned on Soviet conduct, offer an incentive for greater reform.

The resolution sets out conditions to make sure the food is used in a way that is consistent with our foreign policy and humanitarian objectives. It calls for clear and binding assurances that all the credits extended must be repaid; that the credits cannot be used to support the military, security, or Communist Party; that the credits cannot be used to pressure the Baltic States or Soviet Republics to support the so-called Union Treaty, or for any other coercive political purposes; and that the Soviet Union fulfill its commitments under the United States-Soviet Long-Term Grain Agreement.

These credits are a message that America supports the Soviet people in their struggle to cast off the decades of oppression. Another important consideration is the benefit these credits offer the American farmer. The Soviet Union is a valued customer of the United States, and our domestic agricultural programs have been designed on the premise that we will be a reliable supplier to this market. The Soviets will be unable to meet their minimum wheat purchase obligation under the grain agreement without the extension of additional credits.

The American farmer has taken a serious blow in recent months. Prices for wheat are at some of their lowest levels in decades. One reason is the Soviet Union cannot afford to buy grain without credit. USDA has estimated that granting these export credits could mean price increases for wheat of between 10-20 cents a bushel, and for corn of up to 10 cents a bushel.

I am concerned that for the first time, by this resolution, we link the decision over extending agricultural export benefits with foreign policy considerations. American agriculture has resisted this linkage. Food should not be used as a weapon, nor should our farmers become victims of foreign policy. Nevertheless, we have always recognized that food aid has foreign policy benefits, as a symbol of our good will. This resolution should not be viewed as a precedent. The question of credits now for the Soviet Union is a special case. The country is in the middle of a delicate political and economic situation. Granting credits now under certain conditions may be necessary in this case. But linking food aid with foreign policy considerations should be the exception, not the rule.

If the United States does not grant export credits, the Soviet Union will seek credit elsewhere. If we permit our competitors to extend credit and sell them their grain, we will have lost an opportunity for the United States to help the Soviet people. We will have lost an opportunity to grant aid with conditions that can help encourage stability and reform in the Soviet Union. We will have abandoned our foreign policy leadership and handed to other countries.

Mr. President, I urge that the Senate adopt this resolution and send the message that we support political and economic reform in the Soviet Union.

Mr. DODD. Mr. President, I am strongly opposed to this resolution and I urge my colleagues to vote against it.

I oppose it on the merits of the issue itself as I believe there are serious doubts about the creditworthiness of the Soviet Union. President Bush himself expressed dissatisfaction on this account and stated that the pace of economic reforms in the Soviet Union is very inadequate.

The main reason of my opposition, however, is the continuing mistreatment of the Baltic States by the Central Soviet Government, and the recent violence committed against the Armenian people in its homeland.

Mr. President, if we have ever learned anything from our dealings with the Soviet Union is not to take promises and assurances at face value. To demand statements and assurances in return to a $1.5 billion credit guarantee is a farce.

I have great admiration for a lot of things that Mikhail Gorbachev has accomplished in the past 6 years. At the same time, I am also made uncomfortable by the fact that every so often he reminds us of the school that he comes from, that of Leonid Brezhnev and Yuri Andropov.

Just a few days after the last guarantee amounting to $1 billion was granted, the Soviets again shed blood in Lithuania this past January. Just this past few days Soviet troops attacked Armenian villages violently. It is obvious that in spite of all our pleas, entreaties and demands, the Soviet leader has not made a final decision on letting the independence of these long suffering peoples restored. He is sitting on the fence between his hardliners and his desire to curry enough favor with us to make us bail out his sinking system.

Mr. President, let us help Mr. Gorbachev make up his mind. We can do that not by advancing billions in credit to him—that he may not repay—return for assurances that he will almost certainly not keep.

The better way to influence him is letting Mr. Gorbachev perform his side of the bargain first. Let him continue economic reforms vigorously, let him grant real independence to the Baltic peoples, and then we can talk about further assistance and guarantees.

If we proceed in this fashion, we may give real impetus to the stalled reform process in the Soviet Union. If we follow the course of this resolution, we are trading cash for promises once again and we will be taken for fools once again.

Mr. President, I have met the leader of each Baltic nation last week. They were opposed to this resolution at that time, and I am certain they would be opposed to this modified version as well. This may not govern my decision but it certainly influences it very strongly.

Millions of lofty words have been spoken in this Chamber in the past few years on our solidarity with the Baltic nations, our dedication to their independence. This is a good opportunity to give a little substance to those words by turning down this billion-and-a-half until the Soviets finally realize that the independence of the Baltic nations cannot be delayed forever.

NO GRAIN CREDITS TO THE SOVIET CENTRAL GOVERNMENT

Mr. HELMS. Mr. President, I commend the distinguished Senator from Kansas for bringing a revised version of his resolution to the floor today. The Senator has clearly taken into account many of the doubts voiced in this Chamber that the credits will be used to coerce the Baltic States and the nations of the Soviet empire. The Senator is absolutely correct that these credits will not have the long-term effect of

ending food shortages unless the Soviet Union adopts a free market economy.

Yet, if the $1.5 billion in grain credits are approved, we are forced to rely on assurances from the Soviet Central Government that these credits will not be used to support the military and the Communist Party. The United States should ask for nothing less than action. Instead, this resolution asks for assurances. Soviet assurances alone do not deserve our hard-earned taxpayer dollars.

Mr. President, the resolution calls for going beyond the standard of creditworthiness. The resolution, "strongly urges the administration to go beyond the criteria for eligibility for agricultural credit guarantees as outlined in section 202(f) of the Agricultural Trade Act of 1978."

I hope Senators understand what this means. Congress set down prudent means for the distribution of credits. But this resolution asks the President to set aside those basic standards of creditworthiness. The Senate is in danger of making a grave mistake.

What sort of message are we sending to the American people if the Soviet Union does not have to be creditworthy to receive credits? Our own American people must put up collateral before they receive a loan. Who will explain to them why we are making an exception for the Soviet Government?

Some of the cosponsors of this resolution say that going beyond the standard of creditworthiness is reasonable given food shortages in the Soviet Union. Yet, not all Russians agree that disorder and hunger will result if these credits are not issued. In fact, the true forces of democracy wisely believe that these credits will only forestall change.

The proposed granting of $1.5 billion in United States taxpayer backed grain credit guarantees to the Soviet Union is in addition to the $1 billion credit given to the Soviet Union in December.

Taken together, this amounts to a $2.5 billion loan to the Soviet Union, and represents 50 percent of the entire $5 billion worldwide Commodity Credit Corporation program this year.

Mr. President, the 1990 farm bill requires the U.S. Department of Agriculture to apply a standard of creditworthiness when it guarantees a CCC loan. But everyone knows—President Bush himself has emphasized it—that the Soviet Union is not creditworthy. So this would be a $1.5 billion give away—the American taxpayer will likely never see a dime repaid by the Soviets.

This past week, President Bush stated the Soviet Union is regrettably, not creditworthy. He is absolutely right. As long as the Soviet leadership refuses to dismantle and eliminate communism the Soviets will continue to be a bad credit risk. A nonmarket agricultural economy cannot absorb credits and produce benefits.

Mr. President, this is just not the President and Jesse Helms who have arrived at this conclusion. Such an analysis has been independently backed by a report from the Organization of Economic Cooperation and Development and Germany's Deutsche Bank. The Japanese business community's firm rebuff of Gorbachev's recent bailout request is further clear evidence of the Soviet Union's economic collapse and the Soviet's lack of international credibility.

Furthermore, Senators should be reminded that the Commerce Department has a list of 25 American companies which are owed more than $100 billion by the Soviet Union. Finland, France, and Australia have taken actions in recent weeks to impose sanctions on the Soviets for nonpayment of long overdue bills.

The obvious realization that we must come to is that when the Soviet Union is uncreditworthy, and if we nevertheless issue credits, we are violating United States law. We could declare the Soviets creditworthy only if the Soviet central government repays its previous loans, which are due in July, and when the Soviets abolish their centralized system of agricultural production and distribution.

In my opinion, the disintegration of the Soviet Union is near at hand—and not a moment too soon. The Soviet Government is propped up by the Communist Party, the secret police, and the imperial faction of the Soviet military—all of whom remain forever wedded to the failed system of communism. Disintegration should not be feared. Indeed, it should be encouraged. The dissolution of the central Soviet tyranny will put the people of the captive nations on the road to freedom.

I am a supporter of Senator DOLE's bill S. 9, which aims to shape United States foreign policy to reward the non-Communists in the Soviet Union and Yugoslavia. Unless the Russian people are allowed to install a free-market economy, the approval of more grain credits to the existing Soviet government would amount to pouring money down the drain. Meanwhile, the oppressed Russian people would remain hungry.

Mr. President, it may be true that the Russian Republic has endorsed these credits on behalf of the central government. Indeed, the distinguished Republican leader, Mr. DOLE, in his letter of April 24 to President Bush stated that Russian representatives express their belief that credits for the central government would be used only to meet the food needs of the Soviet Union. The Russian representatives apparently believe that this aid would be split 60–40 with the Russian republic benefiting from the larger amount.

But this means only that the leverage against the Russian republic has increased. Moreover, once the credits are issued, the United States will no longer have leverage to prevent the use of food as blackmail by the Soviet central government against the democratic republics.

The United States should provide the credits, if any, not to Moscow, but directly to the Russian Republic, to President Landsbergis' government, and to the other freely elected governments of the republics.

U.S. grain exporters will find more reliable and credit worthy partners in those republics whose commitment to the free market and democratic principles has already been proclaimed.

Mr. President, the language of S.R. 117, now before the Senate, attempts to encourage the Soviet Government to avoid hard-line tactics against the democrats and toward fundamental free market reform. Yet, the Soviets have given only vague assurances that could be broken the moment the credits are received. What kind of leverage do we really have under this resolution? None whatsoever.

I regret that more may be at stake here than grain sales and the U.S. taxpayers' money. In fact, subsidized grain sales may well encourage a hard line Soviet policy.

Look at the recent Soviet track record: This past December, 1 month before the "bloody Sunday" killings of January 13, 1991, which left 19 Lithuanians dead, the United States Government provided the Soviet central government with $1 billion in agricultural credits and $300 million in Export-Import Bank loans.

At that time Eduard Shevardnadze, then Soviet Foreign Minister, promised that the credits wre needed to prevent a dictatorship, possibly involving the use of violent force. The Foreign Minister got the credits, but his assurances were not fulfilled. Perhaps the Soviets perceived this latest U.S. handout as a vote of confidence—but, in any event, less than a month later, the Soviet military proceeded forth to slaughter civilians in Lithuania and Latvia.

Mr. President, in the 4 months since the Soviet crackdown, violence in Lithuania has not abated. At least 15 additional buildings have been seized by the Soviets; none of those occupied in January by Soviet forces have been returned. Lithuanian young men of draft age are still hunted down and conscripted into the Soviet Army. The Soviets have simply lowered the profile of terror, but the Soviet goal is the same: To force Lithuania back into the Soviet Empire.

Last week, Lithuanian President Vytautas Landsbergis visited the Senate leadership and many other Members of Congress. I was impressed with his courage and his acumen. He warns that the Soviets will be less likely to negotiate favorable terms for Lithuania's independence if the grain credits

are approved. I believe he is exactly right about that.

President Landsbergis gave us an honest view of recent Soviet actions against his democratic government. What an irony that last week the Senate went on record in support of President Landsbergis, but the Senate now is being asked to approve a subsidized grain sale—which will enable the central Communist apparatus to tighten its control over Lithuania.

Mr. President, I am sympathetic to the food needs of the oppressed people in the Soviet Empire, and the need for United States grain exporters to find markets. But, to reward Moscow with these proposed grain credits—which ultimately cost the taxpayer dollars, flies in the face of good judgment and plain common sense.

Mr. MACK. Mr. President, while I have great respect for the Republican leader and lead sponsor of Senate Resolution 117, I must oppose this resolution, which urges that new agricultural credit guarantees be granted to the Soviet Union.

We must ask ourselves three questions about the proposed $1.5 billion in taxpayer-backed agricultural credits for the Soviets: First, should we be assisting the Soviet Government at this time? Second, will these credits really help the Soviet people? Last, what is the risk that the American taxpayer will end up footing the bill for credits that will never be repaid?

Mr. President, I am against extending new credits to the Soviet Union on all three counts—we should not be assisting the Soviet Government now, the credits would be wasted on the bankrupt Soviet economy, and there is a great risk that the Soviets would default leaving the American taxpayer holding the bag.

We should not be aiding the Soviet Government while it continues its military buildup, continues aid to the Stalinist dictatorship in Cuba, continues repression in the Baltic States and of independence movements throughout the Soviet Union, refuses to allow full freedom of emigration, and has not made significant economic reforms.

If the Soviet Government thinks it can afford to assist Cuba and maintain a massive military buildup, why do they need assistance from us? It doesn't make any sense.

We should be under no illusion that these credits would actually help the Soviet people or stem the collapse of the Soviet economy. These credits would, if granted, pay for about 4 million tons of grain. This is a fraction of the tens of millions of tons of grain that are destroyed or lost within the Soviet Union itself due to the grossly inefficient and corrupt communist system.

Further aid to the Soviet Union now would reduce, not increase, the prospects for political and economic reform. Aiding the Soviet Government before it has scrapped the Communist planning system is like giving a patient an infusion before closing up his wounds. The patient will not survive, let alone heal and grow.

In short, the Soviet Government does not deserve this assistance, it won't help the Soviet people, and we have little chance of being paid back. I oppose Senate Resolution 117 and urge the administration not to grant further credit guarantees to the Soviet Union.

Mr. DURENBERGER. Mr. President, I rise today to express my support for Senate Resolution 117, urging the administration to expeditiously and prudently complete its review of a Soviet request for $1.5 billion in agricultural credit guarantees with approval of such request under certain conditions. This measure will provide the administration with guidance on how to proceed with the Soviet request for an additional $1.5 billion in agricultural credits. If the U.S.S.R. and its constituent republics are able to utilize all these credits, it will simultaneously benefit American farmers and rural communities.

Currently, American wheat, corn, soybean, and dairy producers are struggling with surplus inventories of their commodities, created by excellent crops last year and recession-weakened consumer demand. The opportunity to move an additional $1.5 billion in agricultural export will help to reduce these stocks and could translate into stronger domestic farm prices, thus lessening commodity program costs. Full utilization of these credits could bolster average farm income by several thousand dollars.

However, I have some reservations concerning the extension of additional credit to the Soviets. First, I am concerned that the central Soviet Government will exploit these loans for use by the military or the Communist Party, instead for the strictly humanitarian needs of average Soviet citizens.

Additionally, I remain concerned about the Soviet ability to repay these loans in a timely manner. Recent reports about the unraveling of the Soviet economy are very troubling. If the Soviets cannot stop the dissolution of their economy, the short-term prospects for repayment are not good. In the long run, though, if it prudently manages its vast natural resources and improves the functioning of its economy, the U.S.S.R. should have the ability to repay its debt.

I know that Senator DOLE and other sponsors of this measure share these concerns, which are outlined at length in this resolution. The resolution is quite clear that the United States should seek and receive firm assurances from the Soviet Government that credits will be repaid and will be used to meet the food needs of the Soviet population. The resolution further states that the United States should seek and receive solid commitments from the Soviets that these credits will not be used to support institutions such as the military and the party apparatus. And, very important, Mr. President, this resolution makes clear that our credits must not be used in any way to coerce the movements for greater sovereignty and democracy in the Baltics and the constituent republics of the Soviet Union.

Finally, this resolution recommends that if the administration approves the $1.5 billion in credit guarantees, it should provide the credits in three $500 million increments. The last two increments being conditioned on Soviet compliance with the assurances required for offering of the $1.5 billion.

In closing, there are reasons to proceed cautiously with extending these loan credits, especially on the scale requested by the Soviet Union. But I believe the resolution appropriately addresses these issues in a manner which balances our desire to provide needed humanitarian food relief and our need for assurances that the money will be repaid and used for the intended purposes.

Mr. CRAIG. Mr. President, today we will vote on Senate Resolution 117, expressing the sense of the Senate that the administration should extend agricultural export credit guarantees to the Soviet Union. I am in support of this legislation because of its impact on both domestic and foreign policy concerns.

On the domestic front, the potential increase in farm income will be a positive contribution to the United States balance of trade deficit. It will also help lessen the economic crunch gripping rural America, as well as help stabilize U.S. agriculture. This legislation provides credits for agricultural commodities and supports the use of credits for commodities that are suffering from crisis level prices, such as wheat, corn, soybeans, and dairy products.

As for our international concerns, the Soviet Government has agreed to give the Russian republic control of the Siberian coal fields. Not only is this a movement toward decentralization of control of the planned Communist economy, it has political implications as well. We have just seen a change in power flow from the central government to the republics. It is my understanding that the Soviet central government has agreed to give all the Soviet republics control over their own exports. This is a positive sign that the central government is seeing the benefit of compromise with the demands of the people.

This sort of advancement toward more autonomy for Soviet Republics shows some promise. This is not to say that the Soviet Union has arrived at the door of democracy. That is why it is important these credits be disbursed

in three allotments of $500 million, to give us an opportunity to reevaluate the situation. My support for this sort of endeavor is dependent upon the continued movement of the Soviet Government toward more democratic political institutions and a free-market economy. Further overtures to the Soviet Union would be inappropriate if we do not see a strengthening in the present movement of decentralization of power.

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

Mr. DECONCINI. I yield back the remainder of my time, if everybody else does.

Mr. DOLE. Mr. President, I ask that all other time be yielded back.

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

The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Arkansas [Mr. PRYOR] is absent because of illness.

Mr. SIMPSON. I announce that the Senator from Missouri [Mr. DANFORTH] is absent due to a death in the family.

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

The result was announced—yeas 70, nays 28, as follows:

[Rollcall Vote No. 62 Leg.]

YEAS—70

Adams	Ford	Moynihan
Akaka	Fowler	Murkowski
Baucus	Garn	Nickles
Bentsen	Gore	Nunn
Biden	Gorton	Packwood
Bond	Gramm	Pell
Boren	Grassley	Pressler
Breaux	Harkin	Roth
Brown	Hatch	Sanford
Bumpers	Hatfield	Sasser
Burdick	Heflin	Seymour
Burns	Hollings	Shelby
Chafee	Jeffords	Simon
Coats	Kassebaum	Simpson
Cochran	Kasten	Specter
Conrad	Kennedy	Stevens
Craig	Kerrey	Symms
Cranston	Kerry	Thurmond
Daschle	Kohl	Warner
Dixon	Levin	Wellstone
Dole	Lott	Wirth
Domenici	Lugar	Wofford
Durenberger	McConnell	
Exon	Mitchell	

NAYS—28

Bingaman	Helms	Reid
Bradley	Inouye	Riegle
Bryan	Johnston	Robb
Byrd	Lautenberg	Rockefeller
Cohen	Leahy	Rudman
D'Amato	Lieberman	Sarbanes
DeConcini	Mack	Smith
Dodd	McCain	Wallop
Glenn	Metzenbaum	
Graham	Mikulski	

NOT VOTING—2

Danforth	Pryor

So the resolution (S. Res. 117), as modified, was agreed to.

The preamble was agreed to.

The resolution, as modified, with its preamble, reads as follows:

S. RES. 117

Whereas:

(a) The Soviet Union has made a formal request to the United States to provide $1.5 billion in agricultural credit guarantees.

(b) The administration is currently reviewing the Soviet request, to include an evaluation of the Soviet Union's ability to service the debt associated with such request, in accordance with section 202(f) of the Agricultural Trade Act of 1978, as amended by the Food, Agriculture, Conservation, and Trade Act of 1990, which provides that: "The Commodity Credit Corporation shall not make credit guarantees available in connection with sales of agricultural commodities to any country that the Secretary determines cannot adequately service the debt associated with such sale."

(c) In 1990, the United States provided the Soviet Union $1.0 billion in agricultural credit guarantees.

(d) France and Canada have recently announced agricultural credit offers to the Soviet Union.

(e) The export of American products to any foreign market, including the Soviet Union, has a positive impact on the United States balance of trade.

(f) The export of American agricultural products has a positive impact on farm incomes in the United States and on the costs of maintaining agricultural price support programs.

(g) The United States has very grave concerns about:

(1) Soviet policies of using force against and coercion of the Baltic States and the constituent Republics of the Soviet Union, including the recent use of armed forces against Armenia, to repress the movements for democracy and self-determination.

(2) The Soviet refusal to engage in good faith negotiations with the Baltic States on the clear desire of the Baltic nations for their freedom.

(3) The failure of the Soviet central government to implement fundamental free market reforms in its economy.

(h) There are credible reports that the Soviet Union has used past agricultural credit guarantees to pressure the constituent republics of the Soviet Union, particularly in regard to agreeing to the so-called "Union Treaty" proposed by Soviet President Gorbachev.

(i) Senior representatives of the Soviet Government and Soviet political leaders, including former Soviet Foreign Minister Shevardnadze, have recently indicated to Members of the Congress that the Soviet Union is in dire need of agricultural export credits, and have said that there is a real danger of public disorder caused by shortages of available food in some areas of the Soviet Union if such credits are not provided expeditiously.

(j) Senior representatives of the Soviet Government have indicated their Government would be willing to give binding assurances to the United States about the proper use of any future agricultural credit guarantees: Now, therefore, be it

Resolved, That the Senate:

(a) Believes that the danger of public disorder in some parts of the Soviet Union in the coming months caused by food shortages is real, and that such disorder could lead to a climate of political repression seriously jeopardizing that progress which has been achieved under the policies of "glasnost" and perestroika."

(b) Urges the administration to expeditiously and prudently complete its review of the Soviet agricultural credit guarantee request.

(c) Believes that as the administration evaluates the Soviet request, to include an evaluation of the Soviet Union's ability to service the debt associated with such request, in accordance with Section 202(f) of the Agricultural Trade Act of 1978, as amended by the Food, Agriculture, Conservation, and Trade Act of 1990, and as it evaluates all future requests from other nations for agricultural credit guarantees, it should consider in its evaluations such factors as:

(1) Ability to service current debt, including the consideration of whether the country is current in servicing similar government-to-government credit guarantees or other financing, and assessing the degree of exposure represented by the credit guarantees under consideration as a percentage of total financing available to the country from other sources.

(2) Repayment performance on previous debt, including the country's record in servicing past indebtedness such as sales under previous U.S./U.S.S.R. long-term agreements on grain,

(3) National assets which demonstrate an ability to repay.

(4) Market-retention, including an assessment of whether the absence of United States credit guarantees would jeopardize important foreign markets.

(d) Reaffirms its very grave concerns about Soviet policies toward the Baltics and the constituent Republics of the Soviet Union, including the refusal of the Soviet Government to engage in good faith negotiations with the Baltic States, and assumes the administration stating our expectation that an agreement will be reached which will allow for the realization of the political aspirations of the Baltic States, will continue to impress upon the Soviet Government that such critical issues will inevitably impact on United States-Soviet relations and all decisions taken by the United States on those relations, to include undermining the prospects for favorable decision on such questions as the prospects for favorable decision on such questions as the desirability of extending agricultural credit guarantees.

(e) Strongly urges the administration to go beyond the criteria for eligibility for agricultural credit guarantees as outlined in section 202(f) of the Agricultural Trade Act of 1978, as amended by the Food, Agriculture, Conservation, and Trade Act of 1990, to examine the desirability of extending such credit guarantees to the Soviet Union at this time; and, assuming the Soviet Union is found eligible under the criteria in Section 202(f) of the Agricultural Trade Act of 1978, as amended by the Food, Agriculture, Conservation, and Trade Act of 1990, the credit guarantees nonetheless not be extended absent clear and binding assurances from the Soviet Government that the Soviet Union will not misuse such credit guarantees to:

(1) Support the military, security or Communist Party apparatus, at the expense of helping the people of the Soviet Union. On the contrary, the Soviet Government must present a detailed statement of its planned use of such credit guarantees, to insure the equitable, nonpolitical and humanitarian distribution of the benefits of such guarantees to the entire Soviet population.

(2) Pressure the Baltic States or the constituent republics of the Soviet Union to support the so-called "Union Treaty", or for any other coercive or political purpose.

(f) Assumes that agreement to provide the agricultural credit guarantees requested by

the Soviet Government will be accompanied by binding Soviet assurances to:

(1) Fulfill its commitments under the existing United States-Soviet Long-Term Agreement of grains.

(2) Repay any credits extended under United States guarantees, past or present, according to agreed upon schedules by currency or barter acceptable to grain providers and the United States.

(3) Make reasonable progress in creating a favorable legal and working environment for foreign private investment, which would be mutually beneficial to the investing party and the Soviet Union in exploration, extraction and processing of Soviet natural resources.

(g) If the administration finds that the Soviet Union meets the criteria of section 202(f) of the Agricultural Trade Act of 1978, as amended by the Food, Agriculture, Conservation, and Trade Act of 1990, and otherwise is prepared to provide all of the assurances listed above, recommends that the Administration should approve the Soviet request for up to $1.5 billion in agricultural credit guarantees.

(h) Should the Soviet request be approved, recommends that the Administration provide the credit guarantees in three separate $500 million tranches, and condition and release of the second and third such tranches on satisfactory Soviet utilization of any preceding tranche or tranches, in compliance with all of the assurances provided by the Soviet Government.

(i) Urges the administration to explore barter, countertrade, collateralization and other non-traditional means of finance in addition to the direct extension of agricultural credit guarantees to facilitate increased Soviet purchases of United States agricultural and food products.

(j) Urges the administration to do everything possible to take into account the views of the Baltic States, and constituent republics of the Soviet Union in deciding on and, should that decision be favorable, implementing a program for, agricultural credit guarantees for the Soviet Union; and to the extent feasible to make those states and constituent republics party to any agricultural credit guarantee agreement.

(k) Urges the administration to include in negotiations over any new credit guaranteee or other program of economic cooperation a continued strong admonition to the Soviet Government that the only long-term answer to its economic dilemma is fundamental free market reform of its economy.

(l) Approves this resolution partially in response to (1) the historic step being taken on June 12, 1991, when free elections are scheduled to be held in the Russian Republic, and (2) the meeting between nine of the republics and the central govenment of the Soviet Union which occured on April 23, 1991; and in reliance on commitments which were made during the April 23 meeting on a number of vital matters, including an agreement by the parties to hold free and open national elections later this year.

The title was amended so as to read:

To urge the administration to expeditiously and prudently complete its review of the Soviet request for $1.5 billion in agricultural credit guarantees, and to approve such request under certain conditions.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the resolution, as modified, was agreed to.

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

The motion to lay on the table was agreed to.

ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, I will momentarily, as a result of prior consultation with the distinguished Republican leader, seek unanimous consent to proceed to the consideration of the Senate Election Ethics Act of 1991, the campaign reform legislation.

Senator DOLE and I have discussed this, and I believe we have an understanding as to how best to proceed.

SENATE ELECTION ETHICS ACT

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar Order No. 58, S. 3, the Senate Election Ethics Act of 1991.

The PRESIDING OFFICER. Is there objection?

Mr. DOLE. Reserving the right to object, and I shall not object, if I might propound a question to the distinguished majority leader. There is no intent on this side to delay consideration of this very important piece of legislation. I think the record reflects in the past several months there have been a lot of good-faith efforts made on each side, as the majority leader noted in his press conference this morning.

I think the only question I have been asked on our side is, if we proceed to the bill, that it will be open to amendment; there will be no effort to speed up the process. As long as we are offering amendments and debating, there will not be any effort to shut off debate or foreclose anyone on this side or the other side, for that matter, from offering an amendment.

Mr. MITCHELL. Mr. President, that is my intention. Last year, as the Senator will recall, we followed that practice to what I believe was the satisfaction of all concerned. There was a good-faith effort on both sides to offer amendments. There were no substantial or significant delays. Everyone had a chance to offer any amendment that he or she wanted that related to the subject matter of the bill, and we completed action on it.

I hope we can follow the same practice here. It is not my intention that anyone be precluded or shut off in any way from fully debating it and offering amendments to it in much the same way we handled the matter last year.

Mr. DOLE. Is it fair to ask the majority leader if he has more or less of a timetable? We will be on this the remainder of the day, tomorrow, and part of Friday and then starting again next week?

Mr. MITCHELL. I have no timetable in that regard, other than the following, which embraces more than this. It is my hope that, prior to the Memorial Day recess, which is scheduled to begin at the close of business a week from Friday, we could complete action on this legislation, the fast-track legislation, and, if the budget resolution conference is completed by then, the conference report. The latter two items, as I understand it, have time limitations, the former of 20 hours, the latter of 10 hours.

So my expectation is that we would have ample time to consider this over a period of several days and still permit us to complete action on those two measures at the end of next week.

I would merely like to say—I always add the caveat—I do not want to rule out the possibility of bringing something else up in the event something occurs that is unexpected or that the Republican leader wishes or that some other Member wishes. But right now my expectation is to try to complete action on those three measures, this one and the other two, before the end of next week, which I believe gives us plenty of time to deal with this legislation.

The PRESIDING OFFICER. Is there objection? The Republican leader.

Mr. DOLE. Mr. President, I think we understand each other. Everybody is going to have a fair shot. We will see what happens. This is important legislation. It is very difficult in some areas. We have a couple of very basic differences. But we have a number of areas of agreement. I guess what my hope is, in the final analysis, we would be able to pass a bill where we have considerable agreement. I have no objection.

The PRESIDING OFFICER. Without objection, the request is granted. The clerk will report the bill.

The legislative clerk read as follows:

A bill (S. 3) to amend the Federal Election Campaign Act of 1971 to provide for a voluntary system of spending limits for Senate election campaigns, and for other purposes.

The Senate proceeded to consider the bill, which had been reported from the Committee on Rules and Administration, without amendment; as follows:

S. 3

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

SECTION 1. SHORT TITLE; AMENDMENT OF CAMPAIGN ACT; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Senate Election Ethics Act of 1991".

(b) AMENDMENT OF FECA.—When used in this Act, the term "FECA" means the Federal Election Campaign Act of 1971.

(c) TABLE OF CONTENTS.—

Sec. 1. Short title; amendment of FECA; table of contents.

TITLE I—SENATE ELECTION CAMPAIGN SPENDING LIMITS AND BENEFITS

Sec. 101. Senate spending limits and public benefits.

Sec. 102. Ban on activities of political action committees in Federal elections.

Sec. 103. Broadcast rates.

Sec. 104. Preferential rates for mail.

Sec. 105. Disclosure by noneligible candidates.
Sec. 106. Reporting requirements.
Sec. 107. Other definitions.

TITLE II—EXPENDITURES AND CONTRIBUTIONS

Subtitle A—Independent Expenditures

Sec. 201. Cooperative expenditures not treated as independent expenditures.
Sec. 202. Equal broadcast time.
Sec. 203. Attribution of communications.

Subtitle B—Expenditures

PART I—PERSONAL LOANS; CREDIT

Sec. 211. Personal contributions and loans.
Sec. 212. Extensions of credit.

PART II—PROVISIONS RELATING TO SOFT MONEY OF POLITICAL PARTIES

Sec. 215. Limitations on contributions to State political party committees.
Sec. 216. Provisions relating to national, State, and local party committees.
Sec. 217. Restrictions on fundraising by candidates and officeholders.
Sec. 218. Reporting requirements.

Subtitle C—Contributions

Sec. 221. Limits on contributions by certain political committees.
Sec. 222. Contributions through intermediaries and conduits.
Sec. 223. Contributions by dependents not of voting age.

Subtitle D—Reporting Requirements

Sec. 231. Reporting requirements.

TITLE III—FEDERAL ELECTION COMMISSION

Sec. 301. Use of candidates' names.
Sec. 302. Reporting requirements.
Sec. 303. Provisions relating to the general counsel of the commission.
Sec. 304. Retention of fees by the commission.
Sec. 305. Enforcement.
Sec. 306. Penalties.
Sec. 307. Random audits.
Sec. 308. Attribution of communications.
Sec. 309. Fraudulent solicitation of contributions.

TITLE IV—MISCELLANEOUS

Sec. 401. Restriction of control of certain types of political committees by incumbents in or candidates for Federal office.
Sec. 402. Polling data contributed to a senatorial candidate.
Sec. 403. Mass mailings.
Sec. 404. Extension of time period when franked mass mailings are prohibited.
Sec. 405. Effective date.

TITLE I—SENATE ELECTION CAMPAIGN SPENDING LIMITS AND BENEFITS

SEC. 101. SENATE SPENDING LIMITS AND PUBLIC BENEFITS.

(a) IN GENERAL.—FECA is amended by adding at the end thereof the following new title:

"TITLE V—SPENDING LIMITS AND PUBLIC BENEFITS FOR SENATE ELECTION CAMPAIGNS

"DEFINITIONS

"SEC. 501. For purposes of this title—

"(1) except as otherwise provided in this title, the definitions under section 301 shall apply for purposes of this title insofar as such definitions relate to elections to the office of United States Senator;

"(2) the term 'eligible candidate' means a candidate who is eligible under section 502 to receive benefits under this title;

"(3) the terms 'Senate Election Campaign Fund' and 'Fund' mean the Senate Election Campaign Fund established under section 506;

"(4) the term 'general election' means any election which will directly result in the election of a person to the office of United States Senator, but does not include an open primary election;

"(5) the term 'general election period' means, with respect to any candidate, the period beginning on the day after the date of the primary or runoff election for the specific office the candidate is seeking, whichever is later, and ending on the earlier of—

"(A) the date of such general election; or

"(B) the date on which the candidate withdraws from the campaign or otherwise ceases actively to seek election;

"(6) the term 'immediate family' means—

"(A) a candidate's spouse;

"(B) a child, stepchild, parent, grandparent, brother, half-brother, sister or half-sister of the candidate or the candidate's spouse; and

"(C) the spouse of any person described in subparagraph (B);

"(7) the term 'major party' has the meaning given such term in section 9002(6) of the Internal Revenue Code of 1986, except that if a candidate qualified under State law for the ballot in a general election in an open primary in which all the candidates for the office participated and which resulted in the candidate and at least one other candidate qualifying for the ballot in the general election, such candidate shall be treated as a candidate of a major party for purposes of this title;

"(8) the term 'primary election' means an election which may result in the selection of a candidate for the ballot in a general election for the office of United States Senator;

"(9) the term 'primary election period' means, with respect to any candidate, the period beginning on the day following the date of the last election for the specific office the candidate is seeking and ending on the earlier of—

"(A) the date of the first primary election for that office following the last general election for that office; or

"(B) the date on which the candidate withdraws from the election or otherwise ceases actively to seek election;

"(10) the term 'runoff election' means an election held after a primary election which is prescribed by applicable State law as the means for deciding which candidate will be on the ballot in the general election for the office of United States Senator;

"(11) the term 'runoff election period' means, with respect to any candidate, the period beginning on the day following the date of the last primary election for the specific office such candidate is seeking and ending on the date of the runoff election for such office;

"(12) the term 'voting age population' means the resident population, 18 years of age or older, as certified pursuant to section 315(e); and

"(13) the term 'expenditure' has the meaning given such term by section 301(9), except that in determining any expenditures made by, or on behalf of, a candidate or candidate's authorized committees, section 301(9)(B) shall be applied without regard to clause (ii) or (vi) thereof.

"CANDIDATES ELIGIBLE TO RECEIVE BENEFITS

"SEC. 502. (a) IN GENERAL.—For purposes of this title, a candidate is an eligible candidate if the candidate—

"(1) meets the primary and general election filing requirements of subsections (b) and (c);

"(2) meets the primary and runoff election expenditure limits of subsection (d); and

"(3) meets the threshold contribution requirements of subsection (e).

"(b) PRIMARY FILING REQUIREMENTS.—(1) The requirements of this subsection are met if the candidate files with the Commission a declaration as to whether—

"(A) the candidate and the candidate's authorized committees—

"(i) will meet the primary and runoff election expenditure limits of subsection (d); and

"(ii) will only accept contributions for the primary and runoff elections which do not exceed such limits;

"(B) the candidate and the candidate's authorized committees will meet the general election expenditure limit under section 503(b); and

"(C) the candidate and the candidate's authorized committees will meet the limitation on expenditures from personal funds under section 503(a).

"(2) The declaration under paragraph (1) shall be filed on the date the candidate files as a candidate for the primary election.

"(c) GENERAL ELECTION FILING REQUIREMENT.—(1) The requirements of this subsection are met if the candidate files a certification with the Commission under penalty of perjury that—

"(A) the candidate and the candidate's authorized committees—

"(i) met the primary and runoff election expenditure limits under subsection (d); and

"(ii) did not accept contributions for the primary or runoff election in excess of the primary or runoff expenditure limit under subsection (d), whichever is applicable;

"(B) the candidate met the threshold contribution requirement under subsection (e), and that only allowable contributions were taken into account in meeting such requirement;

"(C) at least one other candidate has qualified for the same general election ballot under the law of the State involved;

"(D) such candidate and the authorized committees of such candidate—

"(i) except as otherwise provided by this title, will not make expenditures which exceed the general election expenditure limit under section 503(b);

"(ii) will not accept any contributions in violation of section 315;

"(iii) except as otherwise provided by this title, will not accept any contribution for the general election involved to the extent that such contribution would cause the aggregate amount of such contributions to exceed the sum of—

"(I) the amount of the general election expenditure limit under section 503(b), reduced by the amount of voter communication vouchers issued to the candidate; plus

"(II) the amount of contributions from State residents which may be taken into account under section 503(b)(4) in increasing the general election expenditure limit; plus

"(III) the amount which may be maintained in a legal and accounting compliance fund under section 503(c);

"(iv) will deposit all payments received under this title in an account insured by the Federal Deposit Insurance Corporation from which funds may be withdrawn by check or similar means of payment to third parties;

"(v) will furnish campaign records, evidence of contributions, and other appropriate information to the Commission; and

"(vi) will cooperate in the case of any audit and examination by the Commission under section 507; and

"(E) the candidate intends to make use of the benefits provided under section 504.

"(2) The declaration under paragraph (1) shall be filed not later than 7 days after the earlier of—

"(A) the date the candidate qualifies for the general election ballot under State law; or

"(B) if, under State law, a primary or runoff election to qualify for the general election ballot occurs after September 1, the date the candidate wins the primary or runoff election.

"(d) PRIMARY AND RUNOFF EXPENDITURE LIMITS.—(1) The requirements of this subsection are met if:

"(A) The candidate or the candidate's authorized committees did not make expenditures for the primary election in excess of the lesser of—

"(i) 67 percent of the general election expenditure limit under section 503(b); or

"(ii) $2,750,000.

"(B) The candidate and the candidate's authorized committees did not make expenditures for any runoff election in excess of 20 percent of the general election expenditure limit under section 503(b).

"(2) The limitations under subparagraphs (A) and (B) of paragraph (1) with respect to any candidate shall be increased by the aggregate amount of independent expenditures in opposition to, or on behalf of any opponent of, such candidate during the primary or runoff election period, whichever is applicable, which are required to be reported to the Commission with respect to such period under section 304A(b) (relating to independent expenditures in excess of $10,000).

"(3)(A) If the contributions received by the candidate or the candidate's authorized committees for the primary election or runoff election exceed the expenditures for either such election, such excess contributions shall be treated as contributions for the general election and expenditures for the general election may be made from such excess contributions.

"(B) Subparagraph (A) shall not apply to the extent that such treatment of excess contributions—

"(i) would result in the violation of any limitation under section 315; or

"(ii) would cause the aggregate contributions received for the general election to exceed the limits under subsection (c)(1)(D)(iii).

"(e) THRESHOLD CONTRIBUTION REQUIREMENTS.—(1) The requirements of this subsection are met if the candidate and the candidate's authorized committees have received allowable contributions during the applicable period in an amount at least equal to 10 percent of the general election expenditure limit under section 503(b).

"(2) For purposes of this section and section 504(b)—

"(A) The term 'allowable contributions' means contributions which are made as gifts of money by an individual pursuant to a written instrument identifying such individual as the contributor.

"(B) The term 'allowable contributions' shall not include—

"(i) contributions made directly or indirectly through an intermediary or conduit which are treated as made by such intermediary or conduit under section 315(a)(8)(B);

"(ii) contributions from any individual during the applicable period to the extent such contributions exceed $250; or

"(iii) contributions from individuals residing outside the candidate's State to the extent such contributions exceed 50 percent of the aggregate allowable contributions (without regard to this clause) received by the candidate during the applicable period.

Clauses (ii) and (iii) shall not apply for purposes of section 504(b).

"(3) For purposes of this subsection and section 504(b), the term 'applicable period' means—

"(A) the period beginning on January 1 of the calendar year preceding the calendar year of the general election involved and ending on—

"(i) the date on which the certification under subsection (c) is filed by the candidate; or

"(ii) for purposes of section 504(b), the date of such general election; or

"(B) in the case of a special election for the office of United States Senator, the period beginning on the date the vacancy in such office occurs and ending on the date of the general election involved.

"(f) INDEXING.—The $2,750,000 amount under subsection (d)(1) shall be increased as of the beginning of each calendar year based on the increase in the price index determined under section 315(c), except that for purposes of subsection (d), the base period shall be the calendar year in which the first general election after the date of the enactment of this title occurs.

"LIMITATIONS ON EXPENDITURES

"SEC. 503. (a) LIMITATION ON USE OF PERSONAL FUNDS.—The aggregate amount of expenditures which may be made during an election cycle by an eligible candidate or such candidate's authorized committees from the following sources shall not exceed $250,000:

"(1) The personal funds of the candidate and members of the candidate's immediate family.

"(2) Personal debt incurred by the candidate and members of the candidate's immediate family.

"(b) GENERAL ELECTION EXPENDITURE LIMIT.—(1) Except as otherwise provided in this title, the aggregate amount of expenditures for a general election by an eligible candidate and the candidate's authorized committees shall not exceed the lesser of—

"(A) $5,500,000; or

"(B) the greater of—

"(i) $950,000; or

"(ii) $400,000; plus

"(I) 30 cents multiplied by the voting age population not in excess of 4,000,000; and

"(II) 25 cents multiplied by the voting age population in excess of 4,000,000.

"(2) In the case of an eligible candidate in a State which has no more than 1 transmitter for a commercial Very High Frequency (VHF) television station licensed to operate in that State, paragraph (1)(B)(ii) shall be applied by substituting—

"(A) '80 cents' for '30 cents' in subclause (I); and

"(B) '70 cents' for '25 cents' in subclause (II).

"(3) The amount otherwise determined under paragraph (1) for any calendar year shall be increased by the same percentage as the percentage increase for such calendar year under section 502(f) (relating to indexing).

"(4)(A) The limitation under this subsection (without regard to this paragraph) shall be increased by the lesser of—

"(i) 25 percent of such limitation; or

"(ii) the amount of contributions described in subparagraph (B).

"(B) Contributions are described in this subsection if such contributions—

"(i) are made after the time contributions have been received in an amount at least equal to the threshold contribution requirement under section 502(e);

"(ii) are in amounts of $100 or less; and

"(iii) are made by an individual who was, at the time the contributions were made, a resident of the State in which the general election is held;

except that the total amount of contributions taken into account under subparagraph (A) with respect to any individual shall not exceed $100.

"(C) Except as otherwise expressly provided, any reference in any provision of law to the general election expenditure limit under this subsection shall be treated as a reference to such limit computed without regard to this paragraph.

"(c) LEGAL AND ACCOUNTING COMPLIANCE FUND.—(1) The limitation under subsection (b) shall not apply to qualified legal and accounting expenditures made by a candidate or the candidate's authorized committees or a Federal officeholder from a legal and accounting compliance fund meeting the requirements of paragraph (2).

"(2) A legal and accounting compliance fund meets the requirements of this paragraph if—

"(A) the only amounts transferred to the fund are amounts received in accordance with the limitations, prohibitions, and reporting requirements of this Act;

"(B) the aggregate amount transferred to, and expenditures made from, the fund do not exceed the sum of—

"(i) the lesser of—

"(I) 15 percent of the general election expenditure limit under subsection (b) for the general election for which the fund was established; or

"(II) $300,000; plus

"(ii) the amount determined under paragraph (4); and

"(C) no funds received by the candidate pursuant to section 504(a)(3) may be transferred to the fund.

"(3) For purposes of this subsection, the term 'qualified legal and accounting expenditures' means the following:

"(A) Any expenditures for costs of legal and accounting services provided in connection with—

"(i) any administrative or court proceeding initiated pursuant to this Act during the election cycle for such general election; or

"(ii) the preparation of any documents or reports required by this Act or the Commission.

"(B) Any expenditures for legal and accounting services provided after the general election for which the legal and accounting compliance fund was established to ensure compliance with this Act with respect to the election cycle for such general election.

"(C) Expenditures for the extraordinary costs of legal and accounting services provided in connection with the candidate's activities as a holder of Federal office other than costs for the purpose of influencing the election of such candidate to Federal office.

"(4)(A) If, after a general election, a candidate determines that the qualified legal and accounting expenditures exceed the limitation under paragraph (2)(B), the candidate may petition the Commission for an increase in such limitation. The Commission shall authorize an increase in such limitation in the

amount (if any) by which the Commission determines the qualified legal and accounting expenditures exceed such limitation. Such determination shall be subject to judicial review under section 509.

"(B) Except as provided in section 315, any contribution received or expenditure made pursuant to this paragraph shall not be taken into account for any contribution or expenditure limit applicable to the candidate under this title.

"(5)(A) A candidate shall terminate a legal and accounting compliance fund as of the earlier of—

"(i) the date of the first primary election for the office following the general election for such office for which such fund was established; or

"(ii) the date specified by the candidate.

"(B) Any amounts remaining in a legal and accounting compliance fund as of the date determined under subparagraph (A) shall be transferred—

"(i) to a legal and accounting compliance fund for the election cycle for the next general election;

"(ii) to an authorized committee of the candidate as contributions allocable to the election cycle for the next general election; or

"(iii) to the Senate Election Campaign Fund.

"(d) PAYMENT OF TAXES.—The limitation under subsection (b) shall not apply to any expenditure by the candidate or the candidate's authorized committees for Federal, State, or local taxes on earnings allocable to contributions received by such candidates or committees.

"BENEFITS ELIGIBLE CANDIDATE ENTITLED TO RECEIVE

"SEC. 504. (a) IN GENERAL.—An eligible candidate shall be entitled to—

"(1) the broadcast media rates provided under section 315(b)(3) of the Communications Act of 1934;

"(2) the mailing rates provided in section 3629 of title 39, United States Code;

"(3) payments from the Senate Election Campaign Fund in the amounts determined under subsection (b); and

"(4) voter communication vouchers in the amount determined under subsection (c).

"(b) AMOUNT OF PAYMENTS.—(1) For purposes of subsection (a)(3), except as provided in section 506(d), the amounts determined under this subsection are—

"(A) the independent expenditure amount; and

"(B) in the case of an eligible candidate who has an opponent in the general election who receives contributions, or makes (or obligates to make) expenditures, for such election in excess of the general election expenditure limit under section 503(b), the excess expenditure amount.

"(2) For purposes of paragraph (1), the independent expenditure amount is the total amount of independent expenditures made, or obligated to be made, during the general election period by 1 or more persons in opposition to, or on behalf of an opponent of, an eligible candidate which are required to be reported by such persons under section 304A(b) with respect to the general election period and are certified by the Commission under section 304A(e).

"(3) For purposes of paragraph (1), the excess expenditure amount is the amount determined as follows:

"(A) In the case of a major party candidate, an amount equal to the sum of—

"(i) if the excess described in paragraph (1)(B) is not greater than 133⅓ percent of the general election expenditure limit under section 503(b), an amount equal to two-thirds of such limit applicable to the eligible candidate for the election; plus

"(ii) if the excess described in paragraph (1)(B) equals or exceeds 133⅓ percent of the general election expenditure limit under section 503(b), an amount equal to one-third of such limit applicable to the eligible candidate for the election.

"(B) In the case of an eligible candidate who is not a major party candidate, an amount equal to the lesser of—

"(i) the allowable contributions of the eligible candidate during the applicable period in excess of the threshold contribution requirement under section 502(e); or

"(ii) 50 percent of the general election expenditure limit applicable to the eligible candidate under section 503(b).

"(c) VOTER COMMUNICATION VOUCHERS.—(1) The Secretary of the Treasury shall issue nontransferable voter communication vouchers to eligible candidates as provided under section 506(b).

"(2) The aggregate amount of voter communication vouchers issued to an eligible candidate under paragraph (1) shall be equal to 50 percent of the general election expenditure limit under section 503(b) (25 percent of such limit if such candidate is not a major party candidate).

"(3) Voter communication vouchers shall be used by an eligible candidate to purchase broadcast time during the general election period subject to the same conditions under section 315(b) of the Communications Act of 1934 as apply to other broadcast time which may be purchased (without regard to the rates charged for such time), except that each such broadcast shall be at least 1 but not more than 5 minutes in length.

"(d) WAIVER OF EXPENDITURE AND CONTRIBUTION LIMITS.—(1) An eligible candidate who receives payments under subsection (a)(3) which are allocable to the independent expenditure or excess expenditure amounts described in paragraphs (2) and (3) of subsection (b) may make expenditures from such payments to defray expenditures for the general election without regard to the general election expenditure limit under section 503(b).

"(2) An eligible candidate who receives benefits under this section may make expenditures for the general election without regard to clause (i) of section 502(c)(1)(D) or subsection (a) or (b) of section 503 if any one of the eligible candidate's opponents who is not an eligible candidate either raises aggregate contributions, or makes or becomes obligated to make aggregate expenditures, for the general election that exceed 133⅓ percent of the general election expenditure limit applicable to the eligible candidate under section 503(b).

"(3) A candidate who receives benefits under this section may receive contributions for the general election without regard to clause (iii) of section 502(c)(1)(D) if—

"(A) a major party candidate in the same general election is not an eligible candidate; or

"(B) any other candidate in the same general election who is not an eligible candidate raises aggregate contributions, or makes or becomes obligated to make aggregate expenditures, for the general election that exceed 75 percent of the general election expenditure limit applicable to such other candidate under section 503(b).

"(e) USE OF PAYMENTS FROM FUND.—Payments received by a candidate under subsection (a)(3) shall be used to defray expenditures incurred with respect to the general election period for the candidate. Such payments shall not be used—

"(1) except as provided in paragraph (4), to make any payments, directly or indirectly, to such candidate or to any member of the immediate family of such candidate;

"(2) to make any expenditure other than expenditures to further the general election of such candidate;

"(3) to make any expenditures which constitute a violation of any law of the United States or of the State in which the expenditure is made; or

"(4) subject to the provisions of section 315(i), to repay any loan to any person except to the extent the proceeds of such loan were used to further the general election of such candidate.

"CERTIFICATION BY COMMISSION

"SEC. 505. (a) IN GENERAL.—(1) The Commission shall certify to any candidate meeting the requirements of section 502 that such candidate is an eligible candidate entitled to benefits under this title. The Commission shall revoke such certification if it determines a candidate fails to continue to meet such requirements.

"(2) No later than 48 hours after an eligible candidate files a request with the Commission to receive benefits under section 506, the Commission shall certify to the Secretary of the Treasury whether such candidate is eligible for payments under this title from the Senate Election Campaign Fund or to receive voter communication vouchers and the amount of such payments or vouchers to which such candidate is entitled. The request referred to in the preceding sentence shall contain—

"(A) such information and be made in accordance with such procedures as the Commission may provide by regulation; and

"(B) a verification signed by the candidate and the treasurer of the principal campaign committee of such candidate stating that the information furnished in support of the request, to the best of their knowledge, is correct and fully satisfies the requirements of this title.

"(b) DETERMINATIONS BY COMMISSION.—All determinations (including certifications under subsection (a)) made by the Commission under this title shall be final and conclusive, except to the extent that they are subject to examination and audit by the Commission under section 507 and judicial review under section 509.

"PAYMENTS RELATING TO ELIGIBLE CANDIDATES

"SEC. 506. (a) ESTABLISHMENT OF CAMPAIGN FUND.—(1) There is hereby established on the books of the Treasury of the United States a special fund to be known as the 'Senate Election Campaign Fund'.

"(2) Amounts in the Fund shall, subject to the availability of appropriations, be available only for the purposes of—

"(A) making payments required under this title; and

"(B) making expenditures in connection with the administration of the Fund.

"(3) The Secretary shall maintain such accounts in the Fund as may be required by this title or which the Secretary determines to be necessary to carry out the provisions of this title.

"(b) PAYMENTS UPON CERTIFICATION.—Upon receipt of a certification from the Commission under section 505, except as provided in subsection (d), the Secretary shall, subject to the availability of appropriations, promptly pay the amount certified by the Commission to the candidate out of the Senate Election Campaign Fund.

"(c) VOUCHERS.—(1) Upon receipt of a certification from the Commission under section 505, except as provided in subsection (d), the Secretary of the Treasury shall issue to an eligible candidate the amount of voter communication vouchers specified in such certification.

"(2) Upon receipt of a voter communication voucher from a licensee providing broadcast time to an eligible candidate, the Secretary of the Treasury shall, subject to the availability of appropriations, pay to such licensee from the Senate Election Campaign Fund the face value of such voucher.

"(d) REDUCTIONS IN PAYMENTS IF FUNDS INSUFFICIENT.—(1) If, at the time of a certification by the Commission under section 505 for payment, or issuance or a voucher, to an eligible candidate, the Secretary determines that the monies in the Senate Election Campaign Fund are not, or may not be, sufficient to satisfy the full entitlement of all eligible candidates, the Secretary shall withhold from the amount of such payment or voucher such amount as the Secretary determines to be necessary to assure that each eligible candidate will receive the same pro rata share of such candidate's full entitlement.

"(2) Amounts and vouchers withheld under paragraph (1) shall be paid when the Secretary determines that there are sufficient monies in the Fund to pay all, or a portion thereof, to all eligible candidates from whom amounts have been withheld, except that if only a portion is to be paid, it shall be paid in such manner that each eligible candidate receives an equal pro rata share of such portion.

"(3)(A) Not later than December 31 of any calendar year preceding a calendar year in which there is a regularly scheduled general election, the Secretary, after consultation with the Commission, shall make an estimate of—

"(i) the amount of monies in the fund which will be available to make payments required by this title in the succeeding calendar year; and

"(ii) the amount of payments which will be required under this title in such calendar year.

"(B) If the Secretary determines that there will be insufficient monies in the fund to make the payments required by this title for any calendar year, the Secretary shall notify each candidate on January 1 of such calendar year (or, if later, the date on which an individual becomes a candidate) of the amount which the Secretary estimates will be the pro rata reduction in each eligible candidate's payments (including vouchers) under this subsection. Such notice shall be by registered mail.

"(C) The amount of the eligible candidate's contribution limit under section 502(c)(1)(D)(iii) shall be increased by the amount of the estimated pro rata reduction.

"(4) The Secretary shall notify the Commission and each eligible candidate by registered mail of any actual reduction in the amount of any payment by reason of this subsection. If the amount of the reduction exceeds the amount estimated under paragraph (3), the candidate's contribution limit under section 502(c)(1)(D)(iii) shall be increased by the amount of such excess.

"EXAMINATION AND AUDITS; REPAYMENTS

"SEC. 507. (a) EXAMINATION AND AUDITS.—(1) After each general election, the Commission shall conduct an examination and audit of the campaign accounts of 10 percent of all candidates for the office of United States Senator to determine, among other things, whether such candidates have complied with the expenditure limits and conditions of eligibility of this title, and other requirements of this Act. Such candidates shall be designated by the Commission through the use of an appropriate statistical method of random selection.

"(2) The Commission may conduct an examination and audit of the campaign accounts of any candidate in a general election for the office of United States Senator if the Commission determines that there exists reason to believe that such candidate may have violated any provision of this title.

"(b) EXCESS PAYMENTS; REVOCATION OF STATUS.—(1) If the Commission determines that payments or vouchers were made to an eligible candidate under this title in excess of the aggregate amounts to which such candidate was entitled, the Commission shall so notify such candidate, and such candidate shall pay to the Secretary an amount equal to the excess.

"(2) If the Commission revokes the certification of a candidate as an eligible candidate under section 505(a)(1), the Commission shall notify the candidate, and the candidate shall pay to the Secretary an amount equal to the payments and vouchers received under this title.

"(c) MISUSE OF BENEFITS.—If the Commission determines that any amount of any benefit made available to an eligible candidate under this title was not used as provided for in this title, the Commission shall so notify such candidate and such candidate shall pay to the Secretary an amount equal to 200 percent of the amount of such benefit.

"(d) EXCESS EXPENDITURES.—(1) If the Commission determines that any eligible candidate who has received benefits under this title has made expenditures which in the aggregate exceed by 5 percent or less—

"(A) the primary or runoff expenditure limit under section 502(d); or

"(B) the general election expenditure limit under section 503(b),

the Commission shall so notify such candidate and such candidate shall pay to the Secretary an amount equal to the amount of the excess expenditures.

"(2) If the Commission determines that any eligible candidate who has received benefits under this title has made expenditures which in the aggregate exceed by more than 5 percent—

"(A) the primary or runoff expenditure limit under section 502(d); or

"(B) the general election expenditure limit under section 503(b),

the Commission shall so notify such candidate and such candidate shall pay to the Secretary an amount equal to three times the amount of the excess expenditures.

"(e) UNEXPENDED FUNDS.—Any amount received by an eligible candidate under this title may be retained for a period not exceeding 120 days after the date of the general election for the liquidation of all obligations to pay expenditures for the general election incurred during the general election period. At the end of such 120-day period, any unexpended funds received under this title shall be promptly repaid to the Secretary.

"(f) LIMIT ON PERIOD FOR NOTIFICATION.—No notification shall be made by the Commission under this section with respect to an election more than three years after the date of such election.

"(g) DEPOSITS.—The Secretary shall deposit all payments received under this section into the Senate Election Campaign Fund.

"CRIMINAL PENALTIES

"SEC. 508. (a) VIOLATIONS.—(1) No person shall knowingly and willfully—

"(A) accept benefits under this title in excess of the aggregate benefits to which the candidate on whose behalf such benefits are accepted is entitled;

"(B) use such benefits for any purpose not provided for in this title; or

"(C) make expenditures in excess of—

"(i) the primary and runoff expenditure limits under section 502(d); or

"(ii) the general election expenditure limit under section 503(b).

"(2) Any person who violates the provisions of paragraph (1) shall be fined not more than $25,000, or imprisoned not more than 5 years, or both. Any officer, employee, or agent of any political committee who knowingly consents to any expenditure in violation of the provisions of paragraph (1) shall be fined not more than $25,000, or imprisoned not more than 5 years, or both.

"(b) USE OF BENEFITS.—(1) It is unlawful for any person who receives any benefit under this title, or to whom any portion of any such benefit is transferred, knowingly and willfully to use, or to authorize the use of, such benefit or such portion other than in the manner provided in this title.

"(2) Any person who violates the provisions of paragraph (1) shall be fined not more than $10,000, or imprisoned not more than 5 years, or both.

"(c) FALSE INFORMATION.—(1) It is unlawful for any person knowingly and willfully—

"(A) to furnish any false, fictitious, or fraudulent evidence, books, or information (including any certification, verification, notice, or report) to the Commission under this title, or to include in any evidence, books, or information so furnished any misrepresentation of a material fact, or to falsify or conceal any evidence, books, or information relevant to a certification by the Commission or an examination and audit by the Commission under this title; or

"(B) to fail to furnish to the Commission any records, books, or information requested by it for purposes of this title.

"(2) Any person who violates the provisions of paragraph (1) shall be fined not more than $10,000, or imprisoned not more than 5 years, or both.

"(d) KICKBACKS AND ILLEGAL PAYMENTS.—(1) It is unlawful for any person knowingly and willfully to give or to accept any kickback or any illegal payment in connection with any benefits received under this title by any eligible candidate or the authorized committees of such candidate.

"(2) Any person who violates the provisions of paragraph (1) shall be fined not more than $10,000, or imprisoned not more than 5 years, or both.

"(3) In addition to the penalty provided by paragraph (2), any person who accepts any kickback or illegal benefit in connection with any benefits received by any candidate pursuant to the provisions of this title, or received by the authorized committees of such candidate, shall pay to the Secretary, for deposit into the Senate Election Campaign Fund, an amount equal to 125 percent of the kickback or benefit received.

"JUDICIAL REVIEW

"SEC. 509. (a) JUDICIAL REVIEW.—Any agency action by the Commission made under the provisions of this title shall be subject to review by the United States Court of Appeals for the District of Columbia Circuit upon petition filed in such court within thirty days after the agency action by the Commission for which review is sought. It shall be the

duty of the Court of Appeals, ahead of all matters not filed under this title, to advance on the docket and expeditiously take action on all petitions filed pursuant to this title.

"(b) APPLICATION OF TITLE 5.—The provisions of chapter 7 of title 5, United States Code, shall apply to judicial review of any agency action by the Commission.

"(c) AGENCY ACTION.—For purposes of this section, the term 'agency action' has the meaning given such term by section 551(13) of title 5, United States Code.

"PARTICIPATION BY COMMISSION IN JUDICIAL PROCEEDINGS

"SEC. 510. (a) APPEARANCES.—The Commission is authorized to appear in and defend against any action instituted under this section and under section 509 either by attorneys employed in its office or by counsel whom it may appoint without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and whose compensation it may fix without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title.

"(b) INSTITUTION OF ACTIONS.—The Commission is authorized, through attorneys and counsel described in subsection (a), to institute actions in the district courts of the United States to seek recovery of any amounts determined under this title to be payable to the Secretary.

"(c) INJUNCTIVE RELIEF.—The Commission is authorized, through attorneys and counsel described in subsection (a), to petition the courts of the United States for such injunctive relief as is appropriate in order to implement any provision of this title.

"(d) APPEALS.—The Commission is authorized on behalf of the United States to appeal from, and to petition the Supreme Court for certiorari to review, judgments or decrees entered with respect to actions in which it appears pursuant to the authority provided in this section.

"REPORTS TO CONGRESS; REGULATIONS

"SEC. 511. (a) The Commission shall, as soon as practicable after each election, submit a full report to the Senate setting forth—

"(1) the expenditures (shown in such detail as the Commission determines appropriate) made by each eligible candidate and the authorized committees of such candidate;

"(2) the amounts certified by the Commission under section 505 as benefits available to each eligible candidate;

"(3) the amount of repayments, if any, required under section 507 or 506(d)(2), and the reasons for each repayment required; and

"(4) the balance in the Senate Election Campaign Fund, and the balance in any account maintained in the Fund.

Each report submitted pursuant to this section shall be printed as a Senate document.

"(b) RULES AND REGULATIONS.—The Commission is authorized to prescribe such rules and regulations, in accordance with the provisions of subsection (c), to conduct such examinations and investigations, and to require the keeping and submission of such books, records, and information, as it deems necessary to carry out the functions and duties imposed on it by this title.

"(c) STATEMENT TO SENATE.—Thirty days before prescribing any rules or regulation under subsection (b), the Commission shall transmit to the Senate a statement setting forth the proposed rule or regulation and containing a detailed explanation and justification of such rule or regulation."

(b) EFFECTIVE DATES.—(1) Except as provided in this subsection, the amendment made by subsection (a) shall apply to elections occurring after December 31, 1993.

(2) For purposes of any expenditure or contribution limit imposed by the amendment made by subsection (a)—

(A) no expenditure made before January 1, 1993, shall be taken into account, except that there shall be taken into account any such expenditure for goods or services to be provided after such date; and

(B) all cash, cash items, and Government securities on hand as of January 1, 1993, shall be taken into account in determining whether the contribution limit is met, except that there shall not be taken into account amounts used during the 60-day period beginning on January 1, 1993, to pay for expenditures which were incurred (but unpaid) before such date.

(c) EFFECT OF INVALIDITY ON OTHER PROVISIONS OF ACT.—If title V of the Federal Election Campaign Act of 1971 (as added by this section), or any part thereof, is held to be invalid, all provisions of, and amendments made by, this Act shall be treated as invalid.

SEC. 102. BAN ON ACTIVITIES OF POLITICAL ACTION COMMITTEES IN FEDERAL ELECTIONS.

(a) IN GENERAL.—Title III of FECA (2 U.S.C. 301 et seq.) is amended by adding at the end thereof the following new section:

"BAN ON FEDERAL ELECTION ACTIVITIES BY POLITICAL ACTION COMMITTEES

"SEC. 324. (a) Notwithstanding any other provision of this Act, no person other than an individual or a political committee may make contributions, solicit or receive contributions, or make expenditures for the purpose of influencing an election for Federal office.

"(b) In the case of individuals who are executive or administrative personnel of an employer—

"(1) no contributions may be made by such individuals—

"(A) to any political committees established and maintained by any political party; or

"(B) to any candidate for election to the office of United States Senator or the candidate's authorized committees,

unless such individuals certify that such contributions are not being made at the direction of, or otherwise controlled or influenced by, the employer; and

"(2) the aggregate amount of such contributions by all such individuals in any calendar year shall not exceed—

"(A) $20,000 in the case of such political committees; and

"(B) $5,000 in the case of any such candidate and the candidate's authorized committees."

(b) DEFINITION OF POLITICAL COMMITTEE.—(1) Paragraph (4) of section 301 of FECA (2 U.S.C. 431(4)) is amended to read as follows:

"(4) The term 'political committee' means—

"(A) the principal campaign committee of a candidate;

"(B) any national, State, or district committee of a political party, including any subordinate committee thereof; and

"(C) any local committee of a political party which—

"(i) receives contributions aggregating in excess of $5,000 during a calendar year;

"(ii) makes payments exempted from the definition of contribution or expenditure under paragraph (8) or (9) aggregating in excess of $5,000 during a calendar year; or

"(iii) makes contributions or expenditures aggregating in excess of $1,000 during a calendar year."

(2) Section 316(b)(2) of FECA (2 U.S.C. 441b(b)(2)) is amended by striking subparagraph (C).

(c) CANDIDATE'S COMMITTEES.—(1) Section 315(a) of FECA (2 U.S.C. 441a(a)) is amended by adding at the end thereof the following new paragraph:

"(9) For the purposes of the limitations provided by paragraphs (1) and (2), any political committee which is established or financed or maintained or controlled by any candidate or Federal officeholder shall be deemed to be an authorized committee of such candidate or officeholder."

(2) Section 302(e)(3) of FECA (2 U.S.C. 432) is amended to read as follows:

"(3) No political committee that supports or has supported more than one candidate may be designated as an authorized committee, except that—

"(A) a candidate for the office of President nominated by a political party may designate the national committee of such political party as the candidate's principal campaign committee, but only if that national committee maintains separate books of account with respect to its functions as a principal campaign committee; and

"(B) a candidate may designate a political committee established solely for the purpose of joint fundraising by such candidates as an authorized committee."

(d) RULES APPLICABLE WHEN BAN NOT IN EFFECT.—For purposes of the Federal Election Campaign Act of 1971, during any period beginning after the effective date in which the limitation under section 324 of such Act (as added by subsection (a)) is not in effect—

(1) the amendments made by subsections (a), (b), and (c) shall not be in effect;

(2) in the case of a candidate for election, or nomination for election, to the United States Senate (and such candidate's authorized committees), section 315(a)(2)(A) of FECA (2 U.S.C. 441a(a)(2)(A)) shall be applied by substituting "$1,000" for "$5,000"; and

(3) it shall be unlawful for a multicandidate political committee to make a contribution to a candidate for election, or nomination for election, to the United States Senate (or an authorized committee) to the extent that the making of the contribution will cause the amount of contributions received by the candidate and the candidate's authorized committees from multicandidate political committees to exceed the lesser of—

(A) $825,000; or

(B) the greater of—

(i) $375,000; or

(ii) 20 percent of the sum of the general election spending limit under section 503(b) of FECA plus the primary election spending limit under section 502(d)(1)(A) of FECA (without regard to whether the candidate is an eligible candidate (as defined in section 501(2)) of FECA).

In the case of an election cycle in which there is a runoff election, the limit determined under paragraph (3) shall be increased by an amount equal to 20 percent of the runoff election expenditure limit under section 502(d)(1)(A) of FECA (without regard to whether the candidate is such an eligible candidate). The $825,000 and $375,000 amounts in paragraph (3) shall be increased as of the beginning of each calendar year based on the increase in the price index determined under section 315(c) of FECA, except that for purposes of paragraph (3), the base period shall be the calendar year in which the first general election after the date of the enactment of paragraph (3) occurs. A candidate or authorized committee that receives a contribu-

tion from a multicandidate political committee in excess of the amount allowed under paragraph (3) shall return the amount of such excess contribution to the contributor.

(e) EFFECTIVE DATES.—(1) Except as provided in paragraph (2), the amendments made by this section shall apply to elections (and the election cycles relating thereto) occurring after December 31, 1992.

(2) In applying the amendments made by this section, there shall not be taken into account—

(A) contributions made or received on or before the date of the enactment of this Act; or

(B) contributions made to, or received by, a candidate after such date, to the extent such contributions are not greater than the excess (if any) of—

(i) such contributions received by any opponent of the candidate on or before such date, over

(ii) such contributions received by the candidate on or before such date.

SEC. 103. BROADCAST RATES.

(a) PROVISIONS RELATING TO LOWEST UNIT COST.—Section 315(b) of the Communications Act of 1934 (47 U.S.C. 315(b)) is amended by adding at the end thereof the following new paragraph:

"(2) The charges made for the use of any broadcasting station by any person who is an eligible candidate (as defined in section 501(2) of the Federal Election Campaign Act of 1971) for the United States Senate in connection with such candidate's campaign for nomination for election, or election, to such office shall not exceed—

"(A) during the forty-five days preceding the date of a primary or primary runoff election in which such person is a candidate, 100 percent, and during the general election period (as defined in section 501(5) of the Federal Election Campaign Act of 1971) in which such person is a candidate, 50 percent, of the lowest unit charge of the station, determined at the rate applicable to broadcasts of 30 seconds for the same time of day and day of week; and

"(B) at any other time, the charges made for comparable use of such station by other users thereof."

(b) PREEMPTION RULES; VOUCHERS.—Section 315 of the Communications Act of 1934 (47 U.S.C. 315) is amended by redesignating subsections (c) and (d) as subsections (e) and (f) and by inserting after subsection (b) the following new subsections:

"(c)(1) In the case of a legally qualified candidate for Federal office (as defined in section 301(3) of the Federal Election Campaign Act of 1971), a licensee shall not preempt the use, during any period the rates under subsection (b)(1)(A) or (b)(2) are in effect, of a broadcasting station by such candidate who has purchased such use pursuant to subsection (b).

"(2) Paragraph (1) shall not apply if the program during which the candidate's broadcast was to air is unavoidably preempted.

"(d) A licensee shall—

"(1) accept voter communications vouchers provided to an eligible candidate (as defined in section 501(2) of the Federal Election Campaign Act of 1971) under section 504(a) of such Act; and

"(2) shall, upon presentation of such vouchers, provide broadcast time to such candidate subject to the same conditions as apply to other broadcast time which may be purchased (without regard to the rates charged for such time), except that no time shall be required to be provided without at least 7 days advance notice."

(c) CONFORMING AMENDMENT.—Section 315(b) of the Communications Act of 1934 is amended—

(1) by striking "The charges" and inserting:

"(1) Except as provided in paragraph (2), the charges"; and

(2) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively.

SEC. 104. PREFERENTIAL RATES FOR MAIL.

(a) REDUCED RATES.—Subchapter II of chapter 36 of title 39, United States Code, is amended by adding at the end the following:

"§ 3629. Reduced rates for certain Senate candidates

"(a) The rates of postage for matter mailed with respect to a campaign by an eligible candidate (as defined in section 501(2) of the Federal Election Campaign Act of 1971) shall be—

"(1) in the case of first-class mail matter, one-fourth of the rate currently in effect; and

"(2) in the case of third-class mail matter, 2 cents per piece less than mail matter mailed pursuant to paragraph (1).

"(b) Subsection (a) shall cease to apply to any candidate for any campaign when the total amount paid by such candidate for all mail matter at the rates provided by paragraphs (1) and (2) of subsection (a) exceeds 5 percent of the amount of the general election expenditure limit applicable to such candidate under section 503(b) of the Federal Election Campaign Act of 1971."

(b) AUTHORIZATION.—Section 2401(c) of title 39, United States Code, is amended by striking "and 3626(a)–(h)" and inserting "3626(a)–(h), and 3629".

(c) CONFORMING AMENDMENT.—The table of sections for chapter 36 of title 39, United States Code, is amended by inserting after the item relating to section 3628 the following new item:

"3629. Reduced rates for certain Senate candidates."

SEC. 105. DISCLOSURE BY NONELIGIBLE CANDIDATES.

Subparagraph (B) of section 318(a)(1) of FECA (2 U.S.C. 441d(a)(1)), as amended by section 308, is amended by adding at the end thereof the following:

"(iv) If a broadcast or other communication is paid for or authorized by a candidate in the general election for the office of United States Senator who is not an eligible candidate (as defined in section 501(2)), or the authorized committee of such candidate, such communication shall contain the following sentence: 'This candidate has not agreed to abide by the spending limits for this Senate election campaign set forth in the Federal Election Campaign Act.'."

SEC. 106. REPORTING REQUIREMENTS.

Title III of FECA is amended by adding after section 304 the following new section:

"REPORTING REQUIREMENTS FOR SENATE CANDIDATES

"SEC. 304A. (a) CANDIDATE OTHER THAN ELIGIBLE CANDIDATE.—(1) Each candidate for the office of United States Senator who does not file a certification with the Commission under section 502(c) shall file with the Commission a declaration as to whether such candidate intends to make expenditures for the general election in excess of the general election expenditure limit applicable to an eligible candidate under section 503(b). Such declaration shall be filed at the time provided in section 502(c)(2).

"(2) Any candidate for the United States Senate who qualifies for the ballot for a general election—

"(A) who is not an eligible candidate under section 502; and

"(B) who either raises aggregate contributions, or makes or obligates to make aggregate expenditures, for the general election which exceed 70 percent of the general election expenditure limit applicable to an eligible candidate under section 503(b),

shall file a report with the Commission within 24 hours after such contributions have been raised or such expenditures have been made or obligated to be made (or, if later, within 24 hours after the date of qualification for the general election ballot), setting forth the candidate's total contributions and total expenditures for such election as of such date. Thereafter, such candidate shall file additional reports (until such contributions or expenditures exceed 133⅓ percent of such limit) with the Commission within 24 hours after each time additional contributions are raised, or expenditures are made or are obligated to be made, which in the aggregate exceed an amount equal to 10 percent of such limit and after the total contributions or expenditures exceed 133⅓ percent of such limit.

"(3) The Commission—

"(A) shall, within 24 hours of receipt of a declaration or report under paragraph (1) or (2), notify each eligible candidate in the election involved about such declaration or report; and

"(B) if an opposing candidate has raised aggregate contributions, or made or has obligated to make aggregate expenditures, in excess of the applicable general election expenditure limit under section 503(b), shall certify, pursuant to the provisions of subsection (e), such eligibility to the Secretary of the Treasury for payment of any amount to which such eligible candidate is entitled under section 504(a).

"(4) Notwithstanding the reporting requirements under this subsection, the Commission may make its own determination that a candidate in a general election who is not an eligible candidate has raised aggregate contributions, or made or has obligated to make aggregate expenditures, in the amounts which would require a report under paragraph (2). The Commission shall, within 24 hours after making each such determination, notify each eligible candidate in the general election involved about such determination, and shall, when such contributions or expenditures exceed the general election expenditure limit under section 503(b), certify (pursuant to the provisions of subsection (e)) to the Secretary of the Treasury such candidate's eligibility for payment of any amount under section 504(a).

"(b) INDEPENDENT EXPENDITURES.—(1)(A) Any person who makes, or obligates to make, independent expenditures during any general, primary, or runoff election period for the office of United States Senator in excess of $10,000 shall report to the Commission as provided in this subsection.

"(B) If 2 or more persons, in cooperation, consultation, or concert with each other, make, or obligate to make, independent expenditures during any general, primary, or runoff election period for the office of United States Senator in excess of $10,000, each such person shall report to the Commission as provided in this subsection with respect to the independent expenditures so made by all such persons.

"(2) Any person referred to in paragraph (1) shall report the amount of the independent

expenditures made or obligated to be made not later than 24 hours after the aggregate amount of such expenditures incurred or obligated first exceeds $10,000. Thereafter, such person shall report independent expenditures not later than 24 hours after each time the additional aggregate amount of such expenditures incurred or obligated (and not yet reported under this paragraph) exceeds $10,000.

"(3) Each report under this subsection shall be filed with the Commission and the Secretary of State for the State of the election involved and shall contain—

"(A) the information required by subsection (b)(6)(B)(iii) of section 304; and

"(B) a statement under penalty of perjury by the person making the independent expenditures, or by the person incurring the obligation to make such expenditures, as the case may be, that identifies the candidate whom the independent expenditures are actually intended to help elect or defeat.

"(4)(A) A person may file a complaint with the Commission if such person believes the statement under paragraph (3)(B) is false or incorrect.

"(B) The Commission, not later than 3 days after the filing of a complaint under subparagraph (A), shall make a determination with respect to such complaint.

"(5) The Commission shall, within 24 hours of receipt of a report under this subsection, notify each eligible candidate (as defined in section 501(2)) in the election involved about such report.

"(6) The Commission may make its own determination that a person has made, or has incurred obligations to make, independent expenditures with respect to any election for the United States Senate which in the aggregate exceed the applicable amounts under paragraph (2). The Commission shall notify each eligible candidate in such election of such determination within 24 hours of making it.

"(7) At the same time as a candidate is notified under paragraph (5) or (6) with respect to expenditures during a general election period, the Commission shall, pursuant to subsection (e), certify to the Secretary of the Treasury eligibility to receive benefits under section 504(a).

"(c) REPORTS ON PERSONAL FUNDS.—(1) Any candidate for the United States Senate who during the election cycle expends more than $250,000 during the election cycle from his personal funds, the funds of his immediate family, and personal loans incurred by the candidate and the candidate's immediate family shall file a report with the Commission within 24 hours after such expenditures have been made or loans incurred.

"(2) The Commission within 24 hours after a report has been filed under paragraph (1) shall notify each eligible candidate in the election involved about each such report.

"(3) Notwithstanding the reporting requirements under this subsection, the Commission may make its own determination that a candidate for the United States Senate has made expenditures in excess of the amount under paragraph (1). The Commission within 24 hours after making such determination shall notify each eligible candidate in the general election involved about each such determination.

"(d) CANDIDATES FOR OTHER OFFICES.—(1) Each individual—

"(A) who becomes a candidate for the office of United States Senator;

"(B) who, during the election cycle for such office, held any other Federal, State, or local office or was a candidate for such other office; and

"(C) who expended any amount during such election cycle before becoming a candidate for the office of United States Senator which would have been treated as an expenditure if such individual had been such a candidate, including amounts for activities to promote the image or name recognition of such individual,

shall, within 7 days of becoming a candidate for the office of United States Senator, report to the Commission the amount and nature of such expenditures.

"(2) Paragraph (1) shall not apply to any expenditures in connection with a Federal, State, or local election which has been held before the individual becomes a candidate for the office of United States Senator.

"(3) The Commission shall, as soon as practicable, make a determination as to whether the amounts included in the report under paragraph (1) were made for purposes of influencing the election of the individual to the office of United States Senator.

"(e) CERTIFICATIONS.—Notwithstanding section 505(a), the certification required by this section shall be made by the Commission on the basis of reports filed with such Commission in accordance with the provisions of this Act, or on the basis of such Commission's own investigation or determination.

"(f) COPIES OF REPORTS.—The Commission shall transmit a copy of any report received under this section to the Secretary of the Senate within 2 working days of receipt of such report.

"(g) DEFINITIONS.—For purposes of this section, any term used in this section which is used in title V shall have the same meaning as when used in title V."

SEC. 107. OTHER DEFINITIONS.

(a) ELECTION CYCLE DEFINED.—Section 301 of FECA (2 U.S.C. 431) is amended by adding at the end thereof the following:

"(20) The term 'election cycle' means—

"(A) in the case of a candidate or the authorized committees of a candidate, the term beginning on the day after the date of the most recent general election for the specific office or seat which such candidate seeks and ending on the date of the next general election for such office or seat; or

"(B) for all other persons, the term beginning on the first day following the date of the last general election and ending on the date of the next general election."

(b) IDENTIFICATION.—Section 301(13) of FECA (2 U.S.C. 431(13)) is amended by striking out "mailing address" and inserting in lieu thereof "permanent residence address".

TITLE II—EXPENDITURES AND CONTRIBUTIONS

Subtitle A—Independent Expenditures

SEC. 201. COOPERATIVE EXPENDITURES NOT TREATED AS INDEPENDENT EXPENDITURES.

(a) TREATMENT OF COOPERATIVE EXPENDITURES.—(1) Paragraph (17) of section 301 of FECA (2 U.S.C. 431(17)) is amended by adding at the end thereof the following new sentence: "The term 'independent expenditure' shall not include any cooperative expenditure."

(2) Paragraph (9) of section 301 of FECA (2 U.S.C. 431(9)) is amended by adding at the end thereof the following new subparagraph:

"(C) A cooperative expenditure shall be treated as an expenditure made by the candidate on whose behalf, or for whose benefit, the expenditure was made."

(3) Paragraph (8) of section 301 of FECA (2 U.S.C. 431(8)) is amended by adding at the end thereof the following new subparagraph:

"(C) A cooperative expenditure shall be treated as a contribution from the person making the expenditure to the candidate on whose behalf, or for whose benefit, the expenditure was made."

(b) COOPERATIVE EXPENDITURE DEFINED.—Section 301 of FECA (2 U.S.C. 431), as amended by section 107(a), is amended by adding at the end thereof the following new paragraph:

"(21)(A) The term 'cooperative expenditure' means any expenditure which is made—

"(i) with the cooperation of, or in consultation with, any candidate or any authorized committee or agent of such candidate; or

"(ii) in concert with, or at the request or suggestion of, any candidate or any authorized committee or agent of such candidate.

"(B) The term 'cooperative expenditure' includes an expenditure if—

"(i) there is any arrangement, coordination, or direction with respect to the expenditure between the candidate or the candidate's agent and the person making the expenditure;

"(ii) in the same election cycle, the person making the expenditure is or has been—

"(I) authorized to raise or expend funds on behalf of the candidate or the candidate's authorized committees; or

"(II) serving as a member, employee, or agent of the candidate's authorized committees in an executive or policy-making position; or

"(iii) the person making the expenditure has advised or counseled the candidate or the candidate's agents at any time on the candidate's plans, projects, or needs relating to the candidate's pursuit of nomination for election, or election, to Federal office, in the same election cycle, including any advice relating to the candidate's decision to seek Federal office;

"(iv) the person making the expenditure retains the professional services of any individual or other person also providing those services in the same election cycle to the candidate in connection with the candidate's pursuit of nomination for election, or election, to Federal office, including any services relating to the candidate's decision to seek Federal office;

"(v) the person making the expenditure has consulted at any time during the same election cycle about the candidate's plans, projects, or needs relating to the candidate's pursuit of nomination for election, or election, to Federal office, with—

"(I) any officer, director, employee or agent of a party committee that has made or intends to make expenditures or contributions, pursuant to subsections (a), (d), or (h) of section 315 in connection with the candidate's campaign; or

"(II) any person whose professional services have been retained by a political party committee that has made or intends to make expenditures or contributions pursuant to subsections (a), (d), or (h) of section 315 in connection with the candidate's campaign; or

"(vi) the expenditure is based on information provided to the person making the expenditure directly or indirectly by the candidate or the candidate's agents about the candidate's plans, projects, or needs, provided that the candidate or the candidate's agent is aware that the other person has made or is planning to make expenditures expressly advocating the candidate's election.

For purposes of this subparagraph, the person making the expenditure shall include any officer, director, employee, or agent of such person.

"(C) The term 'cooperative expenditure' includes an expenditure if such expenditure—

"(i) is made on behalf of, or for the benefit of, a candidate or authorized committee by a political committee that is established, administered, controlled, or financially supported, directly or indirectly, by a connected organization that is required to register, or pays for the services of a person who is required to register, under section 308 of the Federal Regulation of Lobbying Act (2 U.S.C. 267) or the Foreign Agents Registration Act of 1938 (22 U.S.C. 611 et seq.); or

"(ii) is made on behalf of, or for the benefit of, a candidate or authorized committee by a political committee that has made a contribution to the candidate or authorized committee."

SEC. 202. EQUAL BROADCAST TIME.

Section 315(a) of the Communications Act of 1934 (47 U.S.C. 315(a)) is amended to read as follows:

"(a)(1) If a licensee permits any person who is a legally qualified candidate for public office to use a broadcasting station other than any use required to be provided under paragraph (2), the licensee shall afford equal opportunities to all other such candidates for that office in the use of the broadcasting station.

"(2)(A) A person who reserves broadcast time the payment for which would constitute an independent expenditure within the meaning of section 301(17) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(17)) shall—

"(i) inform the licensee that payment for the broadcast time will constitute an independent expenditure;

"(ii) inform the licensee of the names of all candidates for the office to which the proposed broadcast relates; and

"(iii) provide the licensee a copy of the statement described in section 304A(b)(3)(B) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(d)(3)(B)).

"(B) A licensee who is informed as described in subparagraph (A) shall—

"(i) if any of the candidates described in subparagraph (A)(ii) has provided the licensee the name and address of a person to whom notification under this subparagraph is to be given—

"(I) notify such person of the proposed making of the independent expenditure; and

"(II) allow any such candidate (other than a candidate for whose benefit the independent expenditure is made) to purchase the same amount of broadcast time immediately after the broadcast time paid for by the independent expenditure; and

"(ii) in the case of an opponent of a candidate for whose benefit the independent expenditure is made who certifies to the licensee that the opponent is eligible to have the cost of response broadcast time paid out of the Federal Election Campaign Fund pursuant to section 504(a)(3) of the Federal Election Campaign Act of 1971, afford the opponent such broadcast time without requiring payment in advance and at the cost specified in subsection (b)."

"(3) A licensee shall have no power of censorship over the material broadcast under this section.

"(4) Except as provided in paragraph (2), no obligation is imposed under this subsection upon any licensee to allow the use of its station by any candidate.

"(5)(A) Appearance by a legally qualified candidate on a—

"(i) bona fide newscast;

"(ii) bona fide news interview;

"(iii) bona fide news documentary (if the appearance of the candidate is incidental to the presentation of the subject or subjects covered by the news documentary); or

"(iv) on-the-spot coverage of bona fide news events (including political conventions and activities incidental thereto),

shall not be deemed to be use of a broadcasting station within the meaning of this subsection.

"(B) Nothing in subparagraph (A) shall be construed as relieving broadcasters, in connection with the presentation of newscasts, news interviews, news documentaries, and on-the-spot coverage of news events, from their obligation under this Act to operate in the public interest and to afford reasonable opportunity for the discussion of conflicting views on issues of public importance.

"(6)(A) A licensee that endorses a candidate for Federal office in an editorial shall, within the time stated in subparagraph (B), provide to all other candidates for election to the same office—

"(i) notice of the date and time of broadcast of the editorial;

"(ii) a taped or printed copy of the editorial; and

"(iii) a reasonable opportunity to broadcast a response using the licensee's facilities.

"(B) In the case of an editorial described in subparagraph (A) that—

"(i) is first broadcast 72 hours or more prior to the date of a primary, runoff, or general election, the notice and copy described in subparagraph (A) (i) and (ii) shall be provided not later than 24 hours after the time of the first broadcast of the editorial, and

"(ii) is first broadcast less than 72 hours before the date of an election, the notice and copy shall be provided at a time prior to the first broadcast that will be sufficient to enable candidates a reasonable opportunity to prepare and broadcast a response."

SEC. 203. ATTRIBUTION OF COMMUNICATIONS.

Section 318(a) of FECA (2 U.S.C. 441d(a)), as amended by section 308, is further amended by adding at the end thereof the following new paragraph:

"(3) A communication described in paragraph (1) that is paid for through an independent expenditure—

"(A) in the case of a television broadcast, shall include during the entire length of the communication a clearly readable video statement covering at least 25 percent of the viewing area of a television screen stating the information required in paragraph (1)(B) and, if the independent expenditure is made by a political committee, stating the name of its connected organization (if any) and the city and State in which such organization is located;

"(B) in the case of any audio broadcast (including a television broadcast), shall include an audio statement at the conclusion of the broadcast stating the information described in paragraph (1)(B) and, if the independent expenditure is made by a political committee, stating the name of its connected organization (if any) and the city and State in which such organization is located; and

"(C) in the case of a newspaper, magazine, outdoor advertising facility, mass mailing, or other type of general public political advertising, shall include a statement of—

"(i) the information required in paragraph (1)(B);

"(ii) the following sentence: "The cost of presenting this communication is not subject to any campaign contribution limits."; and

"(iii) the name of the person who paid for the communication including, in the case of a political committee, the names of its president and its treasurer, and the name of its connected organization (if any) and the city and State in which located."

Subtitle B—Expenditures

PART I—PERSONAL LOANS; CREDIT

SEC. 211. PERSONAL CONTRIBUTIONS AND LOANS.

Section 315 of FECA (2 U.S.C. 441a) is amended by inserting at the end thereof the following new subsection:

"(i) LIMITATIONS ON PAYMENTS TO CANDIDATES.—(1) If a candidate or a member of the candidate's immediate family made any loans to the candidate or to the candidate's authorized committees during any election cycle, no contributions after the date of the general election for such election cycle may be used to repay such loans.

"(2) No contribution by a candidate or member of the candidate's immediate family (as defined in section 501(6)) may be returned to the candidate or member other than as part of a pro rata distribution of excess contributions to all contributors."

SEC. 212. EXTENSIONS OF CREDIT.

Section 301(8)(A) of FECA (2 U.S.C. 431(8)(A)) is amended—

(1) by striking "or" at the end of clause (i);

(2) by striking the period at the end of clause (ii) and inserting "; or"; and

(3) by inserting at the end thereof the following new clause:

"(iii) with respect to a candidate for the office of United States Senator and the candidate's authorized committees, any extension of credit for goods or services relating to advertising on broadcasting stations, in newspapers or magazines, or by mass mailings (including mass mail fund solicitations), or relating to other similar types of general public political advertising, if such extension of credit is—

"(I) in an amount of more than $1,000; and

"(II) for a period greater than the period (not in excess of 60 days) for which credit is generally extended in the normal course of business after the date on which such goods or services are furnished (the date of the mailing in the case of advertising by a mass mailing)."

PART II—PROVISIONS RELATING TO SOFT MONEY OF POLITICAL PARTIES

SEC. 215. LIMITATIONS ON CONTRIBUTIONS TO STATE POLITICAL PARTY COMMITTEES.

(a) INDIVIDUAL CONTRIBUTIONS TO STATE PARTY.—Paragraph (1) of section 315(a) of FECA (2 U.S.C. 441a(a)(1)) is amended by striking "or" at the end of subparagraph (B), by redesignating subparagraph (C) as subparagraph (D), and by inserting after subparagraph (B) the following new subparagraph:

"(C) to the political committee designated by a State committee of a political party in any calendar year which, in the aggregate, exceed $20,000; or".

(b) MULTICANDIDATE COMMITTEE CONTRIBUTIONS TO STATE PARTY.—Paragraph (2) of section 315(a) of FECA (2 U.S.C. 441a(a)(2)) is amended by striking "or" at the end of subparagraph (B), by redesignating subparagraph (C) as subparagraph (D), and by inserting after subparagraph (B) the following new subparagraph:

"(C) to the political committee designated by a State committee of a political party in any calendar year which, in the aggregate, exceed $15,000; or".

(c) INCREASE IN OVERALL LIMIT.—Paragraph (3) of section 315(a) of FECA (2 U.S.C. 441a(a)(3)) is amended by adding at the end

thereof the following new sentence: "The limitation under this paragraph shall be increased (but not by more than $5,000) by the amount of contributions made by an individual during a calendar year to political committees designated by State committees of a political party for purposes of paragraphs (1)(C) and (2)(C)."

SEC. 216. PROVISIONS RELATING TO NATIONAL, STATE, AND LOCAL PARTY COMMITTEES.

(a) EXPENDITURES BY STATE COMMITTEES IN CONNECTION WITH PRESIDENTIAL CAMPAIGNS.—Section 315(d) of FECA (2 U.S.C. 441a(d)) is amended by inserting at the end thereof the following new paragraph:

"(4) A State committee of a political party, including subordinate committees of that State committee, shall not make expenditures for activities described in section 325(b) (1) and (2) with respect to the general election campaign of a candidate for President of the United States who is affiliated with such party which, in the aggregate, exceed an amount equal to 4 cents multiplied by the voting age population of the State, as certified under subsection (e)."

(b) CONTRIBUTION AND EXPENDITURE EXCEPTIONS.—(1) Section 301(8)(B) of FECA (2 U.S.C. 431(8)(B)) is amended—

(A) in clause (v) by striking the semicolon at the end thereof and inserting "or with respect to a mass mailing of such a listing;";

(B) in clause (xi)—

(i) by striking "direct mail" and inserting "mass mailing"; and

(ii) by striking the semicolon at the end thereof and inserting "and are not made from contributions designated to be spent on behalf of a particular candidate or particular candidates;"; and

(C) by repealing clauses (x) and (xii).

(2) Section 301(9)(B) of FECA (2 U.S.C. 431(9)(B)) is amended—

(A) in clause (iv) by striking the semicolon at the end thereof and inserting "or with respect to a mass mailing of such a listing;"; and

(B) by repealing clauses (viii) and (ix).

(c) SOFT MONEY OF COMMITTEES OF POLITICAL PARTIES.—(1) Title III of FECA, as amended by section 102, is amended by inserting after section 324 the following new section:

"POLITICAL PARTY COMMITTEES

"SEC. 325. (a) Any amount solicited, received, or expended directly or indirectly by a national, State, district, or local committee of a political party (including any subordinate committee) with respect to an activity which, in whole or in part, is in connection with an election to Federal office shall be subject in its entirety to the limitations, prohibitions, and reporting requirements of this Act.

"(b) For purposes of subsection (a)—

"(1) Any activity which is solely for the purpose of influencing an election for Federal office is in connection with an election for Federal office.

"(2) Except as provided in paragraph (3), any of the following activities during a Federal election period shall be treated as in connection with an election for Federal office:

"(A) Voter registration and get-out-the-vote activities.

"(B) Campaign activities, including broadcasting, newspaper, magazine, billboard, mass mail, and newsletter communications, and similar kinds of communications or public advertising that—

"(i) are generic campaign activities; or

"(ii) identify a Federal candidate regardless of whether a State or local candidate is also identified.

"(C) The preparation and dissemination of campaign materials that are part of a generic campaign activity or that identify a Federal candidate, regardless of whether a State or local candidate is also identified.

"(D) Maintenance of voter files.

"(E) Any other activity affecting (in whole or in part) an election for Federal office.

"(3) The following shall not be treated as in connection with a Federal election:

"(A) Any amount described in section 301(8)(B)(viii).

"(B) Any amount contributed to a candidate for other than Federal office.

"(C) Any amount received or expended in connection with a State or local political convention.

"(D) Campaign activities, including broadcasting, newspaper, magazine, billboard, mass mail, and newsletter communications, and similar kinds of communications or public advertising that are exclusively on behalf of State or local candidates and are not activities described in paragraph (2)(A).

"(E) Administrative expenses of a State or local committee of a political party, including expenses for—

"(i) overhead;

"(ii) staff (other than individuals devoting a substantial portion of their activities to elections for Federal office);

"(iii) meetings; and

"(iv) conducting party elections or caucuses.

"(F) Research pertaining solely to State and local candidates and issues.

"(G) Maintenance of voter files other than during a Federal election period.

"(H) Activities described in paragraph (2)(A) which are conducted other than during a Federal election period.

"(I) Any other activity which is solely for the purpose of influencing, and which solely affects, an election for non-Federal office.

"(4) For purposes of this subsection, the term 'Federal election period' means the period—

"(A) beginning on the date which is 60 days before the primary election for any regularly scheduled general election for Federal office; and

"(B) ending on the date of the general election.

"(c) TRANSFERS BETWEEN COMMITTEES.—(1) Except as provided in paragraph (2), the limitations on contributions contained in paragraphs (1) and (2) of section 315(a) shall apply to transfers between and among political committees described in subsection (a).

"(2)(A) A national committee may not solicit or accept contributions not subject to the limitations, prohibitions, and reporting requirements of this Act.

"(B) Subparagraph (A) and paragraph (1) shall not apply to contributions that—

"(i) are to be transferred to a State committee for use directly for activities described in subsection (b)(3); or

"(ii) are to be used by the committee primarily to support such activities."

(2) Section 315(d) of FECA (2 U.S.C. 441a(d)), as amended by subsection (a), is amended by adding at the end thereof the following new paragraph:

"(5) The national committee of a political party, the congressional campaign committees of a political party, and a State or local committee of a political party, including a subordinate committee of any of the preceding committees, shall not make expenditures during any calendar year for activities described in section 325(b) (1) and (2) with respect to such State which, in the aggregate, exceed an amount equal to 30 cents multiplied by the voting age population of the State (as certified under subsection (e)). This paragraph shall not authorize a committee to make expenditures to which paragraph (3) or (4) applies in excess of the limit applicable to such expenditures under paragraph (3) or (4). No adjustment to the limitation under this paragraph shall be made under subsection (c) before 1992 and the base period for purposes of any such adjustment shall be 1990."

(3) Paragraph (4) of section 315(a) (2 U.S.C. 441a(a)(4)) is amended by striking the first sentence thereof.

(d) GENERIC ACTIVITIES.—Section 301 of FECA (2 U.S.C. 431), as amended by section 201(b), is amended by adding at the end thereof the following new paragraph:

"(22) The term 'generic campaign activity' means a campaign activity the preponderant purpose or effect of which is to promote a political party rather than any particular Federal or non-Federal candidate."

SEC. 217. RESTRICTIONS ON FUNDRAISING BY CANDIDATES AND OFFICEHOLDERS.

(a) STATE FUNDRAISING ACTIVITIES.—Section 315 of FECA (2 U.S.C. 441a), as amended by section 211, is amended by adding at the end thereof the following new subsection:

"(j) LIMITATIONS ON FUNDRAISING ACTIVITIES OF FEDERAL CANDIDATES AND OFFICEHOLDERS.—(1) For purposes of this Act, a candidate for Federal office (or an individual holding Federal office) may not solicit funds to, or receive funds on behalf of, any Federal or non-Federal candidate or political committee—

"(A) which are to be expended in connection with any election for Federal office unless such funds are subject to the limitations, prohibitions, and requirements of this Act; or

"(B) which are to be expended in connection with any election for other than Federal office unless such funds are not in excess of amounts permitted with respect to Federal candidates and political committees under this Act, or are not from sources prohibited by this Act with respect to elections to Federal office.

"(2) The appearance or participation by a candidate or individual in any activity (including fundraising) conducted by a committee of a political party or a candidate for other than Federal office shall not be treated as a solicitation for purposes of paragraph (1) if—

"(A) such appearance or participation is otherwise permitted by law; and

"(B) such candidate or individual does not solicit or receive, or make expenditures from, any funds resulting from such activity.

"(3) Paragraph (1) shall not apply to the solicitation or receipt of funds, or disbursements, by an individual who is a candidate for other than Federal office if such activity is permitted under State law."

(b) TAX-EXEMPT ORGANIZATIONS.—Section 315 of FECA (2 U.S.C. 441a), as amended by subsection (a), is amended by adding at the end thereof the following new subsection:

"(k) TAX-EXEMPT ORGANIZATIONS.—(1) Except as provided in paragraph (2), if an individual—

"(A) established, maintains, or controls any organization described in section 501(c) of the Internal Revenue Code of 1986; and

"(B) is a candidate for, or holds, Federal office at any time during any calendar year, such individual may not solicit contributions to, or accept contributions on behalf

of, such organization from any person during such calendar year which, in the aggregate, exceed $5,000.

"(2) If during any period an individual is a candidate for, or holds, Federal office, such individual may not during such period solicit contributions to, or on behalf of, any organization which is described in section 501(c) of the Internal Revenue Code of 1986 if a significant portion of the activities of such organization include voter registration or get-out-the-vote campaigns."

SEC. 218. REPORTING REQUIREMENTS.

(a) REPORTING REQUIREMENTS.—Section 304 of FECA (2 U.S.C. 434) is amended by adding at the end thereof the following new subsection:

"(d) POLITICAL COMMITTEES.—(1) The national committee of a political party and any congressional campaign committee, and any subordinate committee of either, shall report all receipts and disbursements during the reporting period, whether or not in connection with an election for Federal office.

"(2) A political committee (not described in paragraph (1)) to which section 325 applies shall report all receipts and disbursements in connection with a Federal election (as determined under section 325).

"(3) Any political committee to which section 325 applies shall include in its report under paragraph (1) or (2) the amount of any transfer described in section 325(c) and the reason for the transfer.

"(4) Any political committee to which paragraph (1) or (2) does not apply shall report any receipts or disbursements which are used in connection with a Federal election (as determined by the Commission).

"(5) If any receipt or disbursement to which this subsection applies exceeds $200, the political committee shall include identification of the person from whom, or to whom, such receipt or disbursement was made.

"(6) Reports required to be filed by this subsection shall be filed for the same time periods required for political committees under subsection (a)."

(b) REPORT OF EXEMPT CONTRIBUTIONS.—Section 301(8) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(8)), as amended by section 201, is amended by inserting at the end thereof the following:

"(D) The exclusions provided in subparagraphs (v) and (viii) of subparagraph (B) shall not apply for purposes of any requirement to report contributions under this Act, and all such contributions in excess of $200 shall be reported."

(c) REPORTING OF EXEMPT EXPENDITURES.—Section 301(9) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(9)), as amended by section 201, is amended by inserting at the end thereof the following:

"(D) The exclusions provided in subparagraph (iv) of subparagraph (B) shall not apply for purposes of any requirement to report expenditures under this Act, and all such expenditures in excess of $200 shall be reported."

(d) CONTRIBUTIONS AND EXPENDITURES OF POLITICAL COMMITTEES.—Section 301(4) of FECA (2 U.S.C. 431(4)) is amended by adding at the end thereof the following: "For purposes of this paragraph, the receipt of contributions or the making of, or obligating to make, expenditures shall be determined by the Commission on the basis of facts and circumstances, in whatever combination, demonstrating a purpose of influencing any election for Federal office, including, but not limited to, the representations made by any person soliciting funds about their intended uses; the identification by name of individuals who are candidates for Federal office or of any political party, in general public political advertising; and the proximity to any primary, runoff, or general election of general public political advertising designed or reasonably calculated to influence voter choice in that election."

(e) REPORTS BY STATE COMMITTEES.—Section 304 of FECA (2 U.S.C. 434), as amended by subsection (a), is amended by adding at the end thereof the following new subsection:

"(e) FILING OF STATE REPORTS.—In lieu of any report required to be filed by this Act, the Commission may allow a State committee of a political party to file with the Commission a report required to be filed under State law if the Commission determines such reports contain substantially the same information."

(f) REPORTS BY LARGE CONTRIBUTORS.—Section 304 of FECA (2 U.S.C. 434), as amended by subsection (e), is amended by adding at the end thereof the following new subsection:

"(f) REPORTS BY LARGE CONTRIBUTORS.—(1) Any individual who makes contributions subject to the limitations of section 315(a)—

"(A) shall report to the Commission within 7 days after such contributor makes contributions aggregating $10,000 or more during any calendar year; and

"(B) thereafter, shall report to the Commission within 7 days after each time such contributor makes contributions (not yet reported) aggregating $5,000 or more.

Any report shall include identification of the contributor, the name of the candidate or committee to whom the contributions were made, and the amount of the contributions.

"(2) Any candidate for Federal office, any authorized committee of a candidate, or any political committee soliciting contributions subject to the limitations of section 315(a) shall include with such solicitation notice of—

"(A) the requirement to report under paragraph (1); and

"(B) the aggregate limitation on such contributions under section 315(a)(3)."

Subtitle C—Contributions

SEC. 221. LIMITS ON CONTRIBUTIONS BY CERTAIN POLITICAL COMMITTEES.

(a) LIMITATION ON AMOUNT OF CONTRIBUTIONS THAT MAY BE ACCEPTED.—Section 315(d) of FECA (2 U.S.C. 441a(d)), as amended by section 216, is amended—

(1) in paragraph (1) by striking "(2) and (3)" and inserting "(2), (3), (6), and (7)"; and

(2) by adding at the end thereof the following new paragraphs:

"(6) A congressional campaign committee of a political party (including any subordinate committee thereof) shall not accept, during an election cycle, contributions from multicandidate political committees and separate segregated funds which, in the aggregate, exceed 30 percent of the total expenditures which such committee may make pursuant to section 315(d)(3) during that election cycle.

"(7) A national committee of a political party (including any subordinate committee thereof) shall not accept, during an election cycle, contributions from multicandidate political committees and separate segregated funds which, in the aggregate, exceed an amount equal to 2 cents multiplied by the voting age population of the United States, as certified under subsection (e).

"(8)(A)(i) Any expenditure made by a national or State committee of a political party, a congressional campaign committee, or any subordinate committee of the preceding committees, for general public political advertising which clearly identifies a candidate for Federal office by name shall be subject to the limitations of paragraphs (1) and (2).

"(ii) Clause (i) shall not apply to expenditures for mass mailings designed primarily for fundraising purposes which make only incidental reference to any one or more Federal candidates.

"(B) For purposes of paragraph (3), any expenditure by a committee described in subparagraph (A) for any solicitation of contributions which clearly identifies any candidate on whose behalf such contributions are being solicited shall be treated for purposes of this paragraph as an expenditure in connection with the general election campaign of such candidate, except that if more than 1 candidate is identified, such expenditure shall be allocated on a pro rata basis among such candidates."

(b) CONGRESSIONAL CAMPAIGN COMMITTEE.—Section 301 of FECA (2 U.S.C. 431), as amended by section 216(d), is amended by adding at the end thereof the following new paragraph:

"(23) The term 'congressional campaign committee' means the Democratic Senatorial Campaign Committee, the National Republican Senatorial Committee, the Democratic Congressional Campaign Committee, and the National Republican Congressional Committee."

(c) EFFECTIVE DATES.—(1) Except as provided in paragraph (2), the amendments made by this section shall apply to elections (and the election cycles relating thereto) occurring after December 31, 1992.

(2) In applying the amendments made by this section, there shall not be taken into account—

(A) contributions made or received on or before the date of the enactment of this Act; or

(B) contributions made to, or received by, a candidate after such date, to the extent such contributions are not greater than the excess (if any) of—

(i) such contributions received by any opponent of the candidate on or before such date, over

(ii) such contributions received by the candidate on or before such date.

SEC. 222. CONTRIBUTIONS THROUGH INTERMEDIARIES AND CONDUITS.

Section 315(a)(8) of FECA (2 U.S.C. 441a(a)(8)) is amended to read as follows:

"(8) For the purposes of this subsection—

"(A) Contributions made by a person, either directly or indirectly, to or on behalf of a particular candidate, including contributions that are in any way earmarked or otherwise directed through an intermediary or conduit to a candidate, shall be treated as contributions from the person to the candidate.

"(B) Contributions made directly or indirectly by a person to or on behalf of a particular candidate through an intermediary or conduit, including contributions made or arranged to be made by an intermediary or conduit, shall be treated as contributions from the intermediary or conduit to the candidate if—

"(i) the contributions made through the intermediary or conduit are in the form of a check or other negotiable instrument made payable to the conduit or intermediary rather than the intended recipient; or

"(ii) the conduit or intermediary is—

"(I) a political committee other than an authorized committee;

"(II) an officer, employee, or agent of such a political committee; or

"(III) a person required to register under section 308 of the Federal Regulation of Lob-

bying Act (2 U.S.C. 267) or the Foreign Agents Registration Act of 1938 (22 U.S.C. 611 et seq.); or

"(IV) an organization prohibited from making contributions under section 316, or an officer, employee, or agent of such an organization acting on the organization's behalf.

"(C) For purposes of this section—

"(i) the term 'contributions made or arranged to be made' includes—

"(I) contributions delivered to a particular candidate or the candidate's authorized committee or agent; and

"(II) contributions directly or indirectly arranged to be made to a particular candidate or the candidate's authorized committee or agent, including contributions arranged to be made in a manner that identifies directly or indirectly to the candidate or authorized committee or agent the person who arranged the making of the contributions or the person on whose behalf such person was acting; and

"(ii) the term 'acting on the organization's behalf' includes the following activities by an officer, employee or agent of a person described in subparagraph (B)(ii)(IV):

"(I) Soliciting or directly or indirectly arranging the making of a contribution to a particular candidate in the name of, or by using the name of, such a person.

"(II) Soliciting or directly or indirectly arranging the making of a contribution to a particular candidate using other than incidental resources of such a person.

"(III) Soliciting contributions for a particular candidate by substantially directing the solicitations to other officers, employees, or agents of such a person.

"(D) Nothing in this paragraph shall prohibit—

"(i) bona fide joint fundraising efforts conducted solely for the purpose of sponsorship of a fundraising reception, dinner, or other similar event, in accordance with rules prescribed by the Commission, by—

"(I) 2 or more candidates;

"(II) 2 or more national, State, or local committees of a political party within the meaning of section 301(4) acting on their own behalf; or

"(III) a special committee formed by 2 or more candidates, or a candidate and a national, State, or local committee of a political party acting on their own behalf; or

"(ii) fundraising efforts for the benefit of a candidate that are conducted by another candidate.

When a contribution is made to a candidate through an intermediary or conduit, the intermediary or conduit shall report the original source and the intended recipient of the contribution to the Commission and to the intended recipient."

SEC. 223. CONTRIBUTIONS BY DEPENDENTS NOT OF VOTING AGE.

Section 315 of FECA (2 U.S.C. 441a), as amended by section 217, is amended by adding at the end thereof the following new subsection:

"(1) For purposes of this section, any contribution by an individual who—

"(1) is a dependent of another individual; and

"(2) has not, as of the time of such contribution, attained the legal age for voting for elections to Federal office in the State in which such individual resides,

shall be treated as having been made by such other individual. If such individual is the dependent of another individual and such other individual's spouse, the contribution shall be allocated among such individuals in the manner determined by them."

Subtitle D—Reporting Requirements

SEC. 231. REPORTING REQUIREMENTS.

(a) PERIODS FOR REPORTING.—(1) Section 304(b)(2) of FECA (2 U.S.C. 434(b)(2)) is amended by striking "for the reporting period and calendar year," and inserting "for the reporting period and calendar year in the case of committees other than authorized committees of a candidate, and for the reporting period and election cycle in the case of authorized committees of candidates,".

(2) Section 304(b)(4) of FECA (2 U.S.C. 434(b)(4)) is amended by striking out "for the reporting period and calendar year," and inserting in lieu thereof "for the reporting period and calendar year in the case of committees other than authorized committees of a candidate, and for the reporting period and election cycle in the case of authorized committees of candidates,".

(3) Section 304(b)(3) of FECA (2 U.S.C. 434(b)(3)) is amended by inserting "(within the election cycle in the case of authorized committees)" after "calendar year" in subparagraphs (A), (F), and (G) thereof.

(4) Section 304(b)(5)(A) of FECA (2 U.S.C. 434(b)(5)(A)) is amended by inserting after "(within the election cycle in the case of authorized committees)" after "calendar year".

(5) Section 304(b)(6)(A) of FECA (2 U.S.C. 434(b)(6)(A)) is amended by striking out "calendar year" and inserting in lieu thereof "election cycle".

(b) PERSONAL AND CONSULTING SERVICES.—Section 304(b)(5)(A) of FECA (2 U.S.C. 434(b)(5)(A)) is amended by adding before the semicolon at the end thereof the following: ", except that if a person to whom an expenditure is made is merely providing personal or consulting services and is in turn making expenditures to other persons (not including employees) who provide goods or services to the candidate or his authorized committees, the name and address of such other person, together with the date, amount and purpose of such expenditure shall also be disclosed".

TITLE III—FEDERAL ELECTION COMMISSION

SEC. 301. USE OF CANDIDATES' NAMES.

Section 302(e)(4) of FECA (2 U.S.C. 432(e)(4)) is amended to read as follows:

"(4)(A) The name of each authorized committee shall include the name of the candidate who authorized the committee under paragraph (1).

"(B) A political committee that is not an authorized committee shall not include the name of any candidate in its name in such a context as to suggest that the committee is an authorized committee of the candidate or that the use of the candidate's name has been authorized by the candidate."

SEC. 302. REPORTING REQUIREMENTS.

(a) OPTION TO FILE MONTHLY REPORTS—Section 304(a)(2) of FECA (2 U.S.C. 434(a)(2)) is amended—

(1) in subparagraph (A) by striking "and" at the end thereof;

(2) in subparagraph (B) by striking the period at the end thereof and inserting "; and"; and

(3) by inserting the following new subparagraph at the end thereof:

"(C) in lieu of the reports required by subparagraphs (A) and (B), the treasurer may file monthly reports in all calendar years, which shall be filed no later than the 15th day after the last day of the month and shall be complete as of the last day of the month, except that, in lieu of filing the reports otherwise due in November and December of any year in which a regularly scheduled general election is held, a pre-general election report shall be filed in accordance with subparagraph (A)(i), a post-general election report shall be filed in accordance with subparagraph (A)(ii), and a year end report shall be filed no later than January 31 of the following calendar year."

(b) FILING DATE.—Section 304(a)(4)(B) of FECA (2 U.S.C. 434(a)(4)(B)) is amended by striking "20th" and inserting "15th".

SEC. 303. PROVISIONS RELATING TO THE GENERAL COUNSEL OF THE COMMISSION.

(a) ACTION BY THE COMMISSION THROUGH ITS GENERAL COUNSEL.—(1) Section 306(c) of FECA (2 U.S.C. 437c(c)) is amended to read as follows:

"(c)(1) Subject to paragraph (2), all decisions of the Commission with respect to the exercise of its duties and powers under this Act or under chapter 95 or 96 of the Internal Revenue Code of 1986 shall be made by the affirmative vote of 4 members of the Commission.

"(2) On questions relating to—

"(A) the exercise of the Commission's authority under sections 307(a) (3) and (4);

"(B) a determination under section 309(a)(2) concerning whether there is reason to believe that a person may have committed or may be about to commit a violation of law; and

"(C) a determination to initiate or proceed with an investigation,

the general counsel of the Commission shall make a recommendation for action by the Commission, and such action shall be taken upon the affirmative vote of 3 members of the Commission.

"(3) A member of the Commission may not delegate to any person the member's power to vote or any other decisionmaking authority or duty vested in the Commission."

(2) Section 309(a)(2) of FECA (2 U.S.C. 437g(a)(2)) is amended by striking ", by an affirmative vote of 4 of its members,".

(b) VACANCY IN THE OFFICE OF GENERAL COUNSEL.—Section 306(f) of FECA (2 U.S.C. 437c(f)) is amended by inserting at the end thereof the following new paragraph:

"(5) In the event of a vacancy in the office of general counsel, the next highest ranking enforcement official in the general counsel's office shall serve as acting general counsel with full powers of the general counsel until a successor is appointed."

(c) PAY OF THE GENERAL COUNSEL.—Section 306(f)(1) of FECA (2 U.S.C. 437c(f)(1)) is amended—

(1) by inserting "and the general counsel" after "staff director" in the second sentence thereof; and

(2) by striking the third sentence thereof.

SEC. 304. RETENTION OF FEES BY THE COMMISSION.

Section 306 of FECA (2 U.S.C. 437c) is amended by inserting at the end thereof the following new subsection:

"(g) Fees collected by the Commission for copying and certification of records and provision of other materials to the public shall not be covered into the general fund of the Treasury of the United States, but shall be kept in a separate account and shall be available to the Commission, without necessity of an appropriation, for use in carrying out this Act."

SEC. 305. ENFORCEMENT.

(a) BASIS FOR ENFORCEMENT PROCEEDING.—Section 309(a)(2) of FECA (2 U.S.C. 437g(a)(2)) is amended by striking "it has reason to believe that a person has committed, or is about to commit" and inserting "facts have

been alleged or ascertained that, if true, give reason to believe that a person may have committed, or may be about to commit".

(b) AUTHORITY TO SEEK INJUNCTION.—(1) Section 309(a) of FECA (2 U.S.C. 437g(a)) is amended by adding at the end thereof the following new paragraph:

"(13)(A) If, at any time in a proceeding described in paragraph (1), (2), (3), or (4), the Commission believes that—

"(i) there is a substantial likelihood that a violation of this Act or of chapter 95 or chapter 96 of the Internal Revenue Code of 1986 is occurring or is about to occur;

"(ii) the failure to act expeditiously will result in irreparable harm to a party affected by the potential violation;

"(iii) expeditious action will not cause undue harm or prejudice to the interests of others; and

"(iv) the public interest would be best served by the issuance of an injunction,

the Commission may initiate a civil action for a temporary restraining order or a temporary injunction pending the outcome of the proceedings described in paragraphs (1), (2), (3), and (4).

"(B) An action under subparagraph (A) shall be brought in the United States district court for the district in which the defendant resides, transacts business, or may be found."

(2) Section 309(a) of FECA (2 U.S.C. 437g(a)) is amended—

(A) in paragraph (7) by striking "(5) or (6)" and inserting "(5), (6), or (13)"; and

(B) in paragraph (11) by striking "(6)" and inserting "(6) or (13)".

SEC. 306. PENALTIES.

(a) PENALTIES PRESCRIBED IN CONCILIATION AGREEMENTS.—(1) Section 309(a)(5)(A) of FECA (2 U.S.C. 437g(a)(5)(A)) is amended by striking "which does not exceed the greater of $5,000 or an amount equal to any contribution or expenditure involved in such violation" and inserting "which is—

"(i) not less than 50 percent of all contributions and expenditures involved in the violation (or such lesser amount as the Commission provides if necessary to ensure that the penalty is not unjustly disproportionate to the violation); and

"(ii) not greater than all contributions and expenditures involved in the violation".

(2) Section 309(a)(5)(B) of FECA (2 U.S.C. 437g(a)(5)(B)) is amended by striking "which does not exceed the greater of $10,000 or an amount equal to 200 percent of any contribution or expenditure involved in such violation" and inserting "which is—

"(i) not less than all contributions and expenditures involved in the violation; and

"(ii) not greater than 150 percent of all contributions and expenditures involved in the violation".

(b) PENALTIES WHEN VIOLATIONS ARE ADJUDICATED IN COURT.—(1) Section 309(a)(6)(A) of FECA (2 U.S.C. 437g(a)(6)(A)) is amended by striking all that follows "appropriate order" and inserting ", including an order for a civil penalty in the amount determined under subparagraph (A) or (B) in the district court of the United States for the district in which the defendant resides, transacts business, or may be found."

(2) Section 309(a)(6)(B) of FECA (2 U.S.C. 437g(a)(6)(B)) is amended by striking all that follows "other order" and inserting ", including an order for a civil penalty which is—

"(i) not less than all contributions and expenditures involved in the violation; and

"(ii) not greater than 200 percent of all contributions and expenditures involved in the violation,

upon a proper showing that the person involved has committed, or is about to commit (if the relief sought is a permanent or temporary injunction or a restraining order), a violation of this Act or chapter 95 of chapter 96 of the Internal Revenue Code of 1986."

(3) Section 309(a)(6)(C) of FECA (29 U.S.C. 437g(6)(C)) is amended by striking "a civil penalty" and all that follows and inserting "a civil penalty which is—

"(i) not less than 200 percent of all contributions and expenditures involved in the violation; and

"(ii) not greater than 250 percent of all contributions and expenditures involved in the violation."

(c) TIME PERIODS FOR CONCILIATION.—Section 309(a)(4)(A) of FECA (2 U.S.C. 437g(a)(4)(A)) is amended—

(1) in clause (i) by striking "30 days" and inserting "15 days";

(2) in clause (i) by striking "90 days" and inserting "60 days"; and

(3) in clause (ii) by striking "at least 15 days" and inserting "no more than 30 days".

SEC. 307. RANDOM AUDITS.

Section 311(b) of FECA (2 U.S.C. 438(b)) is amended—

(1) by inserting "(1)" before "The Commission"; and

(2) by inserting at the end thereof the following new paragraph:

"(2) Notwithstanding paragraph (1), and subject to the provisions of section 507, the Commission may from time to time conduct random audits and investigations to ensure voluntary compliance with this Act. The subjects of such audits and investigations shall be selected on the basis of criteria established by vote of at least 4 members of the Commission to ensure impartiality in the selection process."

SEC. 308. ATTRIBUTION OF COMMUNICATIONS.

Section 318(a) of FECA (2 U.S.C. 441d(a)) is amended to read as follows:

"(a)(1)(A) Except as permitted under paragraph (2), if—

"(i) any person makes an expenditure or independent expenditure for the purpose of financing a communication expressly advocating the election or defeat of a clearly identified candidate, or solicits a contribution by a communication through a broadcasting station, newspaper, magazine, outdoor advertising facility, mass mailing, or other type of general public political advertising; or

"(ii) an authorized committee registered under section 303 makes a communication of any kind,

the requirements of subparagraph (B) shall be met with respect to such communication.

"(B) For purposes of subparagraph (A), the requirements of this subparagraph are as follows:

"(i) In the case of a broadcast paid for by the candidate, an authorized committee of the candidate, any agent of either, or any other person authorized to make such payment by such candidate or committee, the broadcast shall include a full screen personal appearance by the candidate (or in the case of a radio broadcast, an audio statement by the candidate) in which the candidate states:

"(I) 'I am a candidate for (the office the candidate is seeking) and I have approved the contents of this broadcast'; and

"(II) that the broadcast has been paid for by the candidate, the candidate's authorized committee, or the agent of either, or that the broadcast has been paid for by such other person and authorized by such candidate or committee.

"(ii) In the case of any other communication paid for and authorized by a candidate, an authorized committee of a candidate, or its agents, or any other person authorized by such candidate or committee, the communication shall clearly state that the communication has been paid for by such candidate or authorized committee or by such other person and authorized by such candidate or authorized committee.

"(iii) If the communication is paid for by an independent expenditure, the communication shall clearly state the name of the person who paid for the communication and state that the communication is not authorized by any candidate or candidate's authorized committee.

"(2) The Commission may waive the requirements of paragraph (1) in circumstances in which the inclusion of the required information in a communication would be impracticable."

SEC. 309. FRAUDULENT SOLICITATION OF CONTRIBUTIONS.

Section 322 of FECA (2 U.S.C. 441h) is amended—

(1) by inserting "(a)" before "No"; and

(2) by inserting at the end thereof the following new subsection:

"(b) No person shall—

"(1) make a fraudulent misrepresentation that the person is authorized to solicit or accept a contribution to a candidate or political committee; or

"(2) solicit or accept a contribution to a candidate or political committee unless the person—

"(A) intends to, and does, pay over to the candidate or political committee any contribution received; and

"(B) inform the candidate or political committee of the name of the contributor."

TITLE IV—MISCELLANEOUS

SEC. 401. RESTRICTION OF CONTROL OF CERTAIN TYPES OF POLITICAL COMMITTEES BY INCUMBENTS IN OR CANDIDATES FOR FEDERAL OFFICE.

Section 302 of FECA (2 U.S.C. 432) is amended by adding at the end thereof the following new subsection:

"(j) An incumbent in or candidate for Federal office may not establish, maintain, or control a political committee, other than an authorized committee of the candidate or a committee of a political party."

SEC. 402. POLLING DATA CONTRIBUTED TO A SENATORIAL CANDIDATE.

Section 301(8) of FECA (2 U.S.C. 431(8)), as amended by section 218, is amended by inserting at the end thereof the following new subparagraph:

"(E) A contribution of polling data to a candidate for the office of United States Senator shall be valued at the fair market value of the data on the date the poll was completed, depreciated at a rate not more than 1 percent per day from such date to the date on which the contribution was made.

SEC. 403. MASS MAILINGS.

Section 301 of FECA (2 U.S.C. 431), as amended by section 221(c), is amended by adding at the end thereof the following new paragraph:

"(24) The term 'mass mailing' means newsletters and similar mailings of more than 100 pieces in which the content of the matter mailed is substantially identical, excluding—

"(A) mailings made in direct response to communications from persons to whom the matter is mailed;

"(B) mailings to Federal, State, or local government officials; and

"(C) news releases to the communications media."

SEC. 404. EXTENSION OF TIME PERIOD WHEN FRANKED MASS MAILINGS ARE PROHIBITED.

Section 3210(a)(6) of title 39, United States Code, is amended—

(1) in subparagraph (A)—

(A) by striking clause (i) and inserting the following:

"(i) if the mass mailing is mailed during the calendar year of any primary or general election (whether regular or runoff) in which the Member is a candidate for reelection; or"; and

(B) in clause (ii)(II) by striking "fewer than 60 days immediately before the date" and inserting "during the year"; and

(2) in subparagraph (C) by striking "fewer than 60 days immediately before the date" and inserting "during the year".

SEC. 405. EFFECTIVE DATE.

Except as otherwise provided in this Act, the amendments made by, and the provisions of, this Act shall take effect on the date of the enactment of this Act but shall not apply with respect to activities in connection with any election occurring before January 1, 1993.

SEC. 406. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Commission such sums as may be necessary to carry out its functions under this Act.

The PRESIDING OFFICER. The majority leader.

Mr. MITCHELL. Mr. President, following up on our colloquy, for the information of the distinguished Republican leader and other interested Senators, what I anticipate will occur today is that we are on the bill, we would present our substitute amendment, and there would be debate only on the entire subject matter during the course of the rest of the day. I would not want to preclude a Senator from offering an amendment, but many Senators have on their schedules events involving the visit of the Queen this evening. I would not want to have, nor do I expect anyone to request, a rollcall vote on any matter this evening.

So, if we could have an agreement, we will offer the substitute amendment, we will proceed to the opening statements and such debate as Senators may wish to engage in, but there will be no rollcall votes this evening. Those could begin, however, as early as tomorrow morning, depending upon the status of amendments at that time.

Mr. DOLE. The majority leader and I are in complete accord with that. We have a number involved on this side, too, starting at about 4 o'clock. So we hope we might have debate, get some of the opening statements completed, but no votes.

Mr. President, I yield the floor.

Mr. MITCHELL. Mr. President, accordingly, pursuant to our most recent colloquy, I ask unanimous consent that the only amendment in order today be the amendment by Senator BOREN and others, the substitute amendment to be offered shortly.

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

Mr. MITCHELL. Mr. President, I would just like to say, before yielding the floor to my distinguished colleague, that the recognized leader in the U.S. Senate, and indeed in the Nation on the subject of campaign finance reform is, in my judgment, the distinguished Senator from Oklahoma [Mr. BOREN]. Senator BOREN has been a clear, consistent, and persuasive voice for reform for much of the past decade.

What progress has been made, and I believe there has been substantial, is largely attributable to his efforts. I am very pleased to join this effort with him, to commend him for what he has done, and to look forward, with him, to a time when this becomes law and we can all turn our attention to other matters.

I yield the floor now, Mr. President.

The PRESIDING OFFICER. The Republican leader.

Mr. DOLE. Mr. President, I, too, would add my commendations to the distinguished Senator from Oklahoma [Mr. BOREN]. Certainly going back to the time when Senator Goldwater and Senator BOREN were working together a number of years ago, this has been a very sensitive, very difficult issue, because it affects Members, and sometimes we view these things differently when they directly affect us. So I certainly join the majority leader.

I also indicate, and I think the RECORD should reflect, that on this side of the aisle, the distinguished Senator from Kentucky [Mr. MCCONNELL] probably knows more about campaign reform or about present laws and has more ideas on how we can reform the system than anyone on this side of the aisle. Certainly his assistance has been invaluable and will be throughout this debate. He will, in effect, be the point man on this side of the aisle, along with the distinguished Senator from Alaska [Mr. STEVENS] who is the ranking Republican on the Rules Committee.

I might first make just a brief statement, if that will be all right with the Senator from Oklahoma. I would like to take a few moments before the substitute is laid down to highlight the Republican approach, because there is a Democratic approach and there is a Republican approach. We are going to try to come together. I am not certain it is possible, but we are going to try.

Earlier this year, Senate Republicans introduced three separate comprehensive campaign finance reform bills. I also introduced a fourth bill, S. 7, which offers an eight-point recipe for leveling the playing field for congressional challengers.

Some of the procompetition ingredients in S. 7 include a partial ban on the rollover of campaign funds; a challenger's seed money account designed to give viable challengers a much-needed jump-start in the early stages of their campaigns; and free television and radio time for Senate candidates. With a reelection rate of 97 percent, no one can deny that the rules of the campaign finance game are tilted in favor of the incumbent. Any proposal that bears the name reform must level the political playing field and give challengers a fighting chance.

In addition to improving competition in politics, the Republican campaign finance bills also share the following three goals: First, reducing the influence of so-called special interests; second, slowing down the money chase associated with campaign fundraising; and third, strengthening the role of the political parties.

Last year, the majority leader and I appointed a six-member bipartisan panel of campaign finance experts. In its much heralded report, the bipartisan panel suggested a flexible approach to limiting campaign spending. This flexible approach is premised on the view that there is a big difference between the good money in politics and the bad money, and we should not try to disturb the good money, but we ought to try to preclude the bad money. It is perception. The bad money is perceived to have a corrupting effect on the political process.

One bill I introduced builds on this premise by proposing a concept called flexible fundraising targets. Using the bipartisan panel's good money/bad money distinction, the flexible fundraising targets place an aggregate cap on contributions from the so-called bad money sources. These would be personal funds, out-of-State contributions in excess of $250, and political action committee contributions. The flexible fundraising targets on the other hand would not cap contributions from the good money sources. The good money sources include in-State individual donations and out-of-State contributions of $250 or less.

This is my view. It may not be a view held by the majority on this side or anyone on the other side, but it is one approach. I have gone back to these experts and said, have you any more ideas? So far I have heard from, I think, two. They said, we are out of ideas. There are only so many things you can do and then you have to make some tough choices.

It seems to me this may offer some opening. Maybe it will not work when we start to review it. What we are in effect trying to do is get at the special interest problem or perception. If perception becomes a reality, then it is a problem. The real issue, in my view, is not the amount of money spent in campaigns. The real issue is where the money comes from, the sources of contributions.

I do not see why individuals in my State, for example, should have any limit as long as they want to give $5,

$10, $100, $500, if I were running for reelection, to my campaign. To me that is good money. That is in my State. They live there. They are residents. They have interests there. They have jobs there. They may have businesses there. So I think that is the good money part.

Mr. President, I might add, my reform bill takes another swipe at special interests by banning PAC contributions outright, which has been a key part of the Republican reform program from the beginning. Mr. President, the Republican reform proposal will also slow down the money chase associated with campaign fundraising.

Both my bill and Senator MCCONNELL's bill, for example, lower the contribution limit from out-of-State residents from $1,000 to $500. This eliminates the incentive for Members to spend valuable time traveling outside their home States to raise campaign funds. Both bills also offer deep discounts for television broadcasting time. Lower broadcasting costs will inevitably reduce the pressure on candidates to look for new sources of campaign funding.

Finally, Mr. President, Republicans believe that the best way to get more resources to cash-strapped challengers is to increase the limits on what the two parties can give to their candidates.

We have a Democratic Party and a Republican Party. We are trying to strengthen the party system. Everyone is for it. We ought to have more participation. It goes without saying the political parties have one primary focus: That is, electing their own candidates and defeating the candidates of the other party.

If we are really serious about improving competition in politics, then we ought to be strengthening, not weakening, the one institution that has a vested interest for removing incumbents, the political parties, Democrat and Republican.

Mr. President, there is at least one goal the Republicans do not share with the Democrats, and that is the goal of financing political campaigns with taxpayer dollars. With the Presidential election fund teetering on the brink of bankruptcy, it has become all too apparent the American people simply have no appetite to finance political campaigns with their own hard-earned tax dollars. Public financing is a nonstarter with Republicans, and it is a nonstarter with the American people.

If I might just anticipate a question, the Senator from Kansas accepted public financing when he was running for President. The answer is yes, I did. It has been 3 years since I left that race. I am still under the scrutiny of auditors. I think they may have retired and have some new ones by now. It just occurs to me—we had public financing for those few Presidential candidates, and for many the audits have not even started—if we had audits for 100 Senators, more than that, all the candidates for the Senate and all the candidate for the House, I am not certain whether there will be a building large enough to house the Federal Elections Commission in Washington, DC, or anywhere in the area.

So it seems to me we ought to take a look at public financing of Presidential campaigns.

Unfortunately, S. 3, the Democratic campaign finance reform bill makes public financing its centerpiece. It includes such public financing goodies as broadcast vouchers equalling 20 percent of the general election spending limit, reduced postal rates and taxpayer payments with something called the Senate Election Campaign Fund. Unbelievably, this bill does not specify how the broadcast vouchers are to be financed. That is something we have to find out, and fairly soon. You can bet when it is all said and done, it is going to be financed by the taxpayers and they are going to end up footing the voucher bill.

Last year, I printed a chart in the CONGRESSIONAL RECORD which summarized the minimum amount of taxpayer financing required by the bill from my colleagues on the other side. According to my arithmetic, the total cost of a 6-year election cycle would exceed $110 million. That assumes the availability of 20-percent vouchers and reduced first-class postal rates and, in my view, it is a very conservative estimate since it does not take into account taxpayer grants given to a candidate whose opponents exceed S. 3 spending limits.

So, Mr. President, I think we all look forward to a lively debate, but a debate where we can offer our proposals, offer our amendments, maybe move to strike certain provisions of the substitute and replace it with others. Republicans will have a series of amendments that will highlight the difference between our approach and the spending limits and public financing approach of S. 3.

Although I have no illusion about which bill will pass the Senate when we finally get to a vote, I assume if it is going to be a party line it is going to be S. 3. I hope there will be a bipartisan effort to try to come together on some of the key provisions.

I am also convinced that the American people will come to learn this well-kept secret as the debate unfolds in the Senate. In other words, which one has the superior package. I think that untold secret is we have the superior package on this side of the aisle.

I ask unanimous consent that a section-by-section analysis of the Republican reform bill, S. 6, be printed in the RECORD immediately after my remarks.

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

(See exhibit 1.)

Mr. DOLE. I also ask unanimous consent that a copy of the public financing chart be printed in the RECORD as well, at the conclusion of my remarks.

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

(See exhibit 2.)

Mr. DOLE. Mr. President, I know some have great expectations about what we may finally come up with in campaign finance. There is no doubt about it, there is too much money being spent in campaigns for the Senate, for the House, for the President, for Governor, for nearly every other office in every State in the United States of America. So we need to determine in the best possible way how we can, in effect, ban the bad money and not limit the good money. That is the approach we would much prefer on this side of the aisle.

No one likes to raise—at least no one I ever met—likes to raise money, likes to ask their friends or stay on the telephone and make telephone calls raising money for fundraisers. It just seems to me we need to find some way. We are convinced, though it may sound good in a 30-second spot, you cannot just put a limit and say, well, everybody spent the same, then we do not have any problem or, if we took it from the taxpayer then we would not have any problem. That is certainly not the view of the American people and certainly not the view of nearly every Member on this side of the aisle. Mr. President, I yield the floor.

EXHIBIT 1

SECTION-BY-SECTION ANALYSIS—THE COMPREHENSIVE CAMPAIGN FINANCE REFORM AND ETHICS ACT OF 1991

Section 1. Short Title.—This Act may be cited as "The Comprehensive Campaign Finance Reform and Ethics Act of 1991."

TITLE I—FLEXIBLE FUNDRAISING TARGETS

This Title adopts the "flexible" approach advocated by the Bipartisan Panel of Experts, which was commissioned in February 1990 by Senators Dole and Mitchell. The Title establishes aggregate state-by-state fundraising targets based on voting age population for the primary and general elections. The fundraising targets would cap contributions from political action committees (if the PAC-ban is declared unconstitutional), personal funds, and contributions from out-of-state individuals in excess of $250.

Flexible Component.—Exempts from the aggregate cap donations from in-state individuals. Exempts donations of $250 or less from out-of-state individuals.

Voluntary.—Acceptance of "flexible" fundraising targets would be voluntary. Participating candidates would be entitled to reduced broadcast rates (see section 501).

Application.—Applies to participating candidates for the Senate in 1994, 1996, and 1998.

Bipartisan Commission.—Establishes a Bipartisan Commission to review effects of "flexible fundraising targets on campaign spending and the cost of campaigns during the 1994 and 1996 elections to the Senate. Requires the Bipartisan Commission to submit

a report to Congress outlining its findings on or before November 7, 1997.

Sunset Provision.—This Title "sunsets" after the 1998 elections to the Senate. At that time, flexible fundraising targets would expire, unless re-enacted by Congress.

TITLE II—ETHICS-IN-GOVERNMENT

Section 201. Public Disclosure of Congressional Intervention in Enforcement Actions.—This section has two parts:

a. Part A requires all federal agencies (independent agencies and executive branch departments) to disclose unwritten (i.e. telephonic, personal, etc.) Congressional contacts with the agency concerning (a) potential or ongoing enforcement matters and (b) proceedings related to the award of agency contracts. The section requires each agency to compile a monthly list specifying (a) the source of the contact, (b) the stated purpose of the contact, (c) any information requested or actions suggested to the agency, and (d) any other pertinent information. The agencies are required to submit these lists to the Congressional committees of jurisdiction. The Congressional committees are then required to submit these lists for publication in the Congressional Record on a semi-annual basis.

Comment: Part A basically extends to all federal agencies the Banking Committee policy requiring the public disclosure of Congressional contacts with the FDIC.

b. Part B requires all federal agencies (independent agencies and executive branch departments) to incorporate all written Congressional communications into the appropriate Public File of (a) any potential or ongoing enforcement action, (b) any proceeding relating to the award of an agency contract. Agency responses to the Congressional communications must also be incorporated into the Public File.

Comment: Part B reflects the policy of the Federal Energy Regulatory Commission.

TITLE III—REDUCTION OF SPECIAL INTEREST INFLUENCE

Subtitle A—Elimination of Political Action Committees From Federal Election Activities

Section 301. Ban on Activities of Political Action Committees in Federal Elections.—This section eliminates all "special interest" political action committees (corporate, union, and trade association PACs). This section also bans all non-connected or ideological PACs and all "leadership" PACs. [Note: if a ban on non-connected PACs is determined to be unconstitutional by the Supreme Court, the legislation will subject non-connected PACs to a $1000 contribution limit.]

Subtitle B—Ban on Soft Money in Federal Elections

Section 311. Ban on Soft Money.—This section bans all "soft" money from being used to influence a federal election. "Soft" money is the raising and spending of political money outside of the source restrictions, contribution limits, and disclosure requirements of the Federal Election Campaign Act and its regulations.

Section 312. Restrictions on Party Committees.—This section establishes new rules for political party committees to ensure that "soft" money is not used to influence federal elections, including:

(1) the requirement that national, state and local political parties establish a separate account for activities benefiting federal candidates and a separate account for activities benefiting state candidates;

(2) the requirement of full disclosure of all accounts by any political party committee that maintains a federal account; and

(3) the establishment of minimum percentages of federal funds which must be used for any party building program (e.g. voter registration, get-out-the-vote, absentee ballot, ballot security) which benefits both federal and state candidates.

Section 313. Protection for Employees.—This section codifies the Supreme Court decision in Beck and provides certain rights for employees who are union members.

[S. 1645 (McConnell); S. 1727 (Bush); House Republican Task Force]

Section 314. Restrictions on Soft Money Activities of Tax-Exempt Organizations.—This section prohibits tax-exempt, 501(c) organizations from engaging in any activity which attempts to influence a federal election on behalf of a specific candidate for public office. This section accomplishes this goal by extending to all 501(c) organizations the current prohibition on campaign activity which applies to 501(c)(3) charities. [Note: the effective date for this provision will be September 1, 1991.]

Section 315. Denial of Tax-Exempt Status for Certain Politically Active Organizations.—This section restricts tax-exempt organizations from engaging in voter registration or GOTV activities (which are not candidate-specific) if a candidate or Member of Congress solicits money for the organization. [S. 2148 (McConnell)].

Section 316. Contributions to Certain Political Organizations Maintained by a Candidate.—This section restricts federal activities by state PACs created by Members of Congress [S. 2148 (McConnell)].

Subtitle C—Other Activities

Section 321. Modification of Contribution Limits on Individuals.—This section reduces from $1000 to $500 the maximum allowable contribution by individuals residing outside of a candidate's state.

This section also indexes the individual contribution limit ($1000 per election for in-state contributions or $500 per election for out-of-state contributions) for Congressional candidates using the Consumer Price Index; adjustments would be rounded to the nearest $100. [Mitchell/Dole Panel Recommendation (modified)]

Section 322. Political Parties.—This section exempts certain organizational activities (research, GOTV, voter registration) from coordinated or other limitations; requires disclosure and allocation for these activities; and retains the same coordinated expenditure limits for media expenditures. [Mitchell/Dole Panel Recommendation]

This section raises contributions to political parties from the $25,000 annual limit to $50,000 [Modified Mitchell/Dole Panel Recommendation]

Section 323. Contributions Through Intermediaries and Conduits.—This section prohibits "bundling" by registered lobbyists, unions, trade associations, corporations, and other employers. Bundled contributions which are permitted must be made payable to the candidate and disclosed to the candidate and the Federal Election Commission [Mitchell/Dole Panel Recommendation; S. 1727 (Bush)]

Section 324. Independent Expenditures.—This section requires all independently-financed political communications to disclose the person or organization financing it; requires that disclosure be complete and conspicuous; and requires timely notice to all candidates of the communications' placement and content. [S. 7 (Dole-McConnell-Stevens); House Republican Task Force]

This section also defines "independent expenditures" to prohibit consultation with a candidate or his agents; requires the FEC to hold hearing within 3 days of any formal complaint of collusion between an independent expenditure committee and a candidate. [S. 7 (Dole-McConnell-Stevens); House Republican Task Force]

Finally, this section creates an expedited cause of action in federal courts for a candidate seeking relief from expenditures which are not "independent." [Mitchell/Dole Panel Recommendation]

TITLE IV—INCREASE OF COMPETITION IN POLITICS

Subtitle A—General Provisions

Section 401. Seed Money for Challengers.—This section permits political party committees to use a special coordinated expenditure fund to "match" early, in-state contributions by challengers to help begin a campaign. Party committee matching funds would be permitted to a maximum of $150,000 for House challengers and $250,000 for Senate challengers. [Ornstein (modified)]

Section 402. Opposition Research Fund.—This section allows the Congressional campaign committees and the Senatorial campaign committees to establish an "opposition research fund" in connection with a primary or general election for Senate and House challengers. The "opposition research fund" would be financed by the committees up to $50,000. The purpose of the fund is to allow the recognized challenger of a Senate or House incumbent to establish an office and hire staff. Funds for the office and staff must be earmarked exclussively for research into the voting/public record of the incumbent.

Section 403. Ban on Roll-Over of Campaign Funds.—This section prohibits the roll-over of all surplus House and Senate campaign funds existing on November 7, 1994. Effective November 7, 1994, House Members may roll-over an amount not to exceed $50,000, and Senate Members may roll-over an amount not to exceed $100,000.

This section also prohibits State officials from rolling-over State campaign funds for use in a federal election. In the case of a candidate for the House of Representatives, surplus State campaign funds may be rolled-over in an amount *not* to exceed $50,000. In the case of a candidate for Senate, surplus State campaign funds may be rolled-over in an amount *not* to exceed $100,000.

Surplus campaign funds may be 1) transferred to a tax-exempt 501(c)(3) organization, b) refunded to contributors on a *pro rata* basis, or c) paid into the Treasury of the United States and applied to the account to reduce the public debt.

Section 404. Use of Campaign Funds.—This section prohibits Members from supplementing their official office accounts with campaign funds. [S. 1727 (Bush)]

Section 405. Truth-in-Incumbency.—This section allows the State political parties to finance television and radio ads out of their federal accounts for the purpose of discussing the voting/public record of the Senate incumbent. These State-party financed ads may be aired at any time prior to the date of the primary election or the date on which the State party nominates its own candidate, whichever is earlier. The ads may not name or mention the State party's own prospective candidate. They may only discuss the voting/public record of the Senate incumbent. State-party financed ads must be at least 1 minute in length.

Section 406. Candidate Expenditures From Personal Funds.—This section requires congressional candidates to declare upon filing for an election whether they intend to spend or loan over $250,000 in personal funds in the race; raise the individuals contribution limit to $5000 per election from $1000 for all opponents of a candidate who declares such an intention. No limits would apply to individual contributions and expenditures by party committees if a candidate spends more than $1 million in personal funds. [S.—(Domenici); S.7 (Dole-McConnell-Stevens) (modified)]

This section also prohibits candidates from recovering personal funds or loans used in their race from contributions raised after the election. [S.332 (McConnell)]

Section 407. Limitations on Gerrymandering.—This section requires new standards for Congressional reapportionment and redistricting, including the full and fair enforcement of the Voting Rights Act. This provision will: (1) codify current case law and maintain previous statutory requirements that Congressional districts be of equal population, and be contiguous and compact in form; (2) repeal current statutory provisions permitting multi-member Congressional districts; and (3) limit the division of county and political subdivision boundary lines, as well as redistricting egregious partisan gerrymandering. [S. 1727 (Bush); House Republican Task Force]

Section 408. Election Fraud and Other Public Corruption.—This section creates a new public corruption statute which codifies current case law and increases the authority of the U.S. Justice Department to combat election fraud at all levels of government. [S.—(Biden-McConnell)]

Subtitle B—Congressional Mass Mailings

Section 411. Franked Communications.—This section prohibits Members of Congress from conducting franked mass mailings during an election year and prohibits franking transfers to a Member up for re-election. This section also requires the quarterly publication in the Congressional Record of 1) the total number of pieces of mass mail sent by each Member, 2) the total cost of the mailing, and 3) all franking transfers, including information related to a) the name of the office to which the transfer was received, b) the amount of the transfer, c) the amount of the allocation made to the office for the fiscal year, d) the total amount of allocations that have been transferred by and to the office to date during the fiscal year, and e) the amount of the transfer remaining available to the office for the fiscal year. This section is based on an amendment offered last year by Senator Don Nickles.

TITLE V—REDUCTION OF CAMPAIGN COSTS

Section 501. Broadcast Discount.—This section allows Presidential and Congressional candidates to purchase non-preemptible time at the lowest unit rate for preemptible time, in the last 45 days before a primary and the last 60 days before the general election. [S. 1009 (Danforth-Hollings); S. 744 (McConnell); S.7 (Dole-McConnell-Stevens)]

TITLE VI—MISCELLANEOUS PROVISIONS

Subtitle A—Federal Election Commission Enforcement Authority

Section 601. Elimination of Reason to Believe Standard.—This section eliminates the "reason to believe" standard. The Commission, upon receiving a complaint, will have to investigate a complaint if the identity of the complainant is known, and the complaint is sufficient on its face. [S. 16556 (McConnell-Reid)]

Section 602. Injunctive Authority.—This section provides the FEC the authority to seek injunctive relief to stop certain violations or an impending violation. [S. 1655 (McConnell-Reid)]

Section 603. Time Periods.—This section streamlines the administrative procedures for a complaint brought by the Commission by eliminating the minimum waiting period of 30 days and lowering the maximum period for post-probable cause conciliation bargaining to 60 days. [S. 1655 (McConnell-Reid)]

Section 604. Knowing Violation Penalties.—This section increases the penalties for knowing and willful violations which are resolved informally and requires these penalties to be mandatory. [S. 1655 (McConnell-Reid)]

Section 605. Court Resolved Violations and Penalties.—This section increases the penalty for violations that must be resolved in court and requires the penalty to be mandatory. [S. 1655 (McConnell-Reid)]

Section 606. Private Civil Actions.—This section permits a candidate, or a person authorized by a candidate, to sue on a complaint whenever the Commission declines to pursue an alleged violation by a tie vote. In such an action, the complainant may bring suit in U.S. District Court and any monetary award would be made in favor of the United States. The prevailing party would collect attorney's fees from the loser to discourage frivolous suits. [S. 1655 (McConnell-Reid)]

Section 607. Knowing Violations Resolved in Court.—This section increases the penalties for knowing and willful violations resolved in court. [S. 1655 (McConnell-Reid)]

Section 608. Action on Complaint by Commission.—This section reduces the time period by which the Commission must act on a complaint from 120 to 60 days. [S. 1655 (McConnell-Reid)]

Section 609. Violation of Confidentiality Requirements.—This section increases the fines for violations of the confidentiality requirement. [S. 1655 (McConnell-Reid)]

Section 610. Penalty in Attorney General Actions.—This section increases the penalties for violations of the election laws where the Attorney General separately prosecutes. [S. 1655 (McConnell-Reid)]

Section 611. Amendments Relating to Enforcement and Judicial Review.—This section implements several procedural recommendations proposed by the Mitchell/Dole Panel on Campaign Finance Reform. This section will:

Provide the Commission with more authority to informally resolve both complaint- and internally-generated investigations before any determination by the Commission;

Provide respondents with more access to documents provided by third parties in an investigation;

Provide respondents with access to any report submitted to the Commission by the General Counsel after the respondent has filed his or her brief;

Provide respondents with the right to present oral arguments before a Commission finding of probable cause;

Eliminate the ability of the Commission to routinely require admissions by the respondent that a violation has occurred; and

Establish time limits for investigations and require the Commission to publish an index of all investigations which have been concluded. [Mitchell/Dole Panel Recommendation]

Section 612. Tightening Enforcement.—This section repeals the shortened 3 year statute of limitations for violations of the Act and returns to the general 5 year statute of limitations. This section also permits the Attorney General to have access to FEC compliance files pursuant to a criminal investigation or trial. [S/ 1727 (Bush)]

Subtitle B—Telephone Voting by Persons with Disabilities

This Subtitle directs the Federal Election Commission to conduct a feasibility study of telephonic voting by persons with disabilities who are physically unable to go to the polls. The FEC shall conduct the study in consultation with State and local election officials, representatives of the telecommunications industry, representatives of persons with disabilities, and other concerned members of the public. The study must describe procedures and equipment that may be used to ensure that (1) only those persons who are entitled to use the system are permitted to use it, (2) the votes of persons who use the system are recorded accurately and remain secret, (3) the system minimizes the possibility of vote fraud, and (4) the system minimizes the financial costs that State and local governments would incur in establishing and operating the system.

Subtitle C—Other Provisions

Section 621. Disclosure of Debt Settlement and Loan Security Agreements.—This section clarifies FEC rules on campaign credit, loans, and debt settlement. [House Republican Task Force]

Section 622. Contributions for Draft and Encouragement Purposes With Respect to Elections for Federal Office.—This section defines "contribution" to include donations made to draft or exploratory committees advocating that a clearly identified individual becomes a candidate for federal office. [House Republican Task Force]

Section 623. Severability.—This section provides that if any portion of this Act is found to be invalid, then the remaining portions of the Act shall continue in full force and effect.

Section 624. Effective Date.—This section requires the Act to be effective upon enactment, unless a specific section provides otherwise.

EXHIBIT 2—PUBLIC FINANCING—BOREN/MITCHELL SUBSTITUTE—6-YEAR ELECTION CYCLE

State	General election spending limit	Broadcast vouchers (20 percent)	Postal subsidies	Total public financing		
				1 candidate, 1 election	2 candidates, 1 election	2 candidates, 2 elections
Alabama	$1,303,000.00	$260,600.00	$195,450.00	$456,050.00	$912,100.00	$1,824,200.00
Alaska	950,000.00	190,000.00	142,500.00	312,500.00	665,000.00	1,330,000.00
Arizona	1,172,500.00	234,500.00	175,675.00	410,375.00	820,750.00	1,641,500.00
Arkansas	950,000.00	190,000.00	147,500.00	332,500.00	665,000.00	1,330,000.00
California	5,500,000.00	1,100,000.00	825,000.00	1,925,000.00	3,850,000.00	7,700,000.00
Colorado	1,135,900.00	227,180.00	170,385.00	397,555.00	795,130.00	1,590,260.00

EXHIBIT 2—PUBLIC FINANCING—BOREN/MITCHELL SUBSTITUTE—6-YEAR ELECTION CYCLE—Continued

State	General election spending limit	Broadcast vouchers (20 percent)	Postal subsidies	Total public financing		
				1 candidate, 1 election	2 candidates, 1 election	2 candidates, 2 elections
Connecticut	1,143,700.00	228,740.00	171,555.00	400,295.00	800,590.00	1,601,180.00
Delaware	930,000.00	190,000.00	142,500.00	332,500.00	665,000.00	1,330,000.00
Florida	3,049,750.00	609,950.00	457,462.50	1,067,412.50	2,134,825.00	4,269,650.00
Georgia	1,759,750.00	351,950.00	263,962.50	615,912.50	1,231,825.00	2,463,560.00
Hawaii	950,000.00	190,000.00	142,500.00	332,500.00	665,000.00	1,330,000.00
Idaho	950,000.00	190,000.00	142,500.00	332,500.00	665,000.00	1,330,000.00
Illinois	2,769,500.00	553,900.00	415,425.00	969,325.00	1,938,650.00	3,877,300.00
Indiana	1,533,250.00	326,650.00	244,987.50	571,637.50	1,143,275.00	2,286,550.00
Iowa	1,039,600.00	207,920.00	155,940.00	363,860.00	727,720.00	1,455,440.00
Kansas	936,200.00	191,240.00	143,430.00	354,670.00	669,340.00	1,339,680.00
Kentucky	1,228,000.00	245,600.00	184,200.00	429,600.00	859,600.00	1,719,200.00
Louisiana	1,332,700.00	266,540.00	199,905.00	466,445.00	932,300.00	1,865,780.00
Maine	950,000.00	190,000.00	142,500.00	332,500.00	665,000.00	1,330,000.00
Maryland	1,459,900.00	291,980.00	218,985.00	610,305.00	1,021,930.00	2,043,860.00
Massachusetts	1,744,000.00	348,800.00	261,600.00	610,400.00	1,220,800.00	2,441,600.00
Michigan	2,307,250.00	451,450.00	346,087.50	807,537.50	1,615,075.00	3,230,150.00
Minnesota	1,367,200.00	273,440.00	205,080.00	478,520.00	957,040.00	1,914,080.00
Mississippi	955.600.00	191,120.00	143,340.00	334,460.00	668,920.00	1,337,840.00
Missouri	1,555,200.00	311,240.00	223,430.00	544,870.00	1,089340.00	2,178,680.00
Montana	950,000.00	190,000.00	142,500.00	332,500.00	685,000.00	1,330,000.00
Nebraska	950,000.00	190,000.00	142,500.00	332,500.00	665,000.00	1,330,000.00
Nevada	950,000.00	190,000.00	142,500.00	332,500.00	665,000.00	1,330,000.00
New Hampshire	950,000.00	190,000.00	142,500.00	332,500.00	665,000.00	1,330,000.00
New Jersey	3,656,350.00	731,270.00	548,452.50	1,279,722.50	2,559,445.00	5,118,890.00
New Mexico	950,000.00	190,000.00	142,500.00	332,500.00	660,000.00	1,330,000.00
New York	4,000,000.00	800,000.00	600,000.00	1,400,000.00	2,800,000.00	5,600,000.00
North Carolina	1,872,250.00	366,450.00	274,837.50	641,287.50	1,282,575.00	2,565,150.00
North Dakota	950,000.00	190,000.00	142,500.00	332,500.00	665,000.00	1,330,000.00
Ohio	2,622,500.00	524,500.00	393,375.00	917,875.00	1,835,750.00	3,671,500.00
Oklahoma	1,111,300.00	222,260.00	166,595.00	338,355.00	777,910.00	1,555,820.00
Oregon	1,036,900.00	207,380.00	155,535.00	362,915.00	725,830.00	1,451,560.00
Pennsylvania	2,899,750.00	579,950.00	434,962.50	1,014,912.50	2,029,825.00	4,059,650.00
Rhode Island	950,000.00	190,000.00	142,500.00	332,500.00	665,000.00	1,330,000.00
South Carolina	1,167,400.00	233,480.00	175,110.00	405,590.00	817,180.00	1,634,360.00
South Dakota	950,000.00	190,000.00	142,500.00	332,500.00	665,000.00	1,330,000.00
Tennessee	1,505,500.00	301,100.00	225,825.00	526,925.00	1,053,850.00	2,107,700.00
Texas	3,603,500.00	721,900.00	541,425.00	1,263,325.00	2,526,650.00	5,053,300.00
Utah	950,000.00	190,000.00	142,500.00	332,500.00	665,000.00	1,330,000.00
Vermont	950,000.00	190,000.00	142,500.00	332,500.00	565,000.00	1,330,000.00
Virginia	1,753,750.00	350,750.00	263,062.50	613,812.50	1,227,625.00	2,455,250.00
Washington	1,463,500.00	292,700.00	219,525.00	512,220.00	1,024,450.00	2,048,500.00
West Virginia	950,000.00	190,000.00	142,500.00	332,000.00	655,000.00	1,320,000.00
Wisconsin	1,483,600.00	295,720.00	222,540.00	519,260.00	1,038,520.00	2,077,040.00
Wyoming	950,000.00	190,000.00	142,500.00	332,500.00	655,000.00	1,330,000.00
Total	78,656,300.00	15,731,260.00	11,798,445.00	27,529,705.00	55,059,410.00	110,118,820.00

2-year election cycle—totals

Broadcast vouchers (20 percent)	$20,975,013.00
Postal subsidies	15,731,260.00
Total public financing	36,706,273.00

Mr. BOREN addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. BOREN. Mr. President, I thank the distinguished minority leader for the kind remarks which he made about my involvement in this issue, and I also want to express my appreciation to the majority leader for the comments he made earlier.

This is an American problem we face. It is one that we must work together if we are to reach a final solution. I think all of us realize that we have a Republican in the White House serving as President of the United States who must affix his name, his signature to any act which we pass for it to become law. We understand that we have a majority on the Democratic side of the aisle in both Houses of Congress. For legislation to pass and be sent to the President, it must be legislation which is deemed to be fair by a majority of the Members of the Congress.

In other words, if we are to have a solution to this problem which confronts us, it must be a bipartisan solution. Our two leaders have been having conversations; they have been working together in good faith. The proceedure which has been set forth by the majority leader in stating that he will not try to impose procedures, as long as debate is proceding and business is proceeding in good faith, that would in any way reduce the rights of those on the other side of the aisle to offer proposed changes to our legislation, indicates his good faith. The statements we just heard from the minority leader that the Senate will be allowed to work its will on this important piece of legislation indicate his good will.

So we have a rare opportunity, Mr. President, to do what needs to be done for this country and to try to fashion a bipartisan approach toward a solution to this problem. We are the trustees, in many senses of the word, of our constitutional form of Government. Problems with our system of Government, if they are not corrected by us, our institutions of Government, if they are not kept healthy and vital and strong and functioning as they should, will be a result of our own inaction, our failure to live up to that responsibility that is imposed upon us. If we do not cherish and look after the constitutional form of Government that has been given to us, who will, indeed, cherish it and look after it? If we do not look after the health of the election process, which is the cornerstone of our entire democratic system, if we do not look after the health of that election process, who will, Mr. President? It is our responsibility and we must not wait another week, another month, another year, another decade to deal with this problem.

For almost 10 years now I have been involved with this issue on the floor of the U.S. Senate. As has been said by the two leaders, that effort first began with a joint effort with two distinguished, then senior, Members of the U.S. Senate, Senator Goldwater and Senator Stennis, two highly respected Members of the Senate on both sides of the aisle, who saw that something was badly wrong with the way we were conducting elections in the country and saw the need to change.

It was a privilege to work with them and many others along the path trying to fashion an approach which would gain majority approval in the Senate and in the House resulting in the enactment of legislation to deal with this problem. The distinguished President pro tempore, Senator BYRD, many others have been an important part of the process to try to fashion an answer.

Today we begin the debate with perhaps the most encouraging circumstances for finally achieving victory and crafting a solution that will serve our country well that we have had in the last 10 years in the course of this debate. We are beginning this debate early this year, in the first year of this congress, not in the second year. We have an opportunity to fashion a proposal, to pass it through the Senate,

not in the waning hours of the Congress, but with many, many months still ahead of us available for us to have final action and send a product to the President.

The atmosphere on the other side of the Capitol in the House of Representatives, I am told by my colleagues there who carefully follow this issue, has been much better than it has in the past. The likelihood of passing a strong bill through the House of Representatives this year is much improved.

I have already engaged members of White House staff, including counsel to the President, in discussion, and have engaged to some smaller degree the President himself in discussion about this important issue. I believe there really is a possibility of reaching a final solution and enacting meaningful legislation this year.

That is my goal. It is the goal of those of us on this side of the aisle not to try to craft a partisan issue, not to try to send a piece of legislation to the President for the sake of putting him on the spot, and not trying to draw an issue with the public for political purposes but trying to deal with in a serious and sincere way a cancer that is eating at the heart of the American body politic.

All of us here know that something is badly wrong. When we look at the figures, when we look at the fact that the reelection rate in the Congress itself has been 97 percent in the House last year, as high as 99 percent, 96 percent in the Senate, when the success of challengers attempting to enter the political process is at an alltime low, we understand that somehow the system is not working as it should, that there is not an equal opportunity for new people to break into the system, that the current campaign system is working as an incumbents' protection plan, that there is not a level playing field, that there is something wrong, Mr. President.

When we look at the fact that the amount of money to run successfully for the House and the Senate has been escalating at an alarming rate for the past 2 decades, when we look at the fact that it costs almost $4 million on the average to run a successful campaign for the Senate last year, Mr. President, we all know, every single one of us knows, that something is wrong.

When we think about the time and the attention that it takes to raise that amount of money to successfully run for reelection, and the trips that it takes across the country, and the fundraisers that are held, and the amount of money that has to be collected from people we do not even know, whose reputations we are not even sure about, we know that something is wrong.

We understand that it puts even the Members of this body in jeopardy when they have to raise that kind of money from that many people and in many places, usually ouside their home States, and if those contributors turn out to be people of not high reputation, it reflects on the integrity of the Members of this body and impacts upon the confidence people have in their Government, we know something is wrong.

When we think of the time it takes away from doing the duties we are elected to perform, we know something is wrong. When we think about the fact that Members of Congress are becoming part-time public officials, part-time policymakers, at a time when our country faces a desperate need to rebuild its social and economic strength, we know something is wrong. We must change the system.

When we see the influence of money itself on the system, and we realize that more and more people are being elected not on the basis of their qualifications, not upon the strength of their character, not based upon the ideas they have to confront America's needs, but based upon which one can raise the most money, we know that something is wrong, Mr. President, and it must change.

When we see the undue influence of special interests in the political process, the political action committees and others, and when we see that over half the Members elected to Congress last time received more than half of their campaign contributions not from the people back home at the grassroots from their own States and districts but from people outside their States, principally people of special interest money, we know that something is wrong, Mr. President.

When we see that political action committees last year favored giving to incumbents in House races a rate 16 times as much as to challengers, $16 given to incumbents for every dollar given to challengers, in the Senate $4 given for every dollar to challengers, we know something is wrong with the process, Mr. President.

When we see gifts disguised in the form of soft money donations by groups across this country that serve the interests on both sides of the aisle so that these donations do not have to be attributed, when we see soft money given in the form of contributions to local and State party committees and others in an attempt to influence Federal elections as we saw in the distortion of the Presidential election system by both parties in the last Presidential election with $100,000 donations being given into a system that is supposed to be now free of the taint of large special interest financing, we know that something is wrong, Mr. President. We know that something must be done to change this system.

When we consider the statistics that most of the races for the Senate last year were in small States as opposed to large States, and when we look at the fact that the spending per voter last year continued to climb, going up from the rate of $1.41 per voter spent in 1988 to $1.87 spent per voter in 1990, by successful candidates, we know that something is wrong.

When we see independent expenditures, cold independent expenditures by phony front groups that are, in fact, working hand in glove with candidates to run negative advertising to destroy the character of candidates and not assume responsibility for it, we know something is wrong, Mr. President. When candidates can run ads and hire actors attacking the character of their opponents and never have to assume any responsibility for those ads, there is something wrong, Mr. President, with the system.

It is our responsibility to do something about it. We are the trustees for the American people. We are the keepers of this institution. We are elected by the people of this country to look after their interests, and particularly to preserve the system of government passed on to them.

When the American people have been asked themselves, Mr. President, "What do you want to do about the way campaigns are being run today? How do you feel about it?" Time and time again over 80 percent of the American people have said to us there is too much money pouring into the system, too much influence of money, too much time spent chasing campaign contributions. We want it stopped. We want the money chase stopped. We want basic reform of this system. That is what they have said, majorities in excess of 80 percent every time the American people have been asked.

So, Mr. President, it is time for us to act. We cannot duck and dodge. We cannot evade. It is our responsibility to do something about the system.

Even though it is a system that is now returning 96 percent of the incumbents, those of us who serve in this body, back to the Senate, even though in some ways it favors us with all of our privileges of mass mailing and our ability to raise money, we owe a responsibility to something higher than our own personal political well-being. We owe a responsibility to the democratic process itself, to this institution of government, to the functioning of this Senate which hopefully will be here and remain strong long after those of us who have served here pass from the scene.

We open the drawers of our desks, and by tradition the names of those Senators who have used our desks before are carved into the drawers, the names of the giants in American politics and Government, the Websters, the Clays, the Calhouns, and the Harry Trumans, whose desk I have been privileged to use, and so many others. Now we are here. We have a responsibility to carry on the work which they began.

We have a responbility to hand on this Republic and this institution to our children and our grandchildren undiminished from when it was given to us. And so we must begin to solve the problem.

I am privileged to join with the majority leader and others in introducing a bill that is an honest effort at a comprehensive solution. Mr. President, if we are going to have a solution, it must be a comprehensive one. Above all else, if we are going to have true campaign reform, the heart and soul of that reform is to stop the money chase, to stop the runaway spending, to stop this upward spiral almost like an arms race of who can raise more and more and more money.

It is not only coming from the wrong sources. It is too much money flowing into the process, and it is too much burden being placed upon Members to raise that money. It is causing individual citizens to become cynical and disillusioned about how much they count, the ordinary citizen, the one who cannot come to a thousand dollar plate fundraiser. Do they count for anything? They do count.

Every American must count. And when it comes to choosing our political leaders, every American, Democrat or Republican, North or South, East or West, rich or poor, male or female of any race, religion, or creed must all count and must all have full access to the political process. That will not happen if the political process is dominated principally in terms of the competition by money and not by the facts.

So you cannot have free reform unless you limit the spending. If you do away with one source, you cannot have PAC contributions. But if that is all we are going to do, are we going to limit some other form of contribution? All you will do is have the money that used to come from that source pop up here in another form and bundled individual contributions or in some other way.

There cannot be real reform until we put some kind of limit on overall spending. There cannot be any solution to the problem of a system that is now favoring incumbents unless we put spending limits on. It is the single most important thing we can do to create a level playing field and give challengers a chance, a limit on overall spending. Why? Because it will say look at the record. We are not here hypothesizing.

In the last election, virtually every incumbent was raising a lot more money than the limits in this bill where very few challengers were able to begin to raise the amounts of money that would be necessary. In virtually every election incumbents were able to raise more money than their challengers. Overall, House Members were able to raise eight times as much as challengers. Overall, Senators were able to raise 2.7 times as much.

So you want to give challengers a chance. The only way you can ever do it is put some kind of limit on overall spending. As long as spending is unlimited, it is absolutely impossible to do something about it.

So what do we do in the bill which I am preparing to send to the desk in just a moment? It is a lightly revised version of the bill which has been reported out of the Rules Committee which was first presented to the floor.

The principal change is simply that we have reduced, in an effort to keep the spending and the cost of the bill at an absolute minimum, the value of the vouchers which could be used for those candidates that accept voluntary spending limits from 50 percent down to 20 percent of the spending limit. Those vouchers would be available then to buy television time, media time, and advertising by the candidates.

What do we do? Essentially the bill sets a series of overall spending limits, limits on the amount of money that candidates can spend running for the U.S. Senate. To do that, according to the Supreme Court decision, it must be voluntary. You cannot simply pass a simple bill saying here are the limits State by State. You have to have a system of inducements which candidates can either accept or not on a voluntary basis. In order to have them accept voluntary spending limits, you have to have inducements that are sufficient enough to get them to accept that kind of system. That is what we do.

If they accept the spending limits, they get vouchers worth 20 percent of their total spending limit with which they purchase TV time. They qualify for a 50-percent rate up to a certain amount. They have certain lower mailing costs if they accept the voluntary spending limits.

If their opponents refuse to accept the spending limits and go over the total amount allowed in terms of a limit under their bill, then the candidates who are disadvantaged by their opponents breaking the barriers, going over the limits, would be entitled to certain additional funds from the campaign checkoff funds which would be established and made available to those candidates.

There are a lot of other reforms in it. We provide, for example, that candidates must assume responsibility for their advertising. They must come out at the end of the TV spot and give an ad that they are responsible for the content of that ad.

Those who will not accept spending limits should have notices placed on their advertising that they declined to accept spending limits.

We end the soft money loophole through which large amounts of money have been poured into the Presidential elections and into senatorial elections by defining under the contribution limits those funds which are expended and in a coordinated way which are used to impact directly or indirectly the outcome of Federal elections.

We more clearly define independent expenditures. We end the practice of bundling under this bill, and we make many other reforms. It is a comprehensive bill, Mr. President. It is an honest effort.

Is it a perfect proposal? No proposal that comes before us is.

Is it the last word? Does it represent a closed mind on our part? No. I hope we can find a way to improve it in the process. I hope we can find a way to make changes in it that will make it acceptable to a large majority on the other side of the aisle as well. I hope that we can sent it forward as a meaningful vehicle to go to conference.

We will this time have a conference committee with the House of Representatives, continue to improve this legislation through the process, and perhaps, particularly, in the conference level enter into meaningful negotiations with the White House on the final product. This is a beginning of an important process.

I send to the desk the substitute for Senate bill 3, and ask that it be made the pending business of the Senate.

AMENDMENT NO. 242

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

The PRESIDING OFFICER. The clerk will report.

The assistant clerk read as follows:

The Senator from Oklahoma [Mr. BOREN], for himself, Mr. MITCHELL, Mr. FORD, and Mr. BYRD, proposes an amendment numbered 242.

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

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

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

Mr. BOREN. Mr. President, I also send to the desk a section-by-section description, analysis, and explanation of the measure which I just sent to the desk, and ask unanimous consent that it be printed in the RECORD.

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

SUMMARY OF DEMOCRATIC LEADERSHIP SUBSTITUTE ELECTION ETHICS ACT OF 1991

VOLUNTARY FLEXIBLE SPENDING LIMITS

A system of voluntary flexible spending limits would be established, based on state voting age population, ranging from $950,000 to $5,500,000 for Senate general election campaigns. Primary spending limits amounting to 67% of the general election limit up to $2,750,000 would be established. The general election limit could be increased by up to 25 percent of the spending limit to the extent of $100 contributions received from individuals residing in the candidate's State.

BENEFITS FOR ELIGIBLE CANDIDATES

Candidates who raise a threshold amounting to 10% of the general election spending limit in individual contributions of $250 or less (50% in-State) and who agree to voluntarily abide by spending limits would be eligible to receive certain benefits:

A. Broadcast Vouchers: Vouchers amounting to 20% of the general election limit would be provided to purchase television advertising in segments of between one and five minutes.

B. Low Cost Mail: First class mail would be available at one quarter the regular rate for candidate mailings. Third class rates would be 2 cents lower than first class. Candidates would be permitted to spend up to 5 percent of the general election limit on such mailings.

C. Broadcast Rates: Current law lowest unit charge provisions would be modified to require broadcasters to charge eligible candidates during the general election no more than 50% of the lowest unit charge for the same amount of time for the same time of day and day of week. Eligible candidates would be entitled to the lowest unit charge during the 45 day period prior to a primary.

D. Independent Expenditures: Eligible candidates would receive public funds to respond to independent broadcast ads exceed $10,000 from any source during the general election period.

E. Contingent Public Financing: Eligible candidates would receive additional public funding if an opposing candidate exceeds the spending limits.

PAC LIMITATIONS

Political Action Committees would be prohibited from making contributions or expenditures for the purpose of influencing elections for federal office.

SOFT MONEY

Political party committees would be prohibited from using soft money, not regulated under federal law, for any activities in connection with a federal election. Activities in connection with a federal election include get-out-the-vote activities, voter registration, generic and mixed election activities including general public advertising, and campaign materials, maintenance of voter files and other activities affecting a federal election during a federal election period. Party committee spending on mixed federal-state activities in connection with federal elections would be subject to overall limits.

State party contribution limits would be increased to the amount permitted to national parties. Federal office holders and candidates would be prohibited from soliciting soft money contributions. The contribution/expenditure exceptions in current law that permit unlimited State party spending for "volunteer activities" that affect a federal election and GOTV for presidential elections would be repealed. State parties would be permitted to spend 4 cents per voter for presidential elections.

BUNDLING

Bundling in excess of the contribution limits would be prohibited by all political committees and lobbyists, and individuals acting on behalf of those entities or on behalf of corporations, labor unions, or trade associations.

BROADCAST RULES

A. Lowest Unit Rate: All eligible candidates would be entitled to purchase television broadcast time during a general election at 50% of the lowest unit charged for the same amount of time for the same time of day and day of week. During the 45 day period prior to a primary eligible candidates would be entitled to purchase time at the lowest unit charge.

B. Candidate Accountability: All candidates would be required to appear at the end of their television advertisement conveying the message that the advertisement was paid for by the candidate.

C. Disclosure: Non-eligible candidates would be required to disclose in all advertisements that the candidate has not agreed to spending limits.

D. Vouchers: Vouchers amounting to 20 percent of the general election spending limit would be provided to eligible candidates to purchase prime time television advertisements of at least one minute but not more than five minutes. Broadcast stations would be required to make these longer time periods available to candidates.

INDEPENDENT EXPENDITURES

The types of activities and relationships which are expenditures in coordination, consultation or concert with a candidate—and therefore, not independent—would be more broadly defined. Under this definition, expenditures by political committees required to register as lobbyists would not be independent and would count against the contribution limit.

Primary spending limits would increase by the amount of independent expenditures intended to assist opponents of a candidate. The general election spending limit would be increased and public funds made available to eligible candidates who are the target of more than $10,000 of independent expenditures from any one source. Broadcast stations would be required to make time available immediately after the independent broadcast for the candidate to respond.

PERSONAL LOANS

Candidates agreeing to spending limits would be prohibited from spending more than $250,000 of their own funds for election to the Senate. Contributions could not be received after an election to repay personal loans of the candidate.

501(C) ORGANIZATIONS

Federal office holders and candidates would be prohibited from raising any funds for 501(c) organizations organized to conduct voter registration or get-out-the-vote drives.

MISCELLANEOUS

Leadership PACs would be prohibited. Individual contributions in excess of $10,000 would have to reported to the FEC. Dependent children below voting age would not be permitted to contribute to federal election campaigns.

FEC REFORM

With respect to preliminary matters such as decisions to investigate violations the recommendation of the General Counsel would be sustained if supported by the votes of 3 Commissioners. Provisions are included to shorten time periods of FEC action, authorize the FEC to seek court injunctions, and increase minimum penalty amounts for violations of the law.

Mr. BOREN. Mr. President, I will briefly yield the floor. There are others of my colleagues here who desire to speak.

By the way, I see entering the floor at this time the distinguished President pro tempore that I mentioned earlier in my remarks, saluting him for the long leadership which he has given to this cause. He is known as a great historian of the U.S. Senate. To me, it is not coincidental that those Members who understand the history of this institution and understand the functioning of our Government understand the appropriate role of this institution, people like ROBERT BYRD of West Virginia, people earlier like John Stennis of Mississippi who served here, Barry Goldwater of Arizona who served here, people who understand how our political system is supposed to work, people who understand that this Government belongs to the people at the grassroots, not with special interests in Washington, people who understand the competition in politics, that should be on ideals, ideals and character, and qualifications and not money. It is no coincidence that those great Senators have been among those who have been most concerned and spoken out most forthrightly and who have made the greatest effort to try to set the system right.

I challenge my colleagues: Let us not engage in smoke screens, not in excuses. Let the American people clearly focus their attention on what we do here.

Let them ask the question of each Member: Are you serious about solving this problem or not? Are you willing to solve it by stopping the money chase? Are you willing to vote for a procedure that is comprehensive, that will put some limits on spending so we can get this system back under control and have competition on a rightful basis? Do you simply want to piecemeal it? Do you simply want to make excuses? Do you want to point to other things, to use objections to try to find excuses for not supporting it?

Finally, I know the issue of taxpayer financing has been brought up. I am convinced we can find a way to fund the modest incentives that are in this bill or in any substitute incentives that might be developed in the course of the debate. They are not engraved on stone or bronze tablets. They are certainly subject to some consideration as to whether or not there are better incentives we might come up with.

We can find a way, I am convinced, to fund what modest incentives are given in a way that will not add additional burdens on the taxpayers.

There are all sorts of options here. We cannot, because of the rules everyone here understands, write a revenue bill in the U.S. Senate under an S number. That would get us into difficulty from a parliamentary point of view with the House. We could, however, and perhaps should by the end of our debate express the sense-of-the-Senate expression about how we think this should be dealt with.

There are many, many options, whether it is a voluntary checkoff system over and above tax liability or whether it is the removal of the current subsidy, for example, that we give

to the lobbying process, and to the creation of political action committees, for example, where we allow institutions and corporations and others to deduct their lobbying expenses—in essence, subsidize them with tax dollars as business expenses.

There are many, many ways in which the very small and modest amount would be required to provide these incentives and level the playing field which can be found without putting additional burdens on the taxpayers of this country. We can find a way if we work together in a constructive spirit to do so, and that really is a nonissue in this debate.

The real issue in this debate is whether we will stop the money chase. Every American understands it. You do not have to be an academic or an expert to understand it; everybody in this country does.

It is not healthy for us to put on the auction block the public trusts of this country, so that a candidate can raise the most money, as opposed to that candidate who is best qualified to render a true public service to this country.

It is time for us to act. It is the best opportunity we have had in 10 years to be successful. We are starting at the right time, with a better climate in the House of Representatives. We are starting with a willingness in the White House to talk. The President has indicated that this issue should be on the national agenda in his speech to the joint session earlier this year. So we start much further down the road than we have ever started before.

Let us finish the job, Mr. President. Let us keep faith with the American people. Let us reach out on both sides of the aisle, instead of quarreling trying to find a way, as our two leaders have been struggling to do, to work together, to keep the American system strong, to find a truly American solution to what is a very deep and tragic American problem.

I yield the floor.

Mr. AKAKA addressed the Chair.

The PRESIDING OFFICER (Mr. KERREY). The Senator from Hawaii.

Mr. AKAKA. Mr. President, I ask unanimous consent to proceed for 10 minutes as in morning business.

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

The Senator from Hawaii is recognized.

Mr. AKAKA. I thank the Chair.

(The remarks of Mr. AKAKA pertaining to the introduction of S. 1078 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The majority leader.

Mr. MITCHELL. Mr. President, the Senate once again turns its attention to the issue of campaign finance reform, an issue which the Members of this body have debated many times in the past.

Although past efforts have been unsuccessful, I remain hopeful that legislation will soon be enacted. Controversial legislation sometimes takes years from inception to final enactment, but eventually support builds up until we reach a point where there really is no choice but to act. On this issue that time is now.

The situation we face in this Congress is really quite different than anything we have faced in recent years. How many speeches have there been on the Senate floor during the past decade deploring the election finance system and warning ourselves that someday we would reach the point that the faith of the American people in their Congress would be severely undermined? To a far greater extent than in the past that point has been reached, and faith in this institution has been undermined.

In the last few years there has been a significant change in the way the public views this institution and the means by which its Members seek reelection. There is far greater public scrutiny of the campaign finance process. And if Members of this body are repulsed by the extent to which we must search for money to fund our campaigns, the process is even more distasteful to the American people. They see a campaign finance process that with each election cycle is becoming even more reliant on the endless pursuit of money. Their faith in Congress is eroding.

Increasingly, the American people have come to see their Federal Government as no longer responsive to their needs. They believe Congress acts to fulfill commitments to campaign contributors, rather than to serve the interests of the people. And they believe we have created a campaign finance system that is stacked against challengers and designed especially to keep self-interested incumbents in office forever.

I know the reality is different. The men and women who serve in this Congress are as talented, as honest, as hardworking a group of legislators as have ever served this Nation. They are committed to representing the public interest and feel no more comfortable with the current system by which campaign money must be raised than does the average citizen.

But the actual integrity and quality of Members of Congress is not only what is at stake. It is the perception of the American people of our integrity and our quality that is also at stake.

It is understandable that many Americans do not have a favorable impression of this body or of the means by which its Members are elected. They see a campaign finance system that places tremendous money demands on those who run for the Senate, a system that overwhelmingly benefits incumbents, and a system dominated by negative campaigns. Indeed, it would be extraordinary if, in spite of all this, the American people still had a favorable impression of this institution.

The time has come to correct this situation. S. 3, as modified by the Democratic leadership substitute, is almost identical to S. 137, the campaign finance reform legislation that passed the Senate last year by a vote of 59 to 41. The only major difference is that the bill this year includes a provision requiring broadcast stations to provide time at a 50-percent discount below the lowest unit rate that they charge for the same time.

This bill includes the essential elements of true campaign reform. First, voluntary spending limits for Senate primary and general election campaigns. Second, limitations on political action committees. Third, alternative resources to assess challengers and incumbents in communicating with voters. And fourth, prohibitions on the use of so-called soft money to fund party activities that affect Federal elections.

One thing is clear. The only meaningful way to reform the Senate election finance system is to have limits on campaign spending. Anything less than that avoids the real issues and simply creates the appearance of reform.

Since 1976, congressional election spending has increased almost fourfold, requiring that Members of Congress devote a far greater amount of time to fundraising activities. This trend toward increased cost has favored incumbents far more than challengers.

In fact, in the most recent Senate election in 1990, incumbents spent $129 million, almost three times as much as the $29 million spent by challengers. Once again, winning Senate incumbents spent on average almost $4 million for their reelection campaigns. That requires raising an average of $13,000 a week, 52 weeks a year, for 6 years. Spending will continue to escalate even higher until reasonable limits are placed on campaign spending.

We could eliminate PAC's, reduce out-of-State individual contribution amounts, limit the participation of private organizations in the political process, impose special rules on broadcast stations, and make many other changes. But without spending limits, we will not have addressed the real problem.

The legislation introduced today directly addresses the problem by establishing a system of voluntary spending limits for Senate campaigns. Senate candidates will be encouraged to agree to such limits by the use of broadcast vouchers, low-cost mailing, and lower broadcast rates.

In addition, contingent public financing will be available to candidates who agree to spending limits if their opponent exceeds the limit.

Campaigns will be encouraged to directly address issues, rather than make negative attacks, by two provisions in the bill. The first requires a candidate for the Senate to appear at the end of the ad to take personal responsibility for the broadcast. The second provides for broadcast vouchers to be made available to a candidate to be used to purchase air time of at least 1 minute but no more than 5 minutes in length.

This is a balanced approach that is fair to Democrats and Republicans, challengers and incumbents. It is a comprehensive effort to restore Senate elections to the people by stopping the spiral of ever-increasing spending, and by distancing wealthy individuals and political action committees from the process. This is real reform of a discredited system.

There are those who claim that spending limits benefit incumbents. But if anything, S. 3, this bill, represents an unprecedented offer from the Senate majority to make it easier for challengers to mount effective campaigns. This is accomplished in several ways.

First, the spending limits in this bill help challengers by largely serving as a restraint on incumbents' spending. Second, the reduced broadcast costs in this bill facilitate the ability of challengers to advertise their message to voters. Third, the broadcast vouchers enable challengers to purchase advertising time. Fourth, the prohibition on PAC contributions eliminate a fundraising source that is far more accessible to incumbents than it is to challengers.

One need only look at the most recent elections to see the overwhelming advantage that incumbents have over challengers over the current system. In the 28 races where an incumbent faced a challenger in the 1990 elections, challengers were outspent in 26 races. Let me repeat that: The incumbent outspent the challenger in 26 out of 28 acres. And the total spending margin by incumbents over challengers was almost 3 to 1.

Since 1986, there have been 83 Senate elections between incumbents and challengers. Incumbents have outspent the challengers in 93 percent of those elections, and they have won 85 percent of them.

For the most part, this legislation limits the spending of Senate incumbents and not Senate challengers because it is only incumbents, by and large, who now spend more than the limits in this legislation.

Let me repeat that: In most Senate elections in recent years, the incumbents spent more than would be permitted under the limits. The challengers spent less than would be permitted under the limits.

Therefore, it is clear and indisputable that in a vast majority of cases a spending limit will constrain the incumbent, not the challenger, and will have the effect to narrowing the spending gap between incumbent and challenger, thereby making for a more competitive election process.

There is no question that limits could theoretically protect incumbents if they are set so low as to prevent challengers from ever communicating to the public. But this legislation does just the opposite. It provides generous spending limits which, in the version introduced this year for the general election, have been effectively increased another 25 percent above the level approved by the Senate last year. That is accomplished by a proposal in this year's legislation to reduce the cost of buying broadcast advertisements by 50 percent below the lowest unit rate level that was in last year's bill.

This is one of the most important features of this bill. It will give challengers the means to mount effective campaigns. Broadcast costs are reduced perhaps as much as two-thirds from current rules. This will make it much easier for challengers to get their message across to the voting public.

The bill also proposes funding for challengers to purchase broadcast time costing up to 20 percent of the general election limit. That guarantees every challenger the ability to reach the voters, because no matter what the circumstances are, the challenger knows that he or she will be able to spend up to one-fifth of the total spending limit for broadcast time through these vouchers.

The major difference between the bill that we debate this year and the bill we passed last year is the provision giving candidates who agree to voluntary spending limits a further 50-percent discount on their broadcast advertisements. I believe this, together with the broadcast voucher provision in the bill, to be two of the more important features of this legislation because they give challengers the way and the resources to mount an effective campaign. If we are serious about making Senate election campaigns competitive, candidates must be given access to television to broadcast their message. This is intended to reduce the single greatest and most rapidly escalating expense of Senate election campaign, broadcast advertising.

This legislation requires broadcast stations to provide broadcast time to eligible Senate candidates at a cost which is no more than 50 percent of the lowest unit rate charged to commercial advertisers for the same amount of time for the same time of day and for the same day of the week. The cost of campaign advertising on television has skyrocketed in recent years, growing more than tenfold between 1974 and 1988. In the typical competitive Senate campaign more than half the cost is for television advertising. Many candidates spend the last 2 weeks of the campaign in nonstop fundraisers simply to turn the money over to television stations for television advertising.

As the cost of television advertising has skyrocketed for Senate candidates, there has been growing interest in ways to reduce such costs. Many proposals have been made to require broadcast stations to give free time to Federal elections, either to the national parties to parcel out or to individual candidates. The proposal in this legislation is more modest. It attempts to maintain market factors by relating the cost of election advertising to the cost of commercial time so that candidates still must pay based on the viewership of the programming.

I expect this proposal will be resisted by many in the broadcast industry. But campaign advertising is a very small part of their overall advertising, less than 1 percent of total television advertising revenue. While we in Congress deplore the current campaign finance system and struggle to raise funds to mount competitive campaigns, it turns out that many in the broadcast industry have derived substantial benefits from Federal election campaigns.

Mr. President, the Federal Communications Commission audited the industry last fall and found that 80 percent of all the television stations audited had been overcharging political candidates for broadcast time. The law limits candidates to pay no more than the lowest rate paid by commercial advertisers for the same class of ad at the same time. However, in its auditing, the FCC discovered many candidates have been paying double or even triple that rate.

The market is operated to force candidates to pay a premium to get the time they need before an election. I expect most of that overcharging was inadvertent. The law is not clear, and many stations have evidently been confused about what the law requires. Nevertheless, it makes sense, to make it easier for challengers to reach the public, to reduce campaign costs by limiting what candidates can be charged to put their message on television or radio.

I recognize that there are those who will be concerned that taxpayers could be asked to help pay for cleaner and more competitive campaigns. This is not an awful idea. We have been doing it in Presidential elections since 1976.

The cost of this legislation is about $25 million a year. That is a cost this Nation can afford for this objective. Indeed, the Federal Government spends more than that each hour—each hour—to pay interest on the national debt.

Republican candidates for President, including current and former Members of this body, have spent tens of millions of publicly financed money in their elections in recent years. Since

the Presidential system went into effect in 1976, the Republican Party has received $241 million in public funds. President Reagan received more than $90 million himself, one candidate, and that is about what this legislation would cost to fund 66 Senate elections in two election cycles. President Bush has received $60 million in public financing for his Presidential bid.

Although essentially identical legislation passed the Senate last year, I recognize that there are some who have strong differences with some of its provisions. We struggled mightily to bridge those differences this year and last year without ultimate success. But there are many Republicans who support this legislation and who are prepared to join us in moving this legislation forward.

The public is rapidly losing confidence in the Federal election campaign process. They question the integrity of this institution and of its Members. There is not a Member of this body who does not deplore this situation. Most Senators agree that our campaign finance laws must be rewritten. We must not let those few who are opposed to real campaign finance reform stand any longer in the way of this important legislation. We must pass this legislation in the Senate and work to see it enacted into law. Now is the time to enact campaign finance reform legislation to restore the integrity of this institution and of its Members.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia, the distinguished President pro tempore of the Senate is recognized.

Mr. BYRD. I thank the Chair.

DIRE EMERGENCY SUPPLEMENTAL APPROPRIATIONS, FISCAL YEAR 1991

Mr. BYRD. Mr. President, I have cleared this request with Senator HATFIELD.

I ask that the Chair lay before the Senate a message from the House on H.R. 2251.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the House disagree to the amendments of the Senate to the bill (H.R. 2251) entitled "An Act making dire emergency supplemental appropriations from contributions of foreign governments and/or interest for humanitarian assistance to refugees and displaced persons in and around Iraq as a result of the recent invasion of Kuwait and for peacekeeping activities, and for other urgent needs for the fiscal year ending September 30, 1991, and for other purposes.".

Mr. BYRD. Mr. President, I move that the Senate insist on its amendments, that it request a conference with the House on the disagreeing votes of the two Houses, and that the Chair be authorized to appoint conferees on the part of the Senate.

The motion was agreed to, and the Presiding Officer appointed Mr. BYRD, Mr. INOUYE, Mr. HOLLINGS, Mr. JOHNSTON, Mr. BURDICK, Mr. LEAHY, Mr. SASSER, Mr. DECONCINI, Mr. BUMPERS, Mr. LAUTENBERG, Mr. HARKIN, Ms. MIKULSKI, Mr. REID, Mr. ADAMS, Mr. FOWLER, Mr. KERREY, Mr. HATFIELD, Mr. STEVENS, Mr. GARN, Mr. COCHRAN, Mr. KASTEN, Mr. D'AMATO, Mr. RUDMAN, Mr. SPECTER, Mr. DOMENICI, Mr. NICKLES, Mr. GRAMM, Mr. BOND, and Mr. GORTON conferees on the part of the Senate.

APPOINTMENTS BY THE PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, pursuant to Public Law 100-297, appoints the following individuals to the Advisory Committee to the White House Conference on Indian Education:

Robert K. Chiago, of Arizona; and

Bob G. Martin, of Kansas.

The Chair, on behalf of the President pro tempore, pursuant to Public Law 94-118, appoints the Senator from California [Mr. SEYMOUR] to the Japan-United States Friendship Commission.

SENATE ELECTION ETHICS ACT

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. MCCONNELL. Mr. President, we are back on an extremely important issue: campaign finance reform.

This is inevitably a divisive issue because it deals with two very important subjects. No. 1 is the first amendment of the Constitution. And No. 2 is the inevitable temptation to seek partisan advantage when given an opportunity to craft the rules of the game in our democracy.

So, Mr. President, if you understand those two issues then you understand why this has been a very controversial and contentious issue.

We have tried very hard to narrow the differences and there are some things that both parties agree on. But, still, there are important, deep-seated philosophical distinctions that divide us. There are several different proposals that have been introduced. The bill currently at the desk, S. 3, has 21 cosponsors. S. 6, that the Republican leader referred to earlier this afternoon in his opening remarks, has 7 cosponsors. My legislation, S. 143, the Comprehensive Campaign Finance Reform Act, has 24 cosponsors including the Republican leader, the Republican whip, Senators PACKWOOD, COCHRAN, DOMENICI, MURKOWSKI, ROTH, HATFIELD, CHAFEE, WALLOP, D'AMATO, LOTT, MACK, GARN, SYMMS, BOND, GORTON, BURNS, THURMOND, LUGAR, JEFFORDS, MCCAIN, KASSEBAUM, and HATCH. It has the most cosponsors of any legislation on this subject currently before the Senate.

I ask unanimous consent that that legislation be printed in the RECORD at this point.

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

S. 143

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

SECTION 1. SHORT TITLE; AMENDMENT OF FECA; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Comprehensive Campaign Finance Reform Act of 1991".

(b) AMENDMENT OF FECA.—When used in this Act, the term "FECA" means the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.).

(c) TABLE OF CONTENTS.—

Sec. 1. Short title; amendment of FECA; table of contents.

TITLE I—REDUCTION OF SPECIAL INTEREST INFLUENCE

Subtitle A—Elimination of Political Action Committees From Federal Election Activities

Sec. 101. Ban on activities of political action committees in Federal elections.

Subtitle B—Ban on Soft Money in Federal Elections

Sec. 111. Ban on soft money.
Sec. 112. Restrictions on party committees.
Sec. 113. Protections for employees.
Sec. 114. Restrictions on soft money activities of tax-exempt organizations.
Sec. 115. Denial of tax-exempt status for certain politically active organizations.
Sec. 116. Contributions to certain political organizations maintained by a candidate.
Sec. 117. Contributions to State and local committees.

Subtitle C—Other Activities

Sec. 121. Modifications of contribution limits on individuals.
Sec. 122. Political parties.
Sec. 123. Contributions through intermediaries and conduits.
Sec. 124. Independent expenditures.

TITLE II—INCREASE OF COMPETITION IN POLITICS

Sec. 201. Seed money for challengers.
Sec. 202. Use of campaign funds.
Sec. 203. Candidate expenditures from personal funds.
Sec. 204. Franked communications.
Sec. 205. Limitations on gerrymandering.
Sec. 206. Election fraud, other public corruption, and fraud in interstate commerce.

TITLE III—REDUCTION OF CAMPAIGN COSTS

Sec. 301. Broadcast discount.

TITLE IV—MISCELLANEOUS PROVISIONS

Subtitle A—Federal Election Commission Enforcement Authority

Sec. 401. Elimination of reason to believe standard.

Sec. 402. Injunctive authority.
Sec. 403. Time periods.
Sec. 404. Knowing violation penalties.
Sec. 405. Court resolved violations and penalties.
Sec. 406. Private civil actions.
Sec. 407. Knowing violations resolved in court.
Sec. 408. Action on complaint by Commission.
Sec. 409. Violation of confidentiality requirement.
Sec. 410. Penalty in Attorney General actions.
Sec. 411. Amendments relating to enforcement and judicial review.
Sec. 412. Tightening enforcement.
Subtitle B—Other Provisions
Sec. 421. Disclosure of debt settlement and loan security agreements.
Sec. 422. Contributions for draft and encouragement purposes with respect to elections for Federal office.
Sec. 423. Severability.
Sec. 424. Effective date.

TITLE I—REDUCTION OF SPECIAL INTEREST INFLUENCE

Subtitle A—Elimination of Political Action Committees From Federal Election Activities

SEC. 101. BAN ON ACTIVITIES OF POLITICAL ACTION COMMITTEES IN FEDERAL ELECTIONS.

(a) IN GENERAL.—Title III of FECA (2 U.S.C. 301 et seq.) is amended by adding at the end thereof the following new section:

"BAN ON FEDERAL ELECTION ACTIVITIES BY POLITICAL ACTION COMMITTEES

"SEC. 324. Notwithstanding any other provision of this Act, no person other than an individual or a political committee may make contributions, solicit or receive contributions, or make expenditures for the purpose of influencing an election for Federal office.".

(b) DEFINITION OF POLITICAL COMMITTEE.—(1) Paragraph (4) of section 301 of FECA (2 U.S.C. 431(4)) is amended to read as follows:

"(4) The term 'political committee' means—

"(A) the principal campaign committee of a candidate;

"(B) any national, State, or district committee of a political party, including any subordinate committee thereof;

"(C) any local committee of a political party which—

"(i) receives contributions aggregating in excess of $5,000 during a calendar year;

"(ii) makes payments exempted from the definition of contribution or expenditure under paragraph (8) or (9) aggregating in excess of $5,000 during a calendar year; or

"(iii) makes contributions or expenditures aggregating in excess of $1,000 during a calendar year; and

"(D) any committee jointly established by a principal campaign committee and any committee described in subparagraph (B) or (C) for the purpose of conducting joint fundraising activities.".

(2) Section 316(b)(2) of FECA (2 U.S.C. 441b(b)(2)) is amended by striking subparagraphs (B) and (C).

(c) CANDIDATE'S COMMITTEES.—(1) Section 315(a) of FECA (2 U.S.C. 441a(a)) is amended by adding at the end thereof the following new paragraph:

"(9) For the purposes of the limitations provided by paragraphs (1) and (2), any political committee which is established or financed or maintained or controlled by any candidate or Federal officeholder shall be deemed to be an authorized committee of such candidate or officeholder.".

(2) Section 302(e)(3) of FECA (2 U.S.C. 432) is amended to read as follows:

"(3) No political committee that supports or has supported more than one candidate may be designated as an authorized committee, except that—

"(A) a candidate for the office of President nominated by a political party may designate the national committee of such political party as the candidate's principal campaign committee, but only if that national committee maintains separate books of account with respect to its functions as a principal campaign committee; and

"(B) a candidate may designate a political committee established solely for the purpose of joint fundraising by such candidates as an authorized committee.".

(d) RULES APPLICABLE WHEN BAN NOT IN EFFECT.—For purposes of the Federal Election Campaign Act of 1971, during any period in which the limitation under section 324 of such Act (as added by subsection (a)) is not in effect—

(1) the amendments made by subsections (a) and (b) shall not be in effect; and

(2) it shall be unlawful for any person that—

(A) is treated as a political committee by reason of paragraph (1); and

(B) is not directly or indirectly established, administered, or supported by a connected organization which is a corporation, labor organization, or trade association,

to make contributions to any candidate or the candidate's authorized committee for any election aggregating in excess of $1,000.

Subtitle B—Ban on Soft Money in Federal Elections

SEC. 111. BAN ON SOFT MONEY.

Section 315 of FECA (2 U.S.C. 441a) is amended by adding at the end thereof the following new subsection:

"(i) BAN ON SOFT MONEY.—(1) It shall be unlawful for the purpose of influencing any election to Federal office—

"(A) to solicit or receive any soft money; or

"(B) to make any payments from soft money.

"(2) For purposes of paragraph (1), the term 'soft money' means any amount—

"(A) solicited or received from a source which is prohibited under section 316(a);

"(B) contributed, solicited, or received in excess of the contribution limits under section 315; or

"(C) not subject to the recordkeeping, reporting, or disclosure requirements under section 304 or any other provision of this Act.".

SEC. 112. RESTRICTIONS ON PARTY COMMITTEES.

(a) DISCLOSURE OF INFORMATION BY POLITICAL COMMITTEE.—(1) Subsection (c) of section 302 of FECA (2 U.S.C. 432(c)) is amended by striking "and" at the end of paragraph (4), by striking the period at the end of paragraph (5) and inserting "; and", and by adding at the end thereof the following new paragraph:

"(6) each account maintained by a political committee of a political party (including Federal and non-Federal accounts), and deposits into, and disbursements from, each such account.".

(2) Subsection (b) of section 304 of FECA (2 U.S.C. 434(b)) is amended by striking "and" at the end of paragraph (7), by striking the period at the end of paragraph (8) and inserting "; and", and by adding at the end thereof the following new paragraph:

"(9) each account maintained by a political committee of a political party (including Federal and non-Federal accounts), and deposits into, and disbursements from, each such account.".

(b) ALLOCATION OF EXPENDITURES FOR MIXED ACTIVITIES.—Title III of FECA, as amended by section 101(a), is amended by adding at the end thereof the following new section:

"REQUIRED ALLOCATION OF CONTRIBUTIONS AND EXPENDITURES FOR MIXED ACTIVITIES BY POLITICAL PARTY COMMITTEES

"SEC. 325. (a) REGULATIONS REQUIRING ALLOCATION FOR MIXED ACTIVITIES.—Not later than 180 days after the date of the enactment of this section, the Commission shall issue regulations providing for a method for allocating the contributions and expenditures for any mixed activity between Federal and non-Federal accounts.

"(b) GUIDELINES FOR ALLOCATION.—(1) The regulations issued under subsection (a) shall—

"(A) provide for the allocation of contributions and expenditures in accordance with this subsection; and

"(B) require reporting under this Act of expenditures in connection with a mixed activity to disclose—

"(i) the method and rationale used in allocating the cost of the mixed activity to Federal and non-Federal accounts; and

"(ii) the amount and percentage of the cost of the mixed activity allocated to such accounts.

"(2) In the case of a mixed activity that consists of a voter registration drive, get-out-the-vote drive, or other activity designed to contact voters (other than an activity to which paragraph (3) or (4) applies), amounts shall be allocated on the basis of the composition of the ballot for the political jurisdiction in which the activity occurs, except that in no event shall the amounts allocated to the Federal account be less than—

"(A) 33⅓ percent of the total amount in the case of the national committee of a political party; or

"(B) 25 percent of the total amount in the case of a State or local committee of a political party or any subordinate committee thereof.

"(3) In the case of a mixed activity that consists of preparing and distributing brochures, handbills, slate cards, or other printed materials identifying or seeking support of (or opposition to) candidates for both Federal offices and non-Federal offices, amounts shall be allocated on the basis of total space devoted to such candidates, except that in no event shall the amounts allocated to the Federal account be less than the percentages under subparagraph (A) or (B) of paragraph (2).

"(4)(A) In the case of a mixed activity by a national committee of a political party that consists of broadcast media advertising (or any portion thereof) that promotes (or is in opposition to) a political party without mentioning the name of any individual candidate for Federal office or non-Federal office, amounts allocated to the Federal account shall not be less than—

"(i) 50 percent of the total amount in the case of advertising in the national media market; and

"(ii) 40 percent in the case of advertising in other than the national media market.

"(B) In the case of a mixed activity by a State or local committee of a political party or any subordinate committee thereof that consists of broadcast media advertising (or any portion thereof) described in subparagraph (A), costs shall be allocated on the basis of the composition of the ballot for the

political jurisdiction in which the activity occurs, except that in no event shall the amounts allocated to the Federal account be less than 33⅓ percent of the total amount.

"(5) Overhead and fundraising costs of a political committee of a political party for each 2-calendar year period ending with the calendar year in which a regularly scheduled election for Federal office occurs shall be allocated to the Federal account on the basis of the same ratio which—

"(A) the aggregate amount of receipts and disbursements of such political committee during such period in connection with elections for Federal office, bears to

"(B) the aggregate amount of receipts and disbursements of such political committee during such period.

"(c) MIXED ACTIVITY.—(1) For purposes of this section, the term 'mixed activity' means an activity the expenditures in connection with which are required under this Act to be allocated between Federal and non-Federal accounts because such activity affects 1 or more elections for Federal office and 1 or more non-Federal elections.

"(2) Activities under paragraph (1) include—

"(A) voter registration drives, get-out-the-vote drives, telephone banks, and membership communications in connection with elections for Federal offices and elections for non-Federal offices;

"(B) general political advertising, brochures, or other materials that include any reference (however incidental) to both a candidate for Federal office and a candidate for non-Federal office, or that urge support for or opposition to a political party or to all the candidates of a political party;

"(C) overhead expenses; and

"(D) activities described in clauses (v), (x), and (xii) of section 301(8)(B).

"(d) ACCOUNTS.—For purposes of this section—

"(1) the term 'Federal account' means an account to which receipts and disbursements are allocated to elections for Federal offices; and

"(2) the term 'non-Federal account' means an account to which receipts and disbursements are allocated to elections other than non-Federal offices.".

SEC. 113. PROTECTION FOR EMPLOYEES.

(a) CONTRIBUTIONS TO ALL POLITICAL COMMITTEES INCLUDED.—Paragraph (2) of section 316(b) of FECA (2 U.S.C. 441b(b)(2)) is amended by inserting "political committee," after "campaign committee,".

(b) APPLICABILITY OF REQUIREMENTS TO LABOR ORGANIZATIONS.—Section 316(b) of FECA (2 U.S.C. 441b(b)) is amended by adding at the end thereof the following new paragraph:

"(8)(A) Subparagraphs (A), (B), and (C) of paragraph (2) shall not apply to a labor organization unless the organization meets the requirements of subparagraphs (B), (C), and (D).

"(B) The requirements of this subparagraph are met only if the labor organization provides, at least once annually, to all employees within the labor organization's bargaining unit or units (and to new employees within 30 days after commencement of their employment) written notification presented in a manner to inform any such employee—

"(i) that an employee cannot be obligated to pay, through union dues or any other mandatory payment to a labor organization, for the political activities of the labor organization, including, but not limited to, the maintenance and operation of, or solicitation of contributions to, a political committee, political communications to members, and voter registration and get-out-the-vote campaigns;

"(ii) that no employee may be required actually to join any labor organization, but if a collective bargaining agreement covering an employee purports to require membership or payment of dues or other fees to a labor organization as a condition of employment, the employee may elect instead to pay an agency fee to the labor organization;

"(iii) that the amount of the agency fee shall be limited to the employee's pro rata share of the cost of the labor organization's exclusive representation services to the employee's collective bargaining unit, including collective bargaining, contract administration, and grievance adjustment;

"(iv) that an employee who elects to be a full member of the labor organization and pay membership dues is entitled to a reduction of those dues by the employee's pro rata share of the total spending by the labor organization for political activities;

"(v) that the cost of the labor organization's exclusive representation services, and the amount of spending by such organization for political activities, shall be computed on the basis of such cost and spending for the immediately preceding fiscal year of such organization; and

"(vi) of the amount of the labor organization's full membership dues, initiation fees, and assessments for the current year; the amount of the reduced membership dues, subtracting the employee's pro rata share of the organization's spending for political activities, for the current year; and the amount of the agency fee for the current year.

"(C) The requirements of this subparagraph are met only if, for purposes of verifying the cost of such labor organization's exclusive representation services, the labor organization provides all represented employees an annual examination by an independent certified public accountant of financial statements supplied by such organization which verify the cost of such services; except that such examination shall, at a minimum, constitute a 'special report' as interpreted by the Association of Independent Certified Public Accountants.

"(D) The requirements of this subparagraph are met only if the labor organization—

"(i) maintains procedures to promptly determine the costs that may properly be charged to agency fee payors as costs of exclusive representation, and explains such procedures in the written notification required under subparagraph (B); and

"(ii) if any person challenges the costs which may be properly charged as costs of exclusive representation—

"(I) provides a mutually selected impartial decisionmaker to hear and decide such challenge pursuant to rules of discovery and evidence and subject to de novo review by the National Labor Relations Board or an applicable court; and

"(II) places in escrow amounts reasonably in dispute pending the outcome of the challenge.

"(E)(i) A labor organization that does not satisfy the requirements of subparagraphs (B), (C), and (D) shall finance any expenditures specified in subparagraphs (A), (B), or (C) of paragraph (2) only with funds legally collected under this Act for its separate segregated fund.

"(ii) For purposes of this paragraph, subparagraph (A) of paragraph (2) shall apply only with respect to communications expressly advocating the election or defeat of any clearly identified candidate for elective public office.".

SEC. 114. RESTRICTIONS ON SOFT MONEY ACTIVITIES OF TAX-EXEMPT ORGANIZATIONS.

(a) IN GENERAL.—Section 501 of the Internal Revenue Code of 1986 (relating to exemption from tax) is amended by redesignating subsection (n) as subsection (o) and by inserting after subsection (m) the following new subsection:

"(n) DENIAL OF TAX-EXEMPT STATUS FOR ACTIVITIES TO INFLUENCE A FEDERAL ELECTION.—An organization shall not be treated as exempt from tax under subsection (a) if such organization participates or intervenes in any political campaign on behalf of or in opposition to any candidate for Federal office.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to any participation or intervention by an organization on or after September 1, 1992.

SEC. 115. DENIAL OF TAX-EXEMPT STATUS FOR CERTAIN POLITICALLY ACTIVE ORGANIZATIONS.

(a) IN GENERAL.—Section 501 of the Internal Revenue Code of 1986 (relating to exemption from tax), as amended by section 114, is amended by redesignating subsection (o) as subsection (p) and by inserting after subsection (n) the following new subsection:

"(o) DENIAL OF TAX-EXEMPT STATUS FOR CERTAIN POLITICALLY ACTIVE ORGANIZATIONS.—

"(1) IN GENERAL.—An organization shall not be treated as exempt from tax under subsection (a) if—

"(A) such organization devotes any of its operating budget to—

"(i) voter registration or get-out-the-vote campaigns; or

"(ii) participation or intervention in any political campaign on behalf of or in opposition to any candidate for public office; and

"(B) a candidate, or an authorized committee of a candidate, has—

"(i) solicited contributions to, or on behalf of, such organization; and

"(ii) the solicitation is made in cooperation, consultation, or concert with, or at the request or suggestion of, such organization.

"(2) CANDIDATE DEFINED.—For purposes of this subsection—

"(A) IN GENERAL.—The term 'candidate' has the meaning given such term by paragraph (2) of section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(2)).

"(B) MEMBERS OF CONGRESS.—The term 'candidate' shall include any Senator or Representative in, or Delegate or Resident Commissioner to, the Congress unless—

"(i) the date for filing for nomination, or election to, such office has passed and such individual has not so filed, and

"(ii) such individual is not otherwise a candidate described in subparagraph (A).".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after the date of enactment of this Act, but only with respect to solicitations or suggestions by candidates made after the date of the enactment of this Act.

SEC. 116. CONTRIBUTIONS TO CERTAIN POLITICAL ORGANIZATIONS MAINTAINED BY A CANDIDATE.

(a) CONTRIBUTIONS BY PERSONS IN GENERAL AND BY MULTICANDIDATE POLITICAL COMMITTEES.—(1) Section 315(a)(1)(A) of FECA (2 U.S.C. 441a(a)(1)(A)) is amended by striking "candidate and his authorized political committees" and inserting "candidate, a candidate's authorized political committees,

and any political organizations (other than authorized committees) maintained by a candidate,".

(2) Section 315(a)(2)(A) of FECA (2 U.S.C. 441a(a)(2)(A)) is amended by striking "candidate and his authorized political committees" and inserting "candidate, a candidate's authorized political committees, and any political organizations (other than authorized committees) maintained by a candidate,".

(3) Section 315(a) of FECA (2 U.S.C. 441a(a)), as amended by section 101(c), is amended by inserting at the end thereof the following new paragraph:

"(10) For the purposes of paragraphs (1)(A) and (2)(A), the term 'political organization maintained by a candidate' means any non-Federal political action committee, non-Federal multicandidate political committee, or any other form of political organization regulated under State law which is not a political committee of a national, State, or local political party—

"(A) that is set up by or on behalf of a candidate and engages in political activity which directly influences Federal elections; and

"(B) for which that candidate has solicited a contribution.".

(b) CONTRIBUTIONS BY NATIONAL BANKS, CORPORATIONS, AND LABOR ORGANIZATIONS.—(1) Section 316(b)(2) of the FECA (2 U.S.C. 441b(b)(2)) is amended by striking "candidate, campaign committee" and inserting "candidate, political organization (other than an authorized committee) maintained by a candidate, campaign committee,".

(2) Section 316(b) of FECA (2 U.S.C. 441b(b)), as amended by section 113(b), is amended by inserting at the end thereof the following new paragraph:

"(9) For the purposes of paragraph (2), the term 'political organization maintained by a candidate' means any non-Federal political action committee, non-Federal multicandidate political committee, or any other form of political organization regulated under State law which is not a political committee of a national, State, or local political party—

"(A) that is set up by or on behalf of a candidate and engages in political activity which directly influences Federal elections; and

"(B) for which that candidate has solicited a contribution.".

(c) DATE OF APPLICATION.—The amendments made by subsections (a) and (b) shall apply to contributions described in sections 315 and 316 of FECA (2 U.S.C. 441a and 441b) made in response to solicitations made after January _____, 1991.

SEC. 117. CONTRIBUTIONS TO STATE AND LOCAL PARTY COMMITTEES.

Section 315(a)(1) of FECA (2 U.S.C. 441a(a)(1)) is amended—

(1) by striking "or" at the end of subparagraph (B);

(2) by striking the period at the end of subparagraph (C) and inserting "; or"; and

(3) by adding at the end thereof the following new subparagraph:

"(D) to the political committees established and maintained by a State or local political party, in connection with any activity that may influence an election for Federal office, in any calendar year which, in the aggregate, exceed the lesser of

"(i) $50,000; or

"(ii) the difference between $50,000 and the amount of contributions made by such person to any political committees established and maintained by a national political party.".

Subtitle C—Other Activities

SEC. 121. MODIFICATIONS OF CONTRIBUTION LIMITS ON INDIVIDUALS.

(a) INCREASE IN CANDIDATE LIMIT.—Subparagraph (A) of section 315(a)(1) of FECA (2 U.S.C. 441a(a)(1)(A)) is amended by striking "$1,000" and inserting "the applicable amount".

(b) APPLICABLE AMOUNT DEFINED.—Section 315(a) of FECA (2 U.S.C. 441a(a)), as amended by section 116(a)(3), is amended by adding at the end thereof the following new paragraph:

"(11) For purposes of subsection (a)(1)(A)—

"(A) The term 'applicable amount' means—

"(i) $1,000 in the case of contributions by a person to—

"(I) a candidate for the office of President or Vice President or such candidate's authorized committees; or

"(II) any other candidate or such candidate's authorized committees if, at the time such contributions are made, such person is a resident of the State with respect to which such candidate seeks Federal office; and

"(ii) $500 in the case of contributions by any other person to a candidate described in clause (i)(II) or such candidate's authorized committees.

"(B) At the beginning of 1991 and each odd-numbered calendar year thereafter, the Secretary of Labor shall certify in the same manner as under subsection (c)(1) the percent difference between the price index for the preceding calendar year and the price index for calendar year 1989. Each of the dollar limits under subparagraph (A) shall be increased by such percent difference and rounded to the nearest $100. Each amount so increased shall be the amount in effect for the calendar year for which determined and the succeeding calendar year.".

SEC. 122. POLITICAL PARTIES.

ITEMS NOT TREATED AS CONTRIBUTIONS OR EXPENDITURES.—(1) Section 301(8)(B) of FECA (2 U.S.C. 431(8)(B)) is amended—

(A) in clauses (x) and (xii), by inserting "national," after "the payment by a"; and

(B) in clause (xii), by inserting "general research activities," after "the costs of".

(2) Section 301(9)(B) of FECA (2 U.S.C. 431(9)(B)) is amended—

(A) in clauses (viii) and (ix), by inserting "national," after "the payment by a"; and

(B) in clause (ix), by inserting "general research activities," after "the costs of".

SEC. 123. CONTRIBUTIONS THROUGH INTERMEDIARIES AND CONDUITS.

Section 315(a)(8) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(8)) is amended to read as follows:

"(8) For purposes of this subsection—

"(A) Contributions made by a person, either directly or indirectly, to or on behalf of a particular candidate, including contributions which are in any way earmarked or otherwise directed through an intermediary or conduit to such candidate, shall be treated as contributions from such person to such candidate.

"(B) If a contribution is made by a person either directly or indirectly to or on behalf of a particular candidate through an intermediary or conduit, the intermediary or conduit shall report the original source and the intended recipient of such contribution to the Commission and to the intended recipient.

"(C) No conduit or intermediary shall deliver or arrange to have delivered contributions from more than 2 persons who are employees of the same employer or who are members of the same trade association, membership organization, or labor organization.

"(D) No person required to register with the Clerk of the House of Representatives or the Secretary of the Senate under section 308 of the Federal Regulation of Lobbying Act (2 U.S.C. 267), or an officer, employee or agent of such a person, may act as an intermediary or conduit with respect to a contribution to a candidate for Federal office.".

SEC. 124. INDEPENDENT EXPENDITURES.

(a) ATTRIBUTION OF COMMUNICATIONS; REPORTS.—(1) Section 318 of FECA (2 U.S.C. 441d) is amended by adding at the end thereof the following new subsection:

"(c)(1) If any person makes an independent expenditure through a broadcast communication on any television or radio station, the broadcast communication shall include a statement—

"(A) in such television broadcast, that is clearly readable to the viewer and appears continuously during the entire length of such communication; or

"(B) in such radio broadcast, that is clearly audible to the viewer and is aired at the beginning and ending of such broadcast,

setting forth the name of such person and, in the case of a political committee, the name of any connected or affiliated organization.

"(2) If any person makes an independent expenditure through a newspaper, magazine, outdoor advertising facility, direct mailing, or other type of general public political advertising, the communication shall include, in addition to the other information required by this section—

"(A) the following sentence: 'The cost of presenting this communication is not subject to any campaign contribution limits.'; and

"(B) a statement setting forth the name of the person who paid for the communication and, in the case of a political committee, the name of any connected or affiliated organization, and the name of the president or treasurer of such organization.

"(3) Any person making an independent expenditure described in paragraph (1) or (2) shall furnish, by certified mail, return receipt requested, the following information, to each candidate and to the Commission, not later than the date and time of the first public transmission of the communication:

"(A) Effective notice that the person plans to make an independent expenditure for the purpose of financing a communication which expressly advocates the election or defeat of a clearly identified candidate.

"(B) An exact copy of the intended communication, or a complete description of the contents of the intended communication, including the entirety of any texts to be used in conjunction with such communication, and a complete description of any photographs, films, or any other visual devices to be used in conjunction with such communication.

"(C) All dates and times when such communication will be publicly transmitted.".

(2) Section 318(a) of FECA (2 U.S.C. 441d(a)) is amended by striking "Whenever" and inserting "Except as provided in subsection (c), whenever".

(b) DEFINITION OF INDEPENDENT EXPENDITURE.—Paragraph (17) of section 301 of FECA (2 U.S.C. 431(17)) is amended—

(1) by striking "(17) The term" and inserting "(17)(A) The term"; and

(2) by adding at the end thereof the following new subparagraph:

"(B) For the purpose of subparagraph (A), an expenditure shall be considered to be made in cooperation, consultation, or con-

cert with, or at the request or suggestion of, a candidate, authorized committee, or agent, if there is any arrangement, coordination, or direction by the candidate or the candidate's agent prior to the publication, distribution, display, or broadcast of a communication, and it shall be presumed to be so made when it is—

"(i) based on information about the candidate's plans, projects, or needs provided to the person making the expenditure by the candidate, or by the candidate's agents, with a view toward having an expenditure made; or

"(ii) made by or through any person who is, or has been—

"(I) authorized to raise or expend funds on behalf of the candidate or the candidate's authorized committees;

"(II) serving as an officer of the candidate's authorized committees; or

"(III) providing professional services to, or receiving any form of compensation or reimbursement from, the candidate, the candidate's committee, or agent.".

(c) HEARINGS ON COMPLAINTS.—Section 309(a) of FECA (2 U.S.C. 437g(a)) is amended by adding at the end thereof the following new paragraph:

"(13) Within 3 days after the Commission receives a complaint filed pursuant to this section which alleges that an independent expenditure was made with the cooperation or consultation of a candidate, or an authorized committee or agent of such candidate, or was made in concert with or at the request or suggestion of an authorized committee or agent of such candidate, the Commission shall provide for a hearing to determine such matter.".

(d) EXPEDITED JUDICIAL REVIEW.—Section 310 of the FECA (2 U.S.C. 437h) is amended by adding at the end thereof the following new sentence: "It shall be the duty of the courts to advance on the docket and to expedite to the greatest possible extent the disposition of any matter relating to the making or alleged making of an independent expenditure.".

TITLE II—INCREASE OF COMPETITION IN POLITICS

SEC. 201. SEED MONEY FOR CHALLENGERS.

Section 315 of FECA (2 U.S.C. 441a), as amended by section 111, is amended by adding at the end thereof the following new subsection:

"(j)(1) Notwithstanding subsection (a)(2), the congressional campaign committee or the senatorial campaign committee of a national political party, whichever is applicable, may make contributions to an eligible candidate (and the candidate's authorized committees) which in the aggregate do not exceed the lesser of—

"(A) $100,000; or

"(B) the aggregate qualified matching contributions received by such candidate and the candidate's authorized committees.

"(2) Any contribution under paragraph (1) shall not be treated as an expenditure for purposes of subsection (d)(3).

"(3) For purposes of this subsection, the term 'qualified matching contributions' means contributions made during the period of the election cycle preceding the primary election by an individual who, at the time such contributions are made, is a resident of the State in which the election with respect to which such contributions are made is to be held.

"(4) For purposes of this subsection, the term 'eligible candidate' means a candidate for Federal office (other than President or Vice President) who does not hold Federal office.".

SEC. 202. USE OF CAMPAIGN FUNDS.

Section 313 of FECA (2 U.S.C. 439a) is amended by inserting "(a)" before "Amounts" and inserting at the end thereof the following new subsection:

"(b) Notwithstanding subsection (a), a holder of Federal office may not transfer any amounts received as contributions or other campaign funds to any account maintained for purposes of defraying ordinary and necessary expenses in connection with the duties of such Federal office.".

SEC. 203. CANDIDATE EXPENDITURES FROM PERSONAL FUNDS.

(a) Section 315 of FECA (2 U.S.C. 441a), as amended by section 201, is amended by adding at the end thereof the following new subsection:

"(k)(1)(A) Not less than 15 days after a candidate qualifies for a primary election ballot under State law, the candidate shall file with the Commission, and each other candidate who has qualified for that ballot, a declaration stating whether the candidate intends to expend for the primary and general election an amount exceeding $250,000 from—

"(i) the candidate's personal funds;

"(ii) the funds of the candidate's immediate family; and

"(iii) personal loans incurred by the candidate and the candidate's immediate family in connection with the candidate's election campaign.

"(B) The declaration required by subparagraph (A) shall be in such form and contain such information as the Commission may require by regulation.

"(2) Notwithstanding subsection (a), if a candidate—

"(A) declares under paragraph (1) that the candidate intends to expend for the primary and general election funds described in such paragraph an amount exceeding $250,000;

"(B) expends such funds in the primary and general election an amount exceeding $250,000; or

"(C) fails to file the declaration required by paragraph (1),

the limitations on contributions under subsection (a), and the limitations on expenditures under subsection (d), shall be modified as provided under paragraph (3) with respect to other candidates for the same office who are not described in subparagraph (A), (B), or (C).

"(3) For purposes of paragraph (2)—

"(A) the limitation under subsection (a)(1)(A) shall be increased to $5,000; and

"(B) if a candidate described in paragraph (2)(B) expends more than $1,000,000 of funds described in paragraph (1) in the primary and general election—

"(i) the limitation under subsection (a)(1)(A) shall not apply;

"(ii) the limitation under subsection (a)(2) shall not apply to any political committee of a political party; and

"(iii) the limitation under subsection (d)(3) shall not apply.

The $5,000 amount under subparagraph (A) shall be adjusted each calendar year in the same manner as amounts are adjusted under subsection (a)(11)(B).

"(4) If—

"(A) the modifications under paragraph (3) apply for a convention or a primary election by reason of 1 or more candidates taking (or failing to take) any action described in subparagraph (A), (B), or (C) of paragraph (2); and

"(B) such candidates are not candidates in any subsequent election in the same election campaign, including the general election,

paragraph (3) shall cease to apply to the other candidates in such campaign.

"(5) A candidate who—

"(A) declares, pursuant to paragraph (1), that the candidate does not intend to expend funds described in paragraph (1) in excess of $250,000; and

"(B) subsequently changes such declaration or expends such funds in excess of that amount,

shall file an amended declaration with the Commission and notify all other candidates for the same office within 24 hours after changing such declaration or exceeding such limits, whichever first occurs, by sending a notice by certified mail, return receipt requested.

"(6) Contributions to a candidate or a candidate's authorized committees may be used to repay any expenditure or personal loan incurred in connection with the candidate's election to Federal office by a candidate or a member of the candidate's immediate family only to the extent that such repayment—

"(A) is limited to the amount of such expenditure or the principal amount of such loan (and no interest is paid); and

"(B) is not made from any such contributions received after the date of the general election to which such expenditure or loan relates.

"(7) For purposes of this subsection, the term 'immediate family' means—

"(A) a candidate's spouse;

"(B) any child, stepchild, parent, grandparent, brother, half-brother, sister, or half-sister of the candidate or the candidate's spouse; and

"(C) the spouse of a person described in subparagraph (B).

"(8) The Commission shall take such action as it deems necessary under the enforcement provisions of this Act to ensure compliance with this subsection.".

SEC. 204. FRANKED COMMUNICATIONS.

(a) AMENDMENT OF TITLE 39, UNITED STATES CODE.—(1) Section 3210(a)(6)(A) of title 39, United States Code is amended—

(A) by striking clause (i) and inserting the following new clause:

"(i) if the mass mailing is mailed during the calendar year of any primary or general election (whether regular or runoff) in which the Member is a candidate for reelection; or"; and

(B) in clause (ii)(II), by striking "fewer than 60 days immediately before the date" and inserting "during the year".

(2) Section 3210(a)(6)(C) of title 39, United States Code, is amended by striking "fewer than 60 days immediately before the date" and inserting "during the year".

(3) Section 3210(a)(6) of title 39, United States Code, is amended—

(A) by redesignating subparagraphs (D), (E), and (F) as subparagraphs (E), (F), and (G), respectively; and

(B) by inserting after subparagraph (C) the following new subparagraph:

"(D)(i)(I) When a Member of the Senate disseminates information under the frank by a mass mailing, the Member shall register annually with the Secretary of the Senate such mass mailings. Such registration shall be made by filing with the Secretary of the Senate a copy of the matter mailed and providing, on a form supplied by the Secretary of the Senate, a description of the group or groups of persons to whom the mass mailing was mailed.

"(II) The Secretary of the Senate shall promptly make available for public inspection and copying a copy of the mail matter registered and a description of the group or groups of persons to whom the mass mailing was mailed.

"(ii)(I) When a Member of the House of Representatives disseminates information under the frank by a mass mailing, the Member shall register annually with the Clerk of the House of Representatives such mass mailings. Such registration shall be made by filing with the Clerk of the House of Representatives a copy of the matter mailed and providing, on a form supplied by the Clerk of the House of Representatives, a description of the group or groups of persons to whom the mass mailing was mailed.

"(II) The Clerk of the House of Representatives shall promptly make available for public inspection and copying a copy of the mail matter registered and a description of the group or groups of persons to whom the mass mailing was mailed.".

(b) AMENDMENT OF STANDING RULES OF THE SENATE.—(1) Paragraph 1 of Rule XL of the Standing Rules of the Senate is amended by striking "less than sixty days immediately before the date" and inserting "during the year".

(2) This subsection is enacted—

(A) as an exercise of the rulemaking power of the Senate; and

(B) with full recognition of the constitutional right of the Senate to change the rules at any time, in the same manner and to the same extent as in the case of any other rule of the Senate.

SEC. 205. LIMITATIONS ON GERRYMANDERING.

(a) REAPPORTIONMENT OF REPRESENTATIVES.—Section 22 of the Act entitled "An Act to provide for the fifteenth and subsequent decennial censuses and to provide for apportionment of Representatives in Congress," approved June 18, 1929 (2 U.S.C. 2a), is amended—

(1) by striking subsection (c); and

(2) by adding at the end thereof the following new subsections:

"(c)(1) In each State entitled in the One Hundred Third Congress or in any subsequent Congress to more than one Representative under an apportionment made pursuant to the second paragraph of the Act entitled 'An Act for the relief of Doctor Ricardo Vallejo Samala and to provide for congressional redistricting', approved December 14, 1967 (2 U.S.C. 2c), as in effect prior to the date of enactment of this subsection, there shall be established in the manner provided by the law of the State a number of districts equal to the number of Representatives to which such State is so entitled, and Representatives shall be elected only by eligible voters from districts so established, no district to elect more than 1 Representative.

"(2) Such districts shall be established in accordance with the provisions of this Act as soon as practicable after the decennial census date established in section 141(a) of title 13, United States Code, but in no case later than such time as is reasonably sufficient for their use in the elections for the One Hundred Third Congress and in each fifth Congress thereafter.

"(d)(1) The number of persons in congressional districts within each State shall be as nearly equal as is practicable, as determined under the then most recent decennial census.

"(2) The enumeration established according to the Federal decennial census pursuant to article I, section II, United States Constitution, shall be the sole basis of population for the establishment of congressional districts.

"(e) Congressional districts shall be comprised of contiguous territory, including adjoining insular territory.

"(f) Congressional districts shall not be established with the intent or effect of diluting the voting strength of any person, group of persons, or members of any political party.

"(g) Congressional districts shall be compact in form. In establishing such districts, nearby population shall not be bypassed in favor of more distant population.

"(h) Congressional district boundaries shall avoid the unnecessary division of counties or their equivalent in any State.

"(i) Congressional district boundaries shall be established in such a manner so as to minimize the division of cities, towns, villages, and other political subdivisions.

"(j)(1) It is the intent of the Congress that congressional districts established pursuant to this section be subject to reasonable public scrutiny and comment prior to their establishment.

"(2) At the same time that Federal decennial census tabulations data, reports, maps, or other material or information produced or obtained using Federal funds and associated with the congressional reapportionment and redistricting process are made available to any officer or public body in any State, those materials shall be made available by the State at the cost of duplication to any person from that State meeting the qualifications for voting in an election of a Member of the House of Representatives.

"(k) Nothing in this section shall be construed to supersede any provision of the Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.).

"(l)(1) A State may establish by law criteria for implementing the standards set forth in this section.

"(2) Nothing in this section shall be construed as limiting the power of a State to strengthen or add to the standards set forth in this section, or to interpret those standards in a manner consistent with the law of the State, to the extent that any additional criteria or interpretations are not in conflict with this section.

"(m)(1) The district courts of the United States shall have exclusive jurisdiction to hear and determine any action to enforce subsections (c) through (l).

"(2) A person who meets a State's qualifications for voting in an election of a Member of the House of Representatives from the State may bring an action in the district court for the district in which the person resides to enforce subsections (c) through (l) with regard to the State in which the person resides.

"(3) Notwithstanding any other provision of this section, the district courts of the United States shall have authority to issue all judgments, orders, and decrees necessary to ensure that any criteria established by State law pursuant to this section are not in conflict with this section.

"(4) With the exception of actions brought for the relief described in paragraph (3), the district court for the purposes of this section shall be a three-judge district court pursuant to section 2284 of title 28, United States Code.

"(5) On motion of any party in accordance with section 1657 of title 28, United States Code, it shall be the duty of the district court to assign the case for briefing and hearing at the earliest practicable date, and to cause the case to be in every way expedited. The district court shall have authority to enter all judgments, orders and decrees necessary to bring a State into compliance with this Act.

"(6) An action to challenge the establishment of a congressional district in a State after a Federal decennial census may not be brought after the end of the 9-month period beginning on the date on which the last such district is so established.

"(7) For the purposes of this section, an order dismissing a complaint for failure to state a cause of action shall be appealable in accordance with section 1253 of title 28, United States Code.

"(8) If a district court fails to establish a briefing and hearing schedule that will permit resolution of the case prior to the next general election, any party may seek a writ of mandamus from the United States Court of Appeals for the circuit in which the district court sits. The court of appeals shall have jurisdiction over the motion for a writ of mandamus and shall establish an expedited briefing and hearing schedule for resolution of the motion. Such a motion shall not stay proceedings in the district court.

"(9) If a district court determines that the congressional districts established by a State's redistricting authority pursuant to this Act are not in compliance with this Act, the court shall remand the plan to the State's redistricting authority to establish new districts consistent with subsections (c) through (l). The district court shall retain jurisdiction over the case after remand.

"(10) If, after a remand under paragraph (9), the district court determines that the congressional districts established by a State's redistricting authority under the remand order are not consistent with subsections (c) through (l), the district court shall enter an order establishing districts that are consistent with subsections (c) through (l) for the next general congressional election.

"(11) If any question of State law arises in a case under this section that would require abstention, the district court shall not abstain. However, in any State permitting certification of such questions, the district court shall certify the question to the highest court of the State whose law is in question. Such certification shall not stay the proceedings in the district court or delay the court's determination of the question of State law.

"(12) With the exception of actions brought for the relief described in paragraph (3), an appeal from a decision of the district court under this section shall be taken in accordance with section 1253 of title 28, United States Code. An appeal under this paragraph shall be noticed in the district court and perfected by docketing in the Supreme Court within thirty days of the entry of judgment below. Appeals brought to the Supreme Court under this paragraph shall be heard as soon as practicable.

"(13) For purposes of this section, the term 'redistricting authority' means the officer or public body having initial responsibility for the congressional redistricting of a State.".

(b) CONFORMING AMENDMENTS AND REPEALER.—(1) The first sentence of section 1657 of title 28, United States Code, is amended by striking "chapter 153 or" and inserting "chapter 153, any action under subsection (m) through (l) of section 22 of the Act entitled 'An Act to provide for the fifteenth and subsequent censuses and to provide for apportionment of Representatives in Congress,' approved June 18, 1929 (2 U.S.C. 2a), or".

(2) Section 141(c) of title 13, United States Code, is amended by adding at the end thereof the following: "In circumstances in which

this subsection requires that the Secretary provide criteria to, consult with, or report tabulations of population to (or if the Secretary for any reason provides material or information to) the public bodies having responsibility for the legislative apportionment or districting of a State, the Secretary shall provide, without cost, such criteria, consultations, tabulations, or other material or information simultaneously to the leadership of each political party represented on such public bodies. For purposes of this subsection, the term 'political party' means any political party whose candidates for Representatives to Congress received, as the candidates of such party, 5 percent or more of the total number of votes received statewide by all candidates for such office in any of the 5 most recent general congressional elections. Such materials may include those developed by the Census Bureau for redistricting purposes for the 1990 Census.".

(3) The second paragraph of the Act entitled "An Act for the relief of Doctor Ricardo Vallejo Samala and to provide for congressional redistricting", approved December 14, 1967 (2 U.S.C. 2c), is repealed.

SEC. 206. ELECTION FRAUD, OTHER PUBLIC CORRUPTION, AND FRAUD IN INTERSTATE COMMERCE.

(a) ELECTION FRAUD AND OTHER PUBLIC CORRUPTION.—(1) Chapter 11 of title 18, United States Code, is amended by adding at the end thereof the following new section:

"§ 225. Public corruption

"(a) Whoever, in a circumstance described in subsection (d), deprives or defrauds, or endeavors to deprive or to defraud, by any scheme or artifice, the inhabitants of a State or political subdivision of a State of the honest services of an official or employee of such State, political subdivision, or Indian tribal government shall be fined under this title, or imprisoned for not more than 10 years, or both.

"(b) Whoever, in a circumstance described in subsection (d), deprives or defrauds, or endeavors to deprive or to defraud, by any scheme or artifice, the inhabitants of a State or political subdivision of a State of a fair and impartially conducted election process in any primary, runoff, special, or general election—

"(1) through the procurement, casting, or tabulation of ballots that are materially false, fictitious, or fraudulent or that are invalid, under the laws of the State in which the election is held;

"(2) through paying or offering to pay any person for voting;

"(3) through the procurement or submission of voter registrations that contain false material information, or omit material information; or

"(4) through the filing of any report required to be filed under State law regarding an election campaign that contains false material information or omits material information,

shall be fined under this title or imprisoned for not more than 10 years, or both.

"(c) Whoever, being a public official or an official or employee of a State, political subdivision of a State, or Indian tribal government, in a circumstance described in subsection (d), deprives or defrauds, or endeavors to deprive or to defraud, by any scheme or artifice, the inhabitants of a State or political subdivision of a State of the right to have the affairs of the State, political subdivision, or Indian tribal government conducted on the basis of complete, true, and accurate material information, shall be fined under this title or imprisoned for not more than 10 years, or both.

"(d) The circumstances referred to in subsections (a), (b), and (c) are that—

"(1) for the purpose of executing or concealing such scheme or artifice or attempting to do so, the person so doing—

"(A) places in any post office or authorized depository for mail matter, any matter or thing whatever to be sent or delivered by the Postal Service, or takes or receives therefrom, any such matter or thing, or knowingly causes to be delivered by mail according to the direction thereon, or at the place at which it is directed to be delivered by the person to whom it is addressed, any such matter or thing;

"(B) transmits or causes to be transmitted by means of wire, radio, or television communication in interstate or foreign commerce any writings, signs, signals, pictures, or sounds;

"(C) transports or causes to be transported any person or thing, or induces any person to travel in or to be transported in, interstate or foreign commerce; or

"(D) uses or causes to use of any facility of interstate or foreign commerce;

"(2) the scheme or artifice affects or constitutes an attempt to affect in any manner or degree, or would if executed or concealed so affect, interstate or foreign commerce; or

"(3) as applied to an offense under subsection (b), an objective of the scheme or artifice is to secure the election of an official who, if elected, would have some authority over the administration of funds derived from an Act of Congress totaling $10,000 or more during the twelve-month period immediately preceding or following the election or date of the offense.

"(e) Whoever deprives or defrauds, or endeavors to deprive or to defraud, by any scheme or artifice, the inhabitants of the United States of the honest services of a public official or person who has been selected to be a public official shall be fined under this title or imprisoned for not more than 10 years, or both.

"(f) Whoever, being an official, public official, or person who has been selected to be a public official, directly or indirectly discharges, demotes, suspends, threatens, harasses, or in any manner discriminates against an employee or official of the United States or any State or political subdivision of a State, or endeavors to do so, in order to carry out or to conceal any scheme or artifice described in this section, shall be fined under this title or subject to imprisonment of up to 5 years or both.

"(g)(1) An employee or official of the United States or any State or political subdivision of such State who is discharged, demoted, suspended, threatened, harassed, or in any other manner discriminated against because of lawful acts done by the employee as a result of a violation of subsection (e) or because of actions by the employee or official on behalf of himself or others in furtherance of a prosecution under this section (including investigation for, initiation of, testimony for, or assistance in such a prosecution) may bring a civil action and shall be entitled to all relief necessary to make such employee or official whole. Such relief shall include reinstatement with the same seniority status that the employee or official would have had but for the discrimination, 3 times the amount of back pay, interest on the back pay, and compensation for any special damages sustained as a result of the discrimination, including reasonable litigation costs and reasonable attorney's fees.

"(2) An individual shall not be entitled to relief under paragraph (1) if the individual participated in the violation of this section with respect to which relief is sought.

"(3) A civil action brought under paragraph (1) shall be stayed by a court upon the certification of an attorney for the Government, stating that the action may adversely affect the interests of the Government in a current criminal investigation or proceeding. The attorney for the Government shall promptly notify the court when the stay may be lifted without such adverse effects.

"(h) For purposes of this section—

"(1) the term 'State' means a State of the United States, the District of Columbia, Puerto Rico, and any other commonwealth, territory, or possession of the United States;

"(2) the terms 'public official' and 'person who has been selected to be a public official' have the meaning set forth in section 201 and shall also include any person acting or pretending to act under color of official authority;

"(3) the term 'official' includes—

"(A) any person employed by, exercising any authority derived from, or holding any position in an Indian tribal government or the government of a State or any subdivision of the executive, legislative, judicial, or other branch of government thereof, including a department, independent establishment, commission, administration, authority, board, and bureau, and a corporation or other legal entity established and subject to control by a government or governments for the execution of a governmental or intergovernmental program;

"(B) any person acting or pretending to act under color of official authority; and

"(C) includes any person who has been nominated, appointed or selected to be an official or who has been officially informed that he or she will be so nominated, appointed or selected;

"(4) the term 'under color of official authority' includes any person who represents that the person controls, is an agent of, or otherwise acts on behalf of an official, public official, and person who has been selected to be a public official; and

"(5) the term 'uses any facility of interstate or foreign commerce' includes the intrastate use of any facility that may also be used in interstate or foreign commerce.".

(2)(A) The table of sections for chapter 11 of title 18, United States Code, is amended by adding at the end thereof the following item: "225. Public Corruption.".

(B) Section 1961(1) of title 18, United States Code, is amended by inserting "section 225 (relating to public corruption)," after "section 224 (relating to sports bribery),".

(C) Section 2516(1)(c) of title 18, United States Code, is amended by inserting "section 225 (relating to public corruption)," after "section 224 (bribery in sporting contests),".

(b) FRAUD IN INTERSTATE COMMERCE.—(1) Section 1343 of title 18, United States Code, is amended—

(A) by striking "transmits or causes to be transmitted by means of wire, radio, or television communication in interstate or foreign commerce, any writings, signs, signals, pictures, or sounds" and inserting "uses or causes to be used any facility of interstate or foreign commerce"; and

(B) by inserting "or attempting to do so" after "for the purpose of executing such scheme or artifice".

(2)(A) The heading of section 1343 of title 18, United States Code, is amended to read as follows:

"§ 1343. Fraud by use of facility of interstate commerce".

(B) The chapter analysis for chapter 63 of title 18, United States Code, is amended by striking the analysis for section 1343 and inserting the following:

"1343. Fraud by use of facility of interstate commerce.".

TITLE III—REDUCTION OF CAMPAIGN COSTS

SEC. 301. BROADCAST DISCOUNT.

(a) FINDINGS.—The Congress finds that—

(1) in the 45 days preceding a primary election, and in the 60 days preceding a general election, candidates for political office need to be able to buy, at the lowest unit charge, nonpreemptible advertising spots from broadcast stations and cable television stations to ensure that their messages reach the intended audience and that the voting public has an opportunity to make informed decisions;

(2) since the Communications Act of 1934 was amended in 1972 to guarantee the lowest unit charge for candidates during these important preelection periods, the method by which advertising spots are sold in the broadcast and cable industries has changed significantly;

(3) changes in the method for selling advertising spots have made the interpretation and enforcement of the lowest unit charge provision difficult and complex;

(4) clarification and simplification of the lowest unit charge provision in the Communications Act of 1934 is necessary to ensure compliance with the original intent of the provision; and

(5) in granting discounts and setting charges for advertising time, broadcasters and cable operators should treat candidates for political office at least as well as the most favored commercial advertisers.

(b) AMENDMENT OF COMMUNICATIONS ACT.—Section 315 of the Communications Act of 1934 (47 U.S.C. 315) is amended—

(1) in subsection (b)(1), by striking "class and";

(2) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(3) by inserting immediately after subsection (b) the following new subsection:

"(c) A licensee shall not preempt the use, during any period specified in subsection (b)(1), of a broadcasting station by a legally qualified candidate for public office who has purchased such use pursuant to subsection (b)(1).".

TITLE IV—MISCELLANEOUS PROVISIONS

Subtitle A—Federal Election Commission Enforcement Authority

SEC. 401. ELIMINATION OF REASON TO BELIEVE STANDARD.

Section 309(a)(2) of FECA (2 U.S.C. 437g(a)(2)) is amended—

(1) by inserting "(A)" after "(2)"; and

(2) by striking the first sentence and inserting the following: "Except as otherwise provided in subparagraph (B), if the Commission, upon receiving a complaint under paragraph (1) or on the basis of information ascertained in the normal course of carrying out its supervisory responsibilities determines, by an affirmative vote of 4 of its members, that an allegation of a violation or from pending violation of this Act or chapter 95 or 96 of the Internal Revenue Code of 1986 states a claim of violation that would be sufficient under the standard applicable to a motion under rule 12(b)(6) of the Federal Rules of Civil Procedure, the Commission shall, through its chairman or vice chairman, notify the person of the alleged violation. Such vote shall occur within 90 days after receipt of such complaint.".

SEC. 402. INJUNCTIVE AUTHORITY.

Section 309(a)(2) of FECA (2 U.S.C. 437g(a)(2)), as amended by section 401, is amended by adding at the end thereof the following new subparagraph:

"(B) The Commission may petition the appropriate court for an injunction if—

"(i) the Commission believes that there is a substantial likelihood that a violation of this Act or of chapter 95 or 96 of the Internal Revenue Code of 1986 is occurring or is about to occur;

"(ii) the failure to act expeditiously will result in irreparable harm to a party affected by the potential violation;

"(iii) such expeditious action will not cause undue harm or prejudice to the interests of others; and

"(iv) the public interest would be best served by the issuance of an injunction.".

SEC. 403. TIME PERIODS.

Section 309(a)(4)(A) of FECA (2 U.S.C. 437g(a)(4)(A)) is amended—

(1) in clause (i) by—

(A) striking ", for a period of at least 30 days,"; and

(B) striking "90 days" and inserting "60 days"; and

(2) in clause (ii) by striking "at least" and inserting "no more than".

SEC. 404. KNOWING VIOLATION PENALTIES.

Section 309(a)(5)(B) of FECA (2 U.S.C. 437g(a)(5)(B)) is amended by striking "may require that the person involved in such conciliation agreement shall pay a civil penalty which does not exceed the greater of $10,000 or an amount equal to 200 percent of any contribution or expenditure involved in such violation" and inserting "shall require that the person involved in such conciliation agreement shall pay a civil penalty which is not less than the greater of $5,000 or an amount equal to any contribution or expenditure involved in such violation, except that if the Commission believes that a knowing and willful violation of this Act or of chapter 95 or chapter 96 of the Internal Revenue Code of 1986 has been committed during the 15-day period immediately preceding any election, a conciliation agreement entered into by the Commission under paragraph (4)(A) shall require that the person involved in such conciliation agreement shall pay a civil penalty which is not less than the greater of $10,000 or an amount equal to 200 percent of any contribution or expenditure involved in such violation".

SEC. 405. COURT RESOLVED VIOLATIONS AND PENALTIES.

Section 309(a)(6) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g(a)(6)) is amended—

(1) in subparagraph (A) by—

(A) striking "Commission may" and inserting "Commission shall";

(B) striking "including" and inserting "which shall include"; and

(C) striking "which does not exceed the greater of $5,000 or an amount equal to any" and inserting "which equals the greater of $10,000 or an amount equal to 200 percent of any"; and

(2) in subparagraph (B) by—

(A) striking "court may" and inserting "court shall"; and

(B) striking ", including" and inserting "which shall include"; and

(C) striking "which does not exceed the greater of $5,000 or an amount equal to any" and inserting "which equals the greater of $10,000 or an amount equal to 200 percent of any".

SEC. 406. PRIVATE CIVIL ACTIONS.

Section 309(a)(6)(A) of FECA (2 U.S.C. 437g(a)(6)(A)), as amended by section 405, is amended—

(1) by inserting "(i)" after "(6)(A)"; and

(2) by adding at the end thereof the following new clause:

"(ii) If, by a tie vote, the Commission does not vote to institute a civil action pursuant to clause (i), the candidate involved in such election, or an individual authorized to act on behalf of such candidate, may file an action for appropriate relief in the district court for the district in which the respondent is found, resides, or transacts business. If the court determines that a violation has occurred, the court shall impose the appropriate civil penalty. Any such award of a civil penalty made under this paragraph shall be made in favor of the United States. In addition to any such civil penalty, the court shall award to the prevailing party in any action under this paragraph, all attorneys' fees and actual costs reasonably incurred in the investigation and pursuit of any such action, including those attorneys' fees and costs reasonably incurred in bringing or defending the proceeding before the Commission.".

SEC. 407. KNOWING VIOLATIONS RESOLVED IN COURT.

Section 309(a)(6)(C) of FECA (2 U.S.C. 437g(a)(6)(C)) is amended by striking "may impose a civil penalty which does not exceed the greater of $10,000 or an amount equal to 200 percent of any contribution or expenditure involved in such violation" and inserting "shall impose a civil penalty which is not less than the greater of $10,000 or an amount equal to 200 percent of any contribution or expenditure involved in such violation, except that if such violation was committed during the 15-day period immediately preceding the election, the court shall impose a civil penalty which is not less than the greater of $15,000 or an amount equal to 300 percent of any contribution or expenditure involved in such violation".

SEC. 408. ACTION ON COMPLAINT BY COMMISSION.

Section 309(a)(8)(A) of FECA (2 U.S.C. 437g(a)(8)(A)) is amended—

(1) by striking "act on" and inserting "reasonably pursue";

(2) by striking "120-day" and inserting "60-day"; and

(3) by striking "United States District Court for the District of Columbia" and inserting "appropriate court".

SEC. 409. VIOLATION OF CONFIDENTIALITY REQUIREMENT.

Section 309(a)(12)(B) of FECA (2 U.S.C. 437g(a)(12)(A)) is amended—

(1) by striking "$2,000" and inserting "$5,000"; and

(2) by striking "$5,000" and inserting "$10,000".

SEC. 410. PENALTY IN ATTORNEY GENERAL ACTIONS.

Section 309(d)(1)(A) of FECA (2 U.S.C. 437g(d)(1)(A)) is amended by striking "exceed" and inserting "be less than".

SEC. 411. AMENDMENTS RELATING TO ENFORCEMENT AND JUDICIAL REVIEW.

(a) TIME LIMITATIONS FOR AND INDEX OF INVESTIGATIONS.—Section 309(a) of FECA (2 U.S.C. 437g(a)), as amended by section 124, is amended by adding at the end thereof the following new paragraphs:

"(14) The Commission shall establish time limitations for investigations under this subsection.

"(15) The Commission shall publish an index of all investigations under this section and shall update the index quarterly.".

(b) PROCEDURE ON INITIAL DETERMINATION.—Section 309(a)(2) of FECA (2 U.S.C. 437g(a)(2)), as amended by section 402, is amended by adding at the end thereof the following: "Before a vote based on information ascertained in the normal course of carrying out supervisory responsibilities, the person alleged to have committed the violation shall be notified of the allegation and shall have the opportunity to demonstrate, in writing, to the Commission within 15 days after notification that no action should be taken against such person on the basis of the information. Prior to any determination, the Commission may request voluntary responses to questions from any person who may become the subject of an investigation. A determination under this paragraph shall be accompanied by a written statement of the reasons for the determination.".

(c) PROCEDURE ON PROBABLE CAUSE DETERMINATION.—(1) Section 309(a)(3) of FECA (2 U.S.C. 437g(a)(3)) is amended by adding at the end thereof the following: "The Commission shall make available to a respondent any documentary or other evidence relied on by the general counsel in making a recommendation under this subsection. Any brief or report by the general counsel that replies to the respondent's brief shall be provided to the respondent.".

(2) Section 309(a)(4)(A) of FECA (2 U.S.C. 437g(a)(4)(A)) is amended by adding at the end thereof the following new clauses:

"(iii) A determination under clause (i) shall be made only after opportunity for a hearing upon request of the respondent and shall be accompanied by a statement of the reasons for the determination.

"(iv) The Commission shall not require that any conciliation agreement under this paragraph contain an admission by the respondent of a violation of this Act or any other law.".

(d) ELIMINATION OF EN BANC HEARING REQUIREMENT.—Section 310 of FECA (2 U.S.C. 437h), as amended by section 124(d), is amended by striking ", which shall hear the matter sitting en banc".

SEC. 412. TIGHTENING ENFORCEMENT.

(a) REPEAL OF PERIOD OF LIMITATION.—Section 406 of FECA (2 U.S.C. 455) is repealed.

(b) SUPPLYING OF INFORMATION TO THE ATTORNEY GENERAL.—Section 309(a)(12) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g(a)(12)(A)) is amended by adding at the end thereof the following new subparagraph:

"(C) Nothing in this section shall be deemed to prohibit or prevent the Commission from making information contained in compliance files available to the Attorney General, at the Attorney General's request, in connection with an investigation or trial.".

Subtitle B—Other Provisions

SEC. 421. DISCLOSURE OF DEBT SETTLEMENT AND LOAN SECURITY AGREEMENTS.

Section 304(b) of FECA (2 U.S.C. 434(b)), as amended by section 112, is amended by striking "and" at the end of paragraph (8), by striking the period at the end of paragraph (9) and inserting a semicolon, and by adding at the end thereof the following new paragraphs:

"(10) for the reporting period, the terms of any settlement agreement entered into with respect to a loan or other debt, as evidenced by a copy of such agreement filed as part of the report; and

"(11) for the reporting period, the terms of any security or collateral agreement entered into with respect to a loan, as evidenced by a copy of such agreement filed as part of the report.".

SEC. 422. CONTRIBUTIONS FOR DRAFT AND ENCOURAGEMENT PURPOSES WITH RESPECT TO ELECTIONS FOR FEDERAL OFFICE.

(a) DEFINITION.—Section 301(8)(A) of FECA (2 U.S.C. 431(8)(A)) is amended by striking "or" after the semicolon at the end of clause (i), by striking the period at the end of clause (ii) and inserting "; and", and by adding at the end thereof the following new clause:

"(iii) any gift, subscription, loan, advance, or deposit of money or anything of value made by any person for the purpose of drafting a clearly identified individual as a candidate for Federal office or encouraging a clearly identified individual to become a candidate for Federal office.".

(b) DRAFT AND ENCOURAGEMENT CONTRIBUTIONS TO BE TREATED AS CANDIDATE CONTRIBUTIONS.—Section 315(a) of FECA (2 U.S.C. 441a(a)), as amended by this Act, is amended by adding at the end thereof the following new paragraph:

"(12) For purposes of paragraph (1)(A) and paragraph (2)(A), any contribution described in section 301(8)(A)(iii) shall be treated, with respect to the individual involved, as a contribution to a candidate, whether or not the individual becomes a candidate.".

SEC. 423. SEVERABILITY.

If any provision of this Act or any amendment made by this Act, or the application of any such provision to any person or circumstance is held invalid, the validity of any other such provision, and the application of such provision to other persons and circumstances shall not be affected thereby.

SEC. 424. EFFECTIVE DATE.

Except as otherwise provided in this Act, this Act and the amendments made by this Act shall become effective on November 10, 1992, and shall apply to all contributions and expenditures made after that date.

Mr. MCCONNELL. Mr. President, there are a number of observations made in this debate that I would say, with all due respect, are simply not factually correct. One of the most oft-repeated observations is that Senators are constantly raising money.

What typically is done, Mr. President, is that someone will add up the total amount of money a Senator raised for an election and divide it by the number of weeks in his 6-year term. Of course, that is grossly misleading. In fact that is not the way money is raised by Senators.

The statistics are clear, the facts are obvious. What happens is Senators who fear they may have a contest start raising money the last 2 years before their election. I have analyzed the classes of 1986, 1988, and 1990. The pattern is clear Mr. President.

First, let us look at the class of 1986. Four percent of the money raised by the class of 1986 was raised in the first 2 years of that class's 6-year term; 10 percent was raised in the second 2 years of that class' 6-year term; and 86 percent was raised in the last 2 years.

Put another way, Mr. President, 86 percent of the money incumbents raised in 1986 came in the last 2 years, which is entirely understandable, if you think you may have a tough race.

The same patterns were replicated in 1988 and 1990, with 83 percent of the money for the class of 1988 coming in the last 2 years, and 80 percent of the class of 1990.

So there is no money chase. Senators raise money in the last 2 years of a 6-year term if they think they are going to have a tough race. Tough races are something we ought to be encouraging, not discouraging.

There is not a more vexing issue before the Senate than campaign finance reform. All of our Members have practical experience in this issue. Certainly, we all have a vested interest in it. We have concerns as incumbents, as Republicans or Democrats, and as Members from States with unique laws, constituencies and circumstances which affect our campaigns. Our overriding concern should be as Senators of the United States of America. We are the trustees of the public interest, charged with upholding the laws and principles set forth in the Constitution.

Short of changing the Constitution, nothing we can do has the potential to so profoundly affect our electoral process as changing our campaign finance laws. Campaign finance laws are the rules of the game. They are the parameters governing the contests we must win in order to serve our country here in the Senate. There are a lot more rules now than there were when candidates were running 100 or even 25 years ago. The electoral process has obviously evolved considerably through the years.

In 1757, George Washington was a candidate for a seat in the Virginia House of Burgesses. During the course of his campaign he distributed 2 gallons of cider royal, 28 gallons of rum, 34 gallons of wine, 46 gallons of beer and 50 gallons of rum punch. This came out to more than a quart and a half of liquor per eligible voter.

These figures, Mr. President, will not be found at the Federal Election Commission. Had campaigns not evolved, the Kentucky distilled spirits industry would be hard pressed to supply the huge modern electorates comprised of millions of voters. Society and the election process did change and now most campaign funds go to communicating with voters through television, radio, and other mass media.

These and other costs amounted to about $3 per eligible voter in the U.S. Senate race in Kentucky last year. To put it in historical terms, that is about the cost of a six-pack of beer.

Much of the debate, Mr. President, has focused entirely on campaign spending. That is clearly a mistake. The fact is we spend more advertising hamburgers in this country than on politics. And we spend about the same amount of money per voter on cam-

paigns as all other Western democracies. Yet there is a notion, perpetuated by some in the press and so-called good government groups, that we are spending too much. Implicit in their positions is the assumption that spending is somehow corrupt. So we are now seeing a misguided drive for campaign spending limits.

It is no secret that I am opposed to spending limits; involuntary or coerced, spending limits are unconstitutional because they are a de facto limit on free speech. But I am not the only one against spending limits. It is almost impossible—I am not going to say it is impossible because maybe somebody will come with one—but I have been unable to discover any reputable scholar anywhere in the country who advocates spending limits. Let me just refer to some of the people I am talking about.

Herbert Alexander is a professor at the University of Southern California and who was director of President Kennedy's Commission on Campaign Costs: Against spending limits;

Christopher Arterton, dean of the Graduate School of Political Management, New York. Chair, Campaign Finance Study Group of the John F. Kennedy School of Government at Harvard: Against spending limits;

John Bibby, professor of political science, University of Wisconsin: Against spending limits;

Joel Fleischman, vice chancellor of Duke University, member of the Committee on Electoral Reform and Voter Participation in the American Bar Association: Against spending limits;

Joel Gora, associate professor at Brooklyn Law School, assistant legal director of the American Civil Liberties Union: Against spending limits. As, by the way, is, also, the American Civil Liberties Union;

Gary Jacobsen, associate professor, University of California at San Diego: Against spending limits;

Xandra Kayden, research associate at the John F. Kennedy School of Government, Harvard University; director of the Women's Advisory Council, McGovern-Shriver Campaign: Against spending limits;

Susan King, Assistant to the Commissioner, Federal Elections Commission and Chairman of the Consumer Product Safety Commission for President Carter: Against spending limits;

Michael Malbin, one of the premier experts on campaign finance in the country: Against spending limits;

Nicholas T. Mitropoulos, senior campaign staffer for George McGovern, Jimmy Carter, and CHUCK ROBB: Against spending limits;

Jonathan Moore, director of the Institute of Politics of Harvard: Against spending limits;

Richard Neustadt, chair of the platform committee, 1972 Democratic National Convention, distinguished professor of Harvard: Against spending limits; Gary Orren, professor, Institute of Politics at Harvard, director, Polling and Survey Research, Kennedy for President Committee, 1980, against spending limits; Norm Ornstein, resident scholar at the American Enterprise Institute, against spending limits; Nelson Polsby, professor, University of California, Berkeley, against spending limits; Austin Ramney, professor, University of California, Berkeley, against spending limits; Larry Sabato, associate professor of government at the University of Virginia, against spending limits; Richard Scammon, professor, American University, against spending limits; and Frank Sorauf, professor at the University of Minnesota, against spending limits. This is Who's Who, Mr. President, of the academic community in America that has studied the question of spending limits.

Mr. President, I ask unanimous consent that the list of scholars and a paper that I put together that is a synopsis of their views on spending limits be printed in the RECORD.

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

SCHOLARS AGAINST SPENDING LIMITS

Herbert Alexander—Professor, University of Southern California; Director, Citizens' Research Foundation; Director, President Kennedy's Commission on Campaign Costs.

Christopher Arterton—Dean, Graduate School of Political Management, New York; Chair, Campaign Finance Study Group, John F. Kennedy School of Government; Harvard University; Assoc. Professor of Political Science, Yale University; Member, Presidential Nomination and Party Structure of the National Democratic Party.

John Bibby—Professor of Political Science, University of Wisconsin.

Joel Fleischman—Vice Chancellor, Duke University; Chair, Department of Public Policy Studies, Duke University; Member, Committee on Election Reform and Voter Participation, American Bar Association.

Joel Gora—Associate Professor, Brooklyn Law School; Assistant Legal Director, American Civil Liberties Union; Winning Counsel, Buckley v. Valeo (1976).

Gary Jacobsen—Associate Professor, University of California, San Diego.

Xandra Kayden—Research Associate, John F. Kennedy School of Government, Harvard University; Director, Women's Advisory Council, McGovern-Shriver Campaign.

Susan King—Assistant to the Commissioner, Federal Election Commission; Chair, U.S. Consumer Product Safety Commission under President Carter.

Michael Malbin—Assistant Director, House Republican Conference Committee; Resident Scholar, American Enterprise Institute; Editor and Co-author, *Money and Politics in the United States*.

Nicholas T. Mitropoulos—Assistant Director, Institute of Politics, Harvard University; Senior campaign staffer for George McGovern, Jimmy Carter and Charles Robb.

Jonathan Moore—Director, Institute of Politics, Harvard University.

Richard Neustadt—Lucius N. Littauer Professor, Harvard University; Founding Director, Institute of Politics, Harvard University; Consultant to Presidents Truman, Kennedy, and Johnson; Chair, Platform Committee, 1972 Democratic National Convention.

Gary Orren—Professor, Institute of Politics, Harvard University; Member, Democratic Commission on Presidential Nominations; Director, Polling and Survey Research, Kennedy for President Committee, 1980.

Norman Ornstein—Resident Scholar, American Enterprise Institute.

Nelson Polsby—Professor, University of California, Berkeley.

Austin Ramney—Professor, University of California, Berkeley.

Larry Sabato—Associate Professor of Government, University of Virginia.

Richard Scammon—Professor, American University.

Frank Sorauf—Professor, University of Minnesota.

CAMPAIGN FINANCE REFORM—SCHOLARS ON SPENDING LIMITS

(Edited by Senator Mitch McConnell)

HERBERT ALEXANDER

(Citizens Research Foundation, University of Southern California)

Limiting candidate speech gives an advantage to the institutionalized media which may not be favorable to one or another candidate, or may give advantage to the incumbent who has access to media forums. The White House and the Congress are public forms holding potential to give immense advantage to incumbents.

". . . expenditure limits have great and often deleterious impacts on campaigns. They work to the advantage of candidates who are better known, who have the backing of a superior party organization, or who have the ability to enlist volunteers; incumbents are usually in all three of these advantaged categories."

". . . all such formulas would, if adopted, have strikingly important, Unintended impacts that have received very little attention. Over a period of years, these impacts would result in major changes in the allocation of power in Congress: differences in Senate seniority would result simply from differences in state size, and also differences in both Senate and House seniority would occur because of local variations in media costs and degrees of political competitiveness."

"Unintended discrimination among states is wholly avoided only if there are no spending ceilings."

"States that usually have competitive general elections would be affected very differently from states that rarely have such races. Obviously, the more competitive a race, the more likely it will involve high spending."

"Apart from differences in competitiveness, sheer population size differences would lead to differences in seniority."

"Without public funding in the 1986 Senate elections, five challengers won despite spending less than their incumbent opponents who could spend unlimited amounts."

LARRY SABATO

(University of Virginia)

". . . the frequent call for spending ceilings in congressional races is a bad reform idea that sounds good. On the surface it is undeniably an attractive proposal. If we are concerned about the 'obscene' levels of expenditures in House and Senate races, say the reformers, then let us set a maximum amount that can be spent to win each post.

But who would determine the ceilings? The Congress would, of course—a body composed

of 535 incumbents who are fervently convinced of the worthiness of their own reelections. It is in their electoral interests to set the ceilings as low as possible. After all, the incumbents already have high name recognition, purchased with lavish spending during previous campaigns, and also achieved over their years in office with hundreds of thousands of dollars of taxpayers' money (via congressional staffs, mobile offices, constituency services, etc.). The average challenger, then begins his or her campaign perhaps millions of dollars behind the incumbent in overall real spending; and large challenger expenditures are necessary to compensate and to compete.

The fact is, therefore, expenditures ceilings, in most circumstances, will favor incumbents and make it even more difficult for challengers to defeat entrenched legislators. While electorally threatened congressmen may disagree, the American political and governmental system is heavily weighted toward incumbents—too much so, in fact. With more than 92 percent of incumbent U.S. house members who seek another term regularly reelected (98 percent in 1986 and 1988), discouraging competition ought to be the last thing we do.

Inevitably, ceilings will lead to creative accounting practices and other methods that will have the effect of "stretching" the ceilings. This has already occurred at the presidential level. The effect is to undermine respect for the campaign finance system generally. Why build into the law artificial devices that almost unavoidably lead to barely-legal cheating and encourage noncompliance?

Designed to reduced special interest influence on government, ceilings may actually increase the power of some interests at the expense of others. Ceilings would favor the large, organized interests which are in a position to contribute early in an election cycle, before the ceiling for a given candidate is reached. Smaller or later-organizing groups that lack capital early in the election cycle may be forbidden from contributing directly to a candidate. Since officeholders are especially likely to give access to those who have donated money to their election campaigns, spending ceilings may also have the unintended consequence of granting more access to the "haves" and less to the "have nots."

MICHAEL MALBIN

(University of Maryland)

. . . spending limits strongly favor incumbents

[1986 elections] . . . all but one of the challengers who defeated sitting incumbents spent *less* than the incumbents they beat. That continues the pattern ever since public disclosure. Since 1976, all but four defeated Senate incumbents outspent the challengers who beat them.

. . . limits would apply to challengers and incumbents equally. That sounds like Anatole France's famous line about the laws forbidding the rich and poor alike to sleep under the bridges of Paris. Incumbents are well known and the marginal utility of a dollar spent by a well known person is less important than a dollar spent by a less well known person. Incumbents are better known than challengers, with Senate challengers in much better shape, on the whole, than their counterparts in House races.

. . . what separates the few close races from the rest is not the money raised by incumbents but the amount raised by challengers. Equalizing campaign funds would do nothing to help the vast majority of seriously underfunded challengers, but limits would prevent the best challengers from making their case against incumbents who start off with more than a $1 million advantage in office account funds.

The evils of public financing do not begin to match the dangers of a system in which challengers cannot make their case.

It assumes that spending in a publicly funded race can be limited to the amount provided to the candidates by the Treasury. But the proponents know full well from the experience of presidential elections that full public funding, contribution limits and spending limits all tend to stimulate indepdent expenditures.

In response to proposals to deal with independent expenditures by triggering a public grant to the candidate whose opponent was favored:

. . . it is so easy to circumvent as to be almost laughable.

But I would not even have to be this cynical. The presidential system has taught us there are a number of activities in which a committee can engage that do not count under the law as independent expenditures. They can place issue advertising. They can work on voter registration and turnout. Etc., etc. The simple fact is that political professionals who run well heeled committees cannot be kept out of politics by whatever regulations you may write into law.

Regarding spending limits.

. . . an idea whose time has come—for a decent burial.

RALPH K. WINTER

(American Enterprise Institute)

In regard to limits proposed in the early 1970's:

Such limitations are as relevant to modern political campaigns as stagecoach speed limits to 747 pilots. Where the limitations are not anachronistic, they are unenforceable. Where they are enforceable, they are insufficiently comprehensive. And where they are comprehensive, they are usually not enforced. Corporations and unions may not contribute to candidates, but . . . they may engage in "educational" activities which leave little doubt as to which candidate or candidates they are "educating" for. Prohibitions on direct contributions are frequently avoided, it is alleged, by providing "volunteers," by making contributions in kind rather than in money, or by diverting cash through various conduits to candidates.

When it comes to getting reelected, incumbents have a good track record. They have a staff, offices, access to the media, free mailing privileges, et cetera, all of which can be put to political use. They also have an established image in the minds of the voters. Finally, they often have access to money for campaign purposes. For this last reason, many have argued that limiting campaign spending would not give an undue advantage to incumbents. But the contrary is clearly the case. Money is the resource that can be most easily converted to other campaign assets. Raising and spending money is usually the only way a challenger can overcome the advantages incumbents have. To limit the amount of money which a candidate may spend does not equalize political opportunity; it simply aggravates all other inequalities. In fact, since money is the most convertible resource, it seems arguably the least likely candidate for limitation in the name of equalization.

Since the other inequalities are most frequently the result of incumbency, a limitation on spending will in the long run work to the disadvantage of challengers and skew the political process severely. A study in the field of advertising support this conclusion. It found that advertising is most effective in introducing new brands and new products. Heavy advertising is thus closely associated with industries in which there is a high turnover of brands. This study has important implications for those contemplating limitations on political spending in the media and for those concerned with the problem of the electoral advantage of incumbents. If we limit campaign spending on television and radio, we may well turn politics into an "industry" in which there is a low turnover of "products".

It is often alleged that limitations on campaign contributions and spending will reduce the influence of special interest groups. The contrary is the case, however, for they will merely discriminate against some in favor of others. Organized labor, for example, strongly supported the television bill vetoed by the President. Such statutes might limit the amount of direct contributions COPE now gives to candidates it favors. They would, however, give COPE a tremendous advantage because it engages in so many other political activities helpful to those candidates that the quantum of its influence would be relatively increased by a limit on direct spending. The political activities which COPE labels as "educational," for example, would be untouched. Registration drives, the maintenance of local organizations, news releases, pamphlets on political issues, the circulation of voting records, the organization of "volunteers," et cetera, are all activities which would be unaffected by any legislation now under consideration but which are plainly considered effective campaign tactics by all involved.

Limiting campaign expenditures, therefore, is hardly a technique that will equalize the influence of special interest groups. Quite the contrary, it is fully designed and intended to increase the power of some special groups at the expense of others.

Such legislation also discriminates against people with little free time who must limit their campaign activities to monetary contributions, and increases the political power of those who can contribute their time to the candidates they prefer.

A limitation on campaign expenditures may well affect the size of the vote adversely. To be sure, the amount of cash expenditures in a campaign is not the only variable affecting the number of people who vote. But, in the commercial world, the advertising of a particular brand product tends to increase the sales of that kind of product (as well as of the brand) relative to all other products in the economy. One might speculate that a reduction in political advertising, whether by one party or all parties, might well reduce the size of the vote. Restrictions, moreover, will again have a discriminatory effect in that those who are contacted through political other than the forbidden media—e.g. registration drives or "educational" activities—may be more likely to vote than those who might have been induced to do so by forbidden television advertising.

The problems involved in limiting campaign expenditures and contributions are fully exposed when we turn to the question of what criteria should be employed to establish the limitations. Indeed, it appears that there are no "fair" criteria and that the limitations adopted will usually favor those in power.

If contributions and spending in the form of cash are to be limited, there is no logical

reason why services donated should not be treated as a "contribution" or "expenditure" at the fair value of those services. If a law professor works for a candidate, for example, the fair market value of his time should be treated as a "contribution" made by him and "expended" by the candidate calculated at the fair market value of those services. Third, money spent on "educational" activities with a political intent should also be limited since it is used for partisan purposes and is functionally indistinguishable from a candidate's campaign money. Because Congress is not about to enact truly comprehensive legislation, whatever legislation is passed will be arbitrarily limited to only certain kinds of political activities. One reason is that many of those who are most anxious for legislation benefit from the activities which are left unregulated. Another is that the First Amendment problems become vividly clear when these other activities are viewed, as they ought to be, as fungible with campaign money.

Many of the supporters of limitations on campaign expenditures and contributions style themselves as vigorous defenders of First Amendment rights. It is thus surprising to find that of the many problems raised by such legislation, the free speech issue is the least mentioned. A limit on the amount an individual may contribute to a political campaign is a limit on the amount of political activity in which he may engage. A limit on what a candidate may spend is a limit on his political speech as well as on the political speech of those who can no longer effectively contribute money to his campaign. In all of the debate surrounding the First Amendment, one point is agreed upon by everyone: no matter what else the rights of free speech and association do they protect explicit political activity. But limitations on campaign spending and contributing expressly set a maximum on the political activity in which persons may engage.

Such a law is indistinguishable in principle from laws forbidding people from engaging in other kinds of political activity. A law forbidding someone from contributing to a candidate's campaign or restricting the use to which the candidate may put the money cannot be distinguished from a law forbidding speeches of over ten minutes in public parks.

. . . such legislation always discriminates in favor of one kind of candidate or group and against another. Many of those who favor such legislation stand to benefit from its passage. The inference that such legislation is the instrument of a political cartel is hard to resist. But even if incumbents do not realize the potential benefit to themselves and even if they are men of good will seeking only to further the public interest, the fact is that the First Amendment forbids such regulation and for a good reason. We cannot always count on having men of good will and honest intent in office. Systematic regulation of political campaigns by Congress must inevitably lead to those in power regulating in favor of themselves. The reason the First Amendment takes matters of political speech and political activity out of the legislative process is precisely because we cannot rely on those in power to exercise that power on behalf of their political opponents.

Quantitative limitations on contributions or expenditures are particularly dangerous since they require periodic revision and reconsideration by Congress. Over time, sooner or later, limitations will be used to protect those who hold power from those who seek it. Such laws, therefore, are fundamental threats to basic liberties.

. . . the inevitable effect of an expenditure limit is to force candidates to go more and more to media image campaigns and more and more to avoid getting close to the voters through any kind of grassroots activity.

NELSON W. POLSBY

(University of California, Berkeley)

Anything that tends to prevent or to restrict political competition presumably tends to degrade the value of the vote—the fundamental instrument through which the political equality of citizens in a large polity is expressed. The intended effect of this set of regulations and incentives is to increase political competition by reducing the influence of money in the system. By providing matching subsidies, it helps serious candidates get in the game. By limiting expenditures, it seeks to make the chances of all candidates regardless of their economic standing more equal, and it arguably protects candidates against the inappropriate demands of heavy donors to their campaigns.

Ample experience now exists to call these benign expectations into serious question. Although it is true that money is used in election campaigns primarily to call voters' attention to candidates, equalizing the money candidates can legally spend does not necessarily equalize the attention they get from the news media. Some candidates can be denounced—even defamed—by influential news organizations, as, for example, has been the regular custom of the Manchester Union Leader in connection with the overwhelmingly significant New Hampshire presidential primary election. Limitations on candidate expenditures materially hinder the capacity of candidates thus singled out to combat the effects of unfavorable publicity.

Inequalities in name recognition also exist by virtue of circumstances other than financial. Incumbents are the main beneficiaries of name recognition, but the advantage also accrues to celebrities of all sorts—preadvertised candidates from the world of sports, for example, military heroes, and so on. When celebrities are competing with noncelebrities, or incumbents with nonincumbents, money—if it can be used legally by the disadvantaged candidate—may tend to equalize the competition rather than exaggerate the advantage of the more famous competitor. As Gary Jacobsen concludes from his authoritative study of congressional elections: These elections "are affected much more by what challengers spend than by what incumbents spend. The more spending by all candidates, the better challengers are likely to do."

This may be true even if the more famous competitor raises and spends more than the less famous competitor, because the law of diminishing returns operates against the efficacy of extremely large amounts of money. It is, for example, impossible for a candidate to achieve name recognition higher than 100 percent. Frequent reminders over and above that may only be annoying. What is crucial is whether less well-known competitors get enough money to compete effectively so as to mitigate the effects of great initial differences in name recognition. Thus, the issue is whether restrictions on the raising and expenditure of money tend to help or hurt those who are less advantaged by other criteria.

Name recognition—the main electoral asset bought by many—may, to be sure, be a mixed blessing. Candidates can become unfavorably as well known as favorably known. This reminds us that there are uses for money beyond the achievement of 100 percent name recognition—such as countering unfavorable publicity. Therefore, empirical expectations about the point at which, diminishing returns set in for money as a electoral asset should be adjusted upward accordingly. This would strengthen an argument for no limitations on expenditures (as opposed to higher limits than currently exist) because it is difficult to anticipate far in advance of a given campaign various candidates' needs for resources to counter negative publicity.

The empirical investigation that this argument requires has not frequently been pursued. It is much more common for advocates to favor public finance of elections, or to oppose public finance, on a priori grounds, and for those favoring public finance to argue that this is a suitable way to reduce the costs of elections overall because public financing of candidates requires them to limit their overall expenditures.

From the standpoint of an advocate of greater equality in the electoral process, however, this a priori approach is flawed, and the two elements of the usual public finance package—public subsidy and limitations on private fundraising and expenditures—actually point in opposite directions. The equalizing effects of public subsidies tend to be canceled out rather than enhanced by fund-raising and expenditure limitations, so instead of increasing the overall probability that candidates will play on a level playing field, the net effect of public finance plus limitations is to decrease that probability. Public financing of elections is not the culprit here; the limitations on further fund-raising and on expenditures are. Limitations neutralize the capacity of money to counteract other advantages that candidates may, indeed usually do, have. Thus the advocate of more equal political competition ought to be an opponent of these limitations, regardless of whether they advocate public subsidies for primary campaigns. Few, if any, are.

Regarding inequalities between incumbents and challengers:

Clearly, the most important of these is incumbency, the most pervasive example of name recognition generated by means other than the expenditure of money during a given campaign. Not every political contest involves an incumbent, although many do. And many political contests involving no incumbent do engage candidates vastly unequal in their fame. Consider the contest, for example, in 1982 for the U.S. Senate in New Jersey between long-term New Jersey Representative Millicent Fenwick, Doonesbury's favorite politician, and a businessman named Frank Lautenberg who had not previously run for public office. It is hard to see how Lautenberg could have overcome his disadvantage in name recognition if he had been forbidden to spend heavily in New Jersey's fragmented and diverse media markets. So incumbency is only a subset—though no doubt a large on—of the general set of conditions in which one contestant is more famous than another before the election campaign proper begins.

Presumably, the capping of money has different effects in different electoral settings. In presidential elections a blanket grant is given to the major parties. Its main effect seem to be to centralize campaigns and reduce coalition building between presidential candidates and other politicans. In presidential primaries there is a complex matching scheme that does not seem to create a great barrier to entry. Expenditure limitations lead to elaborate evasive measures, for

example, housing workers in the New Hampshire primary out of state. If public finance plus limitations were adopted for House races, one might guess that the benefits of incumbency, already overwhelming, would be further enhanced.

Thus, the casual relations between money and other electorial assets are complicated. One common assumption is that money buys all other assets and is therefore the major cause of electoral success. My argument requires that at least some other electoral assets (for example, incumbency) exist independently of money. Gary Jacobson suggests in his study of congressional races that money flows to nonincumbents—when it does—because they seem to be strong candidates for other reasons. In these cases, money can mitigate differences that arise on other grounds; lack of money can accentuate these differences. If money were the only factor that differentiated candidates, a case could be made for controlling the amounts of money that candidates spend. But this is an unrealistic assumption.

. . . a fixation on neutralizing the impact of one among several resources frequently has the effect of adding to the impact of these other inequalities to influence outcomes.

Nonproblems: The amount of money spent on elections. This spending is justified by the number and complexity of choices made in American elections, by the inattentiveness of voters to politics. The amount of time spent on campaigns. America is the home of the long ballot and the loosely organized party. That means it takes time to organize our nominations more or less from scratch for every election.

JOHN R. LOTT, JR.
(Stanford University)

[Spending limits] . . . would make it harder for challengers to overcome the advantages incumbency provides and might end up making our representatives even less responsive to voters.

Incumbents have had their names advertised in previous elections. Also, they have had free media exposure and franking privileges during their tenure. This creates a great advantage, protecting them against newcomers who are potentially more representative and efficient. Unless challengers are free to solicit substantially larger contributions than the incumbents to offset this advantage, they may have little chance to win, leaving less competent individuals in office.

For incumbents to claim that they are acting in the name of "fairness" when they are at the same time ensuring their future employment in Congress is hypocritical. It is unfair to pretend that incumbents and challengers are starting on an equal footing.

If we were to introduce low, uniform spending limits on congressional races—not recognizing the need for challengers to be able to raise relatively large sums—we would see incumbents stay in office longer and become less responsive to voters' opinions. The immediate effect would be to lower the current expenditures of incumbents and challengers alike, while leaving the incumbents' large past investments unchanged.

GARY C. JACOBSON
(University of California, San Diego)

Proposals to limit campaign spending rest, at least implicitly, on the assumption that some level of spending is "enough"—enough to inform voters sufficiently for them to have a real choice between known alternatives. Candidates (including unknown challengers) who spend that amount will be as competitive as the substance of their campaigns can make them; money spent beyond the limit makes little or no difference. Furthermore, the same level of campaign spending is assumed to be "enough" under a wide variety of electoral circumstance.

The real question is whether the limits typically proposed allow sufficient spending for competitive campaigns—specifically, challengers to incumbents—across the usual range of electoral circumstance.

The more nonincumbents (particularly those challenging incumbents) spend, the greater their share of the vote. The more the incumbents spend, the smaller their share of the vote. Incumbents do not lose votes by spending money, of course; they merely spend more, the more strongly they are challenged, and the stronger the challenge, the worse for the incumbent. With the challenger's level of spending (the best measure of the strength of a challenge) controlled, the effect of the incumbent's spending is, in virtually every model of election year, very small and stastically indistinguishable from zero.

These findings indicate that, in general, any policy restricting campaign spending is likely to protect incumbents and diminish electoral competition.

A challenger's chances of winning seem to depend strongly on how much he spends on the campaign. Obviously, his prospects might also depend on what the incumbent spends. Certainly members of Congress believe so, for their campaign finance activity in sharply reactive; the more threatened they feel by a challenge, the more money they raise and spend. Few question the necessity for, and efficacy of, spending generously in response to a vigorous, well-financed challenge. But, as noted, extensive research has produced remarkably little evidence that spending by incumbents has any effect at all on the vote once other variables (including the challenger's spending) are taken into account.

Note also that it takes a substantial amount of money to have much chance to defeat even the most marginal incumbent. That is, apparent "vulnerability" only translates into a serious risk of defeat if the challenger spends enough money to exploit it.

Proponents of spending limits often claim that the preoccupation with maintaining competition is misplaced because only a few seats are competitive in any event, and these few seats can be contested effectively by challengers with limited funds because they are inherently marginal. The evidence here suggests the contrary. It takes a substantial amount of money to have much chance of defeating even a very marginal incumbent, and even ostensibly "safe" incumbents can be put at serious risk by a well-financed challenge.

Clearly, challengers have little chance to win unless they spend rather substantial amounts of money. Still, a few have managed to win with frugal campaigns. How did they do it? A case-by-case analysis reveals that scandal, good media markets, and unusually inept incumbents occasionally permit challengers to win on the cheap.

The public, Common Cause, and many members of Congress clearly regard what is objectively only "enough" money for a competitive campaign under many conditions as being "too much." But competitive campaigns are unavoidably expensive. There is simply no way for most nonincumbent candidates to capture the attention of enough voters to make a contest of it without spending substantial sums of money.

A very large proportion of voters recognize the incumbent's name no matter what he spends on the campaign. Indeed, incumbent recognition rates are so high as to leave little room for improvement; familiarity on this level is one undeniable advantage of incumbency. For challengers, in contrast, campaign spending and recognition vary together strongly, so the more a challenger spends, the narrower the incumbent's advantage on this dimension. The gap between the proportion able to recall the names of the two candidates without being cued by a list also diminishes as spending increases. Both candidates improve their standing on this more stringent measure familiarity by spending more money, but the challenger gains relatively more than the incumbent.

These patterns help to explain the connection between campaign spending and the probability of a successful challenge. They also show how much money it takes to apprise voters of even the most elementary piece of information—the candidate's name. Again, a fully competitive campaign, in which most voters know enough about the candidates to make a minimally informed choice, is obviously an expensive campaign.

In aggregate, the evidence is overwhelming that ceilings on campaign spending at the levels commonly proposed would stifle competition and protect incumbents . . . Competitive campaigns are not merely a product of structural factors—for example, a distribution of partisans that makes some districts inherently marginal—overlain by national forces. They are far more the result of vigorous, amply funded challenges. If the goal is to retain or enhance the benefits of electoral competition—keeping legislators responsive, letting voters change the direction of policy by replacing elected officials—limits on congressional campaign spending are a fundamentally bad idea.

STEPHEN HESS
(Brookings Institution)

I do not think that the major reason that incumbents win is because they are better financed than their opponents. Incumbents win in part because they give themselves other advantages. But far more importantly, because they are better known, they have been active longer in public life, they have done more favors, they have made more speeches, and they have otherwise impressed themselves upon the voters before the campaigns begin.

NORMAN J. ORNSTEIN
(American Enterprise Institute)

Nearly everyone connected with the political process, from journalists to politicans to academics, understand these problems. But most move from them to a fatal misconception about their roots, and to faulty assumptions about what would cure them.

The fatal misconception? That the problem is too much money. The most common complaint about the campaign finance system is that it is awash in money—especially, of course, special interest money.

In a vast and heterogenous society like the United States, elections cost a lot of money—and should. There is no way to communicate effectively and fully with the 550,000 people who make up a Congressional constituency, or the tens of millions of Americans affected in many Senate elections, without spending a lot of money.

McDonald's spends more money advertising its hamburgers than we do on our federal campaigns. As scholar Howard Penniman points out, contrary to conventional wisdom, the per-voter costs for campaigning in the

U.S. are about the same as the average for Western democracies.

We happen to have a lot of voters, spread out over huge geographical expanses. This means that American elections are expensive—and have to be. Candidates need to raise lots of money to run effective campaigns—campaigns, in other words, that adequately reach voters.

What about capping campaign spending? Reformers who favor this approach believe it would reduce the obsession with money, give challengers more opportunity by reducing the huge leads that well-off incumbents have, and trim special interest influence by cutting the overall money in the process.

A cap on spending might reduce a candidate's ability to communicate with voters, but it would not reduce special interest influence—just rechannel it. And it would have the opposite effect of its intentions on incumbents and challengers.

Think of a Congressional election as the political equivalent of a 100-yard dash. Currently, most incumbents start out on the 50-yard line, with their challengers back in the starting blocks.

Capping campaign expenditures is like shortening the race to 80 yards—but leaving the candidates where they were to start with.

This obviously would not make for a more competitive race; it would simply make it even more difficult for a challenger to find the wherewithal to overcome a huge incumbent lead.

Put another way, the problem for most challengers has not been how much an incumbent has, but rather how little the challenger can raise to overcome the overwhelming threshold of name recognition and issue communication required to reach a huge constituency.

Consider two alternatives: (1) Incumbent and challenger are each limited to $100,000, or (2) Incumbent gets $1,000,000 and challenger gets $400,000. Every savvy challenger would choose the second.

JOHN F. BIBBY
(University of Wisconsin-Milwaukee)

From almost any perspective the most conspicuous aspect of congressional elections in the past two decades has been incumbents' high reelection rates, particularly in the House, where meaningful competition has become too often the exception rather than the norm. Meaningful competition and hard fought campaigns are more common in Senate contests . . . More intense contests are waged for the Senate because (1) most states have genuine two-party competition for statewide offices; (2) the media gives relatively high visibility to Senate races; (3) it is easier to recruit strong challengers for Senate races; (4) Senate challengers have a greater capacity to raise the funds necessary to conduct aggressive campaigns; and (5) political party organizations play a modest, but relatively significant, role in assisting their nominees.

Even with its generally more competitive elections, Senate incumbents had an overall reelection rate of 79.66% in the 1980s. High incumbent reelection rates reflect conscientious efforts by Members to maintain contact with their constituents, serve their needs, and represent their views. But we should also recognize that the Congress has been molded in a manner that serves the reelection needs of its Members.

A major advantage of incumbency is control of official resources for reaching and serving constituents as well as the media visibility and group access that goes with holding high public office. It is almost impossible to put a price tag on these advantages, but clearly they are sizable.

As a result of inherent incumbent advantages, challengers must spend at high levels just to be competitive with incumbents. Political science research has demonstrated consistently that campaign expenditures are more important for nonincumbent candidates. How well challengers do is a direct function of how much they spend in their campaigns. By contrast, incumbent spending quickly reaches a point of diminishing returns and has much less effect on the vote than does challenger spending.

Reform proposals must be evaluated in light of these findings. Public policy should not add to the already significant and inherent advantages of incumbents and thereby depress inter-party competition.

Because challengers, not incumbents, benefit most from campaign spending, expenditure limits have an anti-challenger and anti-competition bias.

ROBERT CORN-REVERE
(Catholic University)

If groups of business people gather to establish rules to ensure "fair" or "equal" competition in the marketplace, some would call it restraint of trade. When Members of Congress do the same thing for their occupation, it is known as campaign reform.

It should surprise no one that those who play the political game would establish ground rules favorable to their cause. Indeed, incentives surrounding campaign reform measures were recognized before passage of the Federal Election Campaign Act of 1971 (FECA), the primary law regulating campaigns for federal office.

Generally, campaign reforms protect incumbents and stifle new political movements. The supposedly neutral limits on spending prevent challengers from mounting campaigns that are strong enough to overcome the officeholders' advantages. Public funding of campaigns reinforces the established political parties by erecting barriers to newcomes. Limits on campaign speech of independent committees allow candidates' staff to control the flow of political discourse and thus to monopolize the debate.

Much has been written about the spiraling cost of political campaigns. Undeniable as these figures are, the alarm often associated with the increases is explained more by political hyperbole and media hype than by actual costs. When measured in real dollars, much of the increase is due to inflation.

Legislators often advocate such proposals by invoking images of the rich candidates buying congressional seats. Campaign spending limits or public funding, they say, would make elections more fair by placing candidates on equal footing. But some candidates, to paraphrase George Orwell, are more equal than others.

By virtue of their office, elected officials already enjoy brand-name familiarity among voters and need not spend money at the outset of a campaign to gain name recognition. Moreover, the staffs, travel benefits, offices, and communications allowances provided to representatives help maintain the built-in advantage. Over a two-year House term, these benefits plus salary have been estimated conservatively to amount to $1 million, none of which would be affected by spending limits.

Along with inflation-driven campaign costs, the advantages of incumbency are on the rise. The personal staffs of Congress members doubled between 1960 and the mid-70s, as did the percentage of staff assigned to district offices. Allowable taxpayer-subsidized trips to the home district for representatives rose from three in 1960 to 33 in 1977, and in 1978 all limits on the number of trips were removed. By 1983, each senator was allocated 50 trips home, compliments of the U.S. Treasury.

Members of Congress also gave themselves unique access to the media. The most obvious benefit is the franking privilege, which allows members of Congress to blanket the home district with free, unsolicited mass mailings. There was better than a thirteenfold increase in franked mail from 1954 to 1983. . . .

The adoption of congressional campaign spending limits, whether voluntary or not, would very probably hasten the trend toward permanent congressional government. Public funding proposals would produce a similar result, especially if combined with expenditure limits. . . .

Mr. MCCONNELL. Mr. President, the big roadblock to limiting campaign spending, in addition to the fact that it does not work, is the First Amendment which protects political speech. The Supreme Court has determined that campaign spending, which is primarily for the purposes of communication, is speech.

The other roadblock to limiting campaign spending is the reality that all Americans have a vested interest in the electoral process and a 200-year-old tradition of participating in it. Much to the chagrin of some who would like to squeeze individuals out of the process, citizens are determined that they will be involved beyond simply casting their individual votes. Some citizens will volunteer on telephone banks; some will hand out leaflets; others will go door to door. And still more citizens, a clear majority of those who participate these days, who are too busy to do those things, will make small, fully disclosed, contributions to the candidates they support to help pay for all these other activities.

Mr. President, there is nothing wrong with that. We ought to be encouraging that, not discouraging it. A spending limit is a two-pronged restriction on speech. First, it restricts the total amount of speech available to the candidate by cutting what the candidates can spend on mass communication, and it restricts the total number of citizens who can participate in the process by making a small donation. Spending limits cut speech out of the process, and cut people out of the process. That is why, Mr. President, the Supreme Court in Buckley versus Valeo said that spending limits are unconstitutional.

It is, however, constitutional for the Government to entice candidates, through generous public subsidies, into accepting limitations on their speech. Hence, the current Presidential system of truly voluntary spending limits in return for generous public funding. However, the Government cannot limit independent expenditures protected by the First Amendment and current law

does not limit special interest soft money.

These are not just my views, Mr. President. These are the views of virtually every reputable scholar on the issue: the Supreme Court in 1976 in the Buckley case, and the Justice Department in 1991.

Opposition to spending limits is not just based on constitutional theory. Four elections and $500 million later, the Presidential system of spending limits is a total failure. The Presidential system is a bad joke funded by taxpayers who are not amused. Fewer than 1 in 5 taxpayers now checkoff on their tax forms to designate a dollar from taxes they already owe. Less than 20 percent check off a dollar they already owe to the Presidential election campaign fund.

The Presidential system is not even limiting spending, and that is what it was all about. Spending increased—listen to this Mr. President—50 percent from 1984 to 1988. This is the race in which there are spending limits; spending went up 50 percent. Meanwhile, spending in the unlimited congressional system actually declined.

Spending limits do not limit special interest money either. Half the spending in Presidential elections is off the books—money, unlimited and undisclosed. Much is spent by special interests on behalf of or against candidates. We all remember the infamous Willie Horton ad. It is a case in point. It was an independent expenditure.

Michael Malbin of the Rockefeller Institute of Government, and the renowned expert on campaign financing, testified before the Senate Rules Committee 2 months ago and here is what he said, Mr. President:

> In every Presidential election since public funding, spending has gone up—with more and more of the money going off the books and underground. If people care enough about an election, they will look for ways to get involved. If they are big and well organized, and cannot contribute directly, then they will look at independent expenditures. Or delegate committees. Or registration and get-out-the-vote. Or communicating with Members. Or buying issue ads that publicize the position of an incumbent without directly advocating election or defeat. Or dozens of other devices—some of which have not even been thought up yet.

Off-the-book activities like these have become more prominent in every election since 1976. Some of them can be regulated, but there is no way they can all be eliminated without running roughshod over the first amendment. More importantly, all of these devices favor the well-organized and the powerful over smaller participants. What the limits seem to be doing, in other words, is encouraging the powerful to engage in subterfuge and legal gamesmanship. It is giving them an incentive to increase their influence in ways that are poorly disclosed. As a cure for cynicism or corruption, this seems bizarre.

Mr. President, that's my view of the Presidential system. We cannot discuss the bill before us without discussing the Presidential system. That is the evidence and that is what will happen should we extend public funding and spending limits to congressional races.

By all accounts, the Presidential system has not worked. In fact, it has exacerbated the problems it was supposed to cure. Yet, the bill before us seeks to impose that failed system on Congress. With hundreds of races and nearly 2,000 candidates every other year, it would be a huge and costly mistake.

Spending limits, Mr. President, are a fraud, not reform. They do not work as advertised. They limit speech and they limit citizen participation. That explains why constitutional scholars and the Supreme Court oppose them. In addition, they stifle competition, which may explain why the majority party in Congress supports them. They do not limit soft money and expenditures—that is why special interests thrive under them.

Mr. President, we do need campaign finance reform, but spending limits and taxpayer financing are not it.

There are three principal objectives: everyone, at least everyone on this side of the aisle, agrees are desirable. No. 1, reduce special interest influence; No. 2, enhance competition; and No. 3, reduce costs.

First, Mr. President, let us talk about special interests. We can reduce special interest influence by banning PAC's and special interest soft money. PAC's were designed to allow individuals to get together and advance their collective interests in politics. Presumably, that would include supporting challengers. In practice, however, 80 percent of PAC contributions go to incumbents with little or no regard for ideology or voting records.

The apparent goal of PAC's is no longer to support candidates of like mind, but to buy access to the powers that be.

We do not have such hard figures on special interest soft money. Soft money by definition is unlimited and undisclosed, the purchasing of activities which affect the electoral process. These included phone banks, get-out-efforts.

The stealthy nature of special interest soft money poses a grave threat to the integrity of our political system.

It should be disclosed and limited, as is hard money under the current system. The electorate cannot hold candidates accountable for contributions it is not aware of prior to the election.

Second, let us talk about competition. Competition is integral to a healthy democracy. I should note here that the Senate is a pretty competitive place. The Senate has changed hands twice under the current law. The House, Mr. President, unfortunately, is a different story. The House is not very competitive, but it is not very competitive just because of the campaign finance system. It is not competitive because of gerrymandered districts, and porkbarrel politics. That is what makes the House uncompetitive.

If the lines could be magically drawn by an independent person outside of the political process, you would have a competitive House. The Senate is truly competitive under the current system of limits on individual donations and full disclosure.

Mr. President, whatever legislation we pass here ought to be passed in the House as well. You have to have the same rules apply to each body.

Banning PAC's would reduce special interest influence and increase competition. Further limiting other incumbent advantages such as the franking privilege and gerrymandering would weaken the incumbent suit of armor that makes House Members practically invulnerable.

As a former challenger myself, I can attest to the need for establishing credibility as a candidate early in the campaign. To help challengers mount credible campaigns, Republicans have introduced legislation to allow the political parties to match early in-State contributions to challengers up to $100,000. This seed money would jump-start campaigns that otherwise would not get off the ground.

I might say that the bill before us, S. 3, actually seeks to further restrict the parties. Parties are the one entity that will stand up to challenge. They will support all challengers. S. 3 attempts to snuff out challengers by not only imposing spending limits but also further constricting the political parties. The parties is the one entity you can count on in the American political process to help challengers.

Strong political parties are the key to competitive elections. As David Broder wrote in the Washington Post on April 7, "the surest way to get more resources to underfinanced challengers is to increase, the limits on what the two parties can give to those candidates—something that only the Republicans are proposing in the Senate. The political parties are the only organizations that have a built-in interest in unseating the other side's incumbent's. In a political game that is ruthlessly stacked in the incumbent's favor, real reform lies in empowering the parties."

That is David Broder, Mr. President. The bill before us does exactly the opposite. It makes it worse for the parties and therefore worse for the challengers.

Mr. President, let us talk about campaign costs. The single, greatest boost to challengers, particularly in Senate elections, would be a reduction, a real reduction, not what we currently are supposed to get, in the cost of broadcast advertising. Challengers are

daunted by two huge tasks: No. 1, achieving name recognition; and No. 2, convincing voters why it is time for a change.

Television, whether we like it or not, is the most efficient means of accomplishing these objectives, but unfortunately it is also the most expensive.

Twenty years ago, Congress enacted a law to allow candidates to purchase broadcast advertising time at the "lowest unit rate." Unfortunately, broadcasters quickly devised a way to get around the intent of the law by establishing different classes of time: preemptable and nonpreemptable.

The net effect has been that candidates, who must make their sale before election time, are compelled to buy nonpreemptable time to ensure that their ads are not bumped. Nonpreemptable is the most expensive class of advertising time. So rather than pay less than commercial advertisers, candidates pay more.

An FCC study released last October indicated that candidates were not even getting the discount to which they were entitled. In fact, they were being charged more than commercial rates. This study triggered refunds all across America, Mr. President, I received some of those refunds myself. I would love to have had those refunds before the election while it still would have done me some good.

To rectify this situation, Members on both sides of the aisle have introduced legislation to provide candidates with nonpreemptable time at the lowest unit rate charged for preemptable time. This single change in the law would make broadcast advertising more affordable for challengers and it would alleviate the fundraising pressure on incumbents.

Now, Mr. President, let us talk about S. 3 and the Constitution. S. 3 is modeled after the Presidential system, yet differs significantly. S. 3 differs in that it is a true assault on the first amendment. Under the Presidential system, candidates who abide by the spending limits receive a generous public subsidy. Candidates who do not agree to the spending limits do not get the public subsidies.

Under S. 3, candidates who abide by the spending limits receive generous public subsidies in the form of Government-funded broadcast vouchers, veritable food stamps for politicians. They also receive mail discounts and broadcast advertising discounts. Candidates who do not agree to the spending limits not only do not get any public subsidies if they go over the limits, their opponents get additional public money as a penalty. Candidates who do not comply with spending limits in S. 3 would be bludgeoned with a sledgehammer paid for by the U.S. taxpayers. This assault on the first amendment has prompted the American Civil Liberties Union and the U.S. Justice Department to oppose S. 3.

Let me describe again, Mr. President, the constitutional problem.

The Buckley case said that spending is analogous to speech, and that under the first amendment you cannot compel, you cannot dole out, speech to candidates in equal amounts and say candidate A, you are entitled to this much speech and candidate B, you are entitled to this much speech. You cannot do that. It is unconstitutional. It violates the first amendment.

The first amendment says you cannot speak too much. You can speak as much as you want to in this country. The Court said you can only entice a candidate into limiting his speech, you can provide a public subsidy. That is the Presidential system, which is constitutional, and candidates have agreed, over the years with the exception of John Connally, to quantify their speech, to limit their speech, because the public subsidy is enormous.

Supporters of S. 3, in order to make it more palatable, have limited the taxpayer funded communication vouchers to 20 percent of the general election limit. But then the unconstitutional part comes in, Mr. President. If you decide that you do not want to limit your speech, you want to see how much support you can get, the minute you exceed the spending limit in your State by speaking too much, all hell breaks lose, Mr. President. Public subsidies are triggered for your opponent and you lose privileges right and left.

Mr. President, that is not going to last a minute in the courts. S. 3 is blatantly unconstitutional.

Mr. President, fighting spending limits has been an arduous task. Spending limits resonate with people who are fed up with politicians. Ironically, such limits would entrench the very incumbents with whom voters are so frustrated.

S. 3 serves not the public interest, but the special interests. It will employ a lot of lawyers and accountants who will be kept busy exploiting loopholes. And it would make the Senate a veritable House of Lords—impervious to competition.

There is a very real danger that constitutional freedoms our forefathers fought and died for two centuries ago will be sacrificed in the rush to pass this bill and call it reform.

Confronted with the first amendment deficiencies of spending limits, some have proposed amending the first amendment so they can constitutionally limit speech. You at least have to pat those people on the back. I do not think amending the first amendment is a terrific idea. But at least they admit the problem, that you cannot constitutionally dole out speech in equal amounts to people who are running for public office. Their bill, S. 3, seeks to do that.

The Senate declined to alter the first amendment to protect the U.S. flag. It would be an outrage to do so in order to protect incumbents through spending limits.

Amending the Constitution in order to facilitate spending limits that stifle competition and promote special interests would be a disservice to the American people. The same can be said of S. 3.

A witness for the Justice Department testified before the Rules Committee a couple of weeks ago. This is what he had to say, Mr. President. He said, "It should never be forgotten that by protecting robust debate and broad criticism of competing candidates, the first amendment was the most important electoral reform ever enacted." I repeat, Mr. President, "the first amendment was the most important electoral reform ever enacted." Whatever election reform we enact in 1991 ought to respect the first election reform that we enacted in 1789.

Mr. President, that concludes my opening statement.

I suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

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

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

The Senator from Kentucky is recognized.

Mr. FORD. Mr. President, once again, we find ourselves confronting the complex issue of campaign finance reform. We have already heard a great deal of debate on this particular issue over the last few months, and even years.

There is much more debate to come in the next several days. We are going to hear much about the evils of the current system. We are going to hear a lot about statistics. We are going to hear various theories on the cause of our dilemma, and we will hear many, many solutions.

As we begin consideration of this measure, S. 3, the Senate Election Ethics Act of 1991, I want to make a few observations. As a Member with 17 years of experience, and as the chairman of the Senate Rules Committee, I have sat in countless hearings, meetings, and debates on this issue. I have heard from virtually everyone interested in the way our campaigns are funded. I have heard witness after witness testify about some form of proposal. Most witnesses agree that spending is out of control, and most witnesses agree that we need some form of limits.

I have reached the conclusion, Mr. President, that we cannot have true reform without putting a limit on campaign spending. The form and type of spending limits is open for debate, but

the question of whether to have spending limits is not.

Mr. President, a recent poll of my own State of Kentucky found overwhelming support for spending limits. In that poll, 85 percent, let me repeat that, 85 percent believed in establishing spending limits for congressional and Senate races, 85 percent. Now I try to listen to my constituents, as every Senator should, and my constitutents tell me quite clearly that we have a problem. They want it solved. They favor spending limits by about as large a margin as possible.

My constituents want spending limits because they are troubled by the status quo. In that same poll, Mr. President, 62 percent of my constituents felt that "the large amounts of money it takes to run a political campaign are a major cause of corruption," and an additional 24 percent found big money to be a "minor cause of corruption." So, Mr. President, 86 percent of my constituents say that large amounts of money are a major or minor cause of corruption in political campaigns.

Mr. President, my constituents are troubled by the status quo. Seventy-six percent of my constituents in that poll agreed that "large amounts of money necessary for major statewide election campaigns in Kentucky have kept the best qualified people from running for office."

Let me just repeat that if I may. In the poll of my constituents in Kentucky, 76 percent of them agreed that "large amounts of money necessary for major statewide election campaigns in Kentucky have kept the best qualified people from running for office."

Now, Mr. President, I hear a lot of quotes. You hear a lot of so-called academic experts referred to. They can quote a few academic experts if they want to who oppose spending limits, but on this issue, Mr. President, I will let my constituents, I will let the people I represent serve as my experts. And I would encourage other Senators to do the same.

The views of Kentuckians on this issue are clear, and the views of other Americans in poll after poll are clear as well. They want spending limits, and they want to put the brakes on the money chase, and they want it now.

Mr. President, in the minds of most Americans, the issue of whether to have spending limits is settled. It is settled, absolutely, yes. We may still debate what forms of limits, and we are open to legitimate proposals in this debate. But we know we must have some form of spending limits. The American people are demanding that we put an end to the money chase.

Spending limits do not protect incumbents and will not hurt challengers. In 1990, in the 28 races where an incumbent faced a major party challenger, 26 of the 28 incumbents outraised and outspent their challengers. The spending limits established under S. 3 are going to affect incumbents. The incumbents are going to feel the pinch. And the overall effect is that we are going to have more competitive races because incumbents and challengers are going to be competing on a level playing field. These limits are sufficiently high so as not to limit a candidate's ability to communicate with voters.

Mr. President, spending limits alone do not constitute reform. But without spending limits and other reforms, the money chase will continue. We can eliminate political action committees, but without aggregate spending limits, this money will continue to flow into our campaign. We can try to limit out-of-State donations, but without aggregate spending limits we will spend more and more of our time raising money. How many times have we heard leaders on both sides of the Senate Chamber say they have more requests to delay the votes, more requests not to have vote today, they will not be in today because they are in some place trying to raise money for their political campaign? We can try to stop these out-of-State donations, Mr. President, but without aggregate spending limits, we will spend more and more of our time raising money.

We can try to limit costs by offering lowest unit rate for television advertising, but without aggregate spending limits, we are only encouraging more advertising and more negative ads. We can offer a reduced postal rate for candidates, but without spending limits, we only assure that our constituents will be flooded with more political mail. And, Mr. President, we can try to end the practice of bundling contributions, but without aggregate spending limits, candidates are going to continue to raise enormous sums of money.

Mr. President, there are many areas of campaign finance on which we all agree. Every Member wants a system that is fair and equitable to incumbents and challengers, to Democrats and Republicans. I believe there is room for negotiation. If there are Members who have something to offer, then let us get together and fashion true and meaningful campaign finance reform.

The failure to act on this issue has serious negative consequences. If we fail to act now, we will suffer collectively. There are few issues that are more directly related to the mood of the American public than this one. And few issues relate directly to the perception of this body as this one does.

I hope we can recognize that fact. I hope we can see the long-term dangers of inaction. I hope we can resolve the underlying problem of runaway costs for a Senate campaign and enact true reform with meaningful spending limits.

Mr. President, I hope that we will this week or next begin to end the money chase for political campaigns. We as Senators then can spend more time here on the people's business doing what we were elected to do and maybe, just maybe, if we could enact this campaign ethics law of 1991, we will be able to say to our constituents we have a better campaign, we are discussing the issues, that we are spending more time in the Senate and in committee discussing the problems that face this great country of ours. Then the long-term effects will be positive and the image of this institution will improve.

Mr. President, I think it is time that we think in that direction rather than what is best for me as an individual candidate or what is best for the party which I represent.

Mr. President, I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

MORNING BUSINESS

Mr. METZENBAUM. Mr. President, I ask unanimous consent that there now be a period for morning business with Senators permitted to speak therein.

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

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. McCathran, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

HEALTH CARE LIABILITY REFORM AND QUALITY OF CARE IMPROVEMENT ACT—MESSAGE FROM THE PRESIDENT—PM 48

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with accompanying

papers; which was referred to the Committee on Finance:

To the Congress of the United States:

I am pleased to submit for your consideration and enactment the "Health Care Liability Reform and Quality of Care Improvement Act of 1991."

This legislative proposal would assist in stemming the rising costs of health care caused by medical professional liability. During recent years, the costs of defensive medical practice and of litigation related to health care disputes have skyrocketed. As a result, the access to quality care for significant portions of the population has been threatened.

The bill would encourage States to adopt within 3 years quality assurance measures, tort reforms, and alternative dispute resolution mechanisms. A pool of funds would be available to States and hospitals in those States that implement these reforms. The quality assurance measures require effective actions to improve quality and reduce the incidence of negligence. The tort reforms would include: (1) a reasonable cap on noneconomic damages; (2) the elimination of joint and several liability for those damages; (3) prohibiting double recoveries by plaintiffs; and (4) permitting health care providers to pay damages for future costs periodically rather than in a lump sum. Most of these provisions would be made specifically applicable to actions arising under the Federal Tort Claims Act.

I urge the prompt and favorable consideration of this proposal, which would complement initiatives the Administration will undertake concerned with malpractice and quality of care.

GEORGE BUSH.

THE WHITE HOUSE, *May 15, 1991.*

MESSAGES FROM THE HOUSE

At 11:13 a.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 248. An act to amend the Wild and Scenic Rivers Act to designate certain segments of the Niobrara River in Nebraska and a segment of the Missouri River in Nebraska and South Dakota as components of the wild and scenic rivers system, and for other purposes.

The message also announced that the House disagrees to the amendments of the Senate to the bill (H.R. 2251) making dire emergency supplemental appropriations from contributions of foreign governments and/or interest for humanitarian assistance to refugees and displaced persons in and around Iraq as a result of the recent invasion of Kuwait and for peacekeeping activities, and for other urgent needs for the fiscal year ending September 30, 1991, and for other purposes.

The message further announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 972. An act to make permanent the legislative reinstatement, following the decision of Duro against Reina (58 U.S.L.W. 4643, May 29, 1990), of the power of Indian tribes to exercise criminal jurisdiction over Indians; and

H.R. 1370. An act to reauthorize the National Sea Grant College Program, and for other purposes.

The message also announced that pursuant to the provisions of section 114(b) of Public Law 100-598, the Speaker appoints Mr. ESPY to the Board of Trustees for the John C. Stennis Center for Public Service Training and Development, for a term of 6 years on the part of the House; and the minority leader appoints Mrs. Sheila Smith of Lony Beach, MI, from private life, to the Center for the remainder of the term of the existing vacancy; vice Mr. Lott, resigned.

MEASURES REFERRED

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

H.R. 972. An act to make permanent the legislative reinstatement, following the decision of Duro against Reina (58 U.S.L.W. 4643, May 29, 1990), of the power of Indian tribes to exercise criminal jurisdiction over Indians; to the Select Committee on Indian Affairs.

H.R. 1370. An act to reauthorize the National Sea Grant College Program, and for other purposes; to the Committee on Commerce, Science, and Transportation.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

H.R. 7. An act to amend title 18, United States Code, to require a waiting period before the purchase of a handgun.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-1183. A communication from the Secretary of the Senate, transmitting, pursuant to law, a full and complete statement of the receipts and expenditures of the Senate, showing in detail the items of expense under proper appropriations, the aggregate thereof, and exhibiting the exact condition of all public moneys received, paid out, and remaining in my possession from October 1, 1990 through March 31, 1991; ordered to lie on the table.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BURDICK, from the Committee on Environment and Public Works, without amendment:

S. 1083. An original bill to extend Public Law 100-582.

• Mr. LAUTENBERG. Mr. President, I rise in support of an act to extend Public Law 100-582 which was reported by the Senate Environment Committee on May 15. I developed this bill to extend the Medical Waste Tracking Demonstration Program which the Congress established in 1988 for another 2 years until the Congress can address medical waste issues during its consideration of RCRA. I want to thank Senators BURDICK, CHAFEE, and BAUCUS for expediting the committee's consideration of this bill.

Public Law 100-582, the Medical Waste Tracking Act, which I authored in the Senate, took the first step toward addressing the problem of improper disposal of medical wastes which has affected our beaches and shorelines and which threatens the health care and waste management workers. It ensures that regulated medical wastes or New Jersey, New York, Connecticut, and Rhode Island, as well as Puerto Rico, and which may pose an environmental or aesthetic problems are delivered to treatment or disposal facilities with little or no exposure to waste management workers and the public. It also ensures that regulated medical waste will be packaged securely and labeled to reduce the change of waste handlers and the public being exposed to these wastes and to deter improper management.

This bill was enacted to respond to a series of beach washups of medical waste. During the summer of 1987, the New Jersey shoreline was invaded by a sea of garbage, an invasion which included hypodermic needles, syringes, blood bags, gauze dressings, vials of blood, and other medical wastes. From August 13 through August 16, beaches along a 50-mile area were closed because of the garbage washup which included these medical wastes. These closings ruined summer vacations, caused an estimated $1 billion in damage to the tourist industry and cost thousands of dollars to clean up. More importantly, the washup undermined the confidence of those who go to the shore about the safety of the water and beaches.

The medical wastes may have been the work of illegal dumpers. These dumpers threaten the well-being of their fellow citizens to save a few dollars in disposal costs. Fortunately, incidents of such magnitude have not reappeared and medical waste found on New Jersey beaches have declined significantly.

But the illegal disposal of garbage and medical waste affects not only New Jersey. Medical waste has washed ashore along all of our coasts. Numerous beaches have been closed. Beach cleanup programs in 1989 sponsored by the Center for Marine Conservation, in most cases over just 1 day, collected almost 2,700 syringes on our Nation's coastal beaches, almost 0.1 percent of

the wastes found on our shorelines. Syringes were found in all but 2 of the 25 coastal States. Florida, Louisiana, Mississippi, New York, Puerto Rico, Rhode Island, Texas, and Washington all had higher levels of plastic syringes than the national average. Other medically released items found on our shores include surgical gloves, tubing and transfusion bags, blood vials, and bandages. It is clear that more needs to be done to prevent his illegal disposal.

When medical wastes are disposed improperly, beaches are closed, vacations are ruined, and our tourist economy is injured. Medical waste on the shore is repulsive.

Our concern is not limited to beach washups. There have been incidents of careless management of medical waste disposal in open dumpsters. And improper disposal poses serious occupational risks to waste handlers. While there is virtually no chance of being infected by the AIDS virus because of the virus poor ability to exist outside the human body except for those persons in a health care setting, there is a danger of infection from these wastes including infection by hepatitis B. According to the Agency for Toxic Substances and Diseases Registry's 1990 report, "The Public Health Implications of Medical Waste: A Report To Congress."

Because hepatitis B virus remains viable for an extended time in the environment, the potential for hepatitis B infection following contact with medical waste is likely to be higher than that associated with HIV.

Even for the general public, needlestick injuries may cause local or systemic secondary infections, similar to injuries from nails.

Some States have moved in to fill this void. But wastes travel across State boundaries so State programs by themselves are inadequate. According to EPA, medical waste covered by the Medical Waste Tracking Act comprises approximately 0.3 percent by weight of the municipal solid waste stream, roughly 500,000 tons a year. And as our existing solid waste capacity problem grows, the risk of illegal dumping increases. Without a system to track wastes on a regional basis, we make it easy for the illegal dumper to improperly dispose of his wastes. A tracking system will ease our ability to catch illegal dumpers and deter those who contemplate illegally disposing of medical waste.

The Medical Waste Tracking Act required EPA to set up a 2-year demonstration program for the tracking of medical waste generated in New Jersey, New York, and Connecticut. Rhode Island and Puerto Rico voluntarily joined the program. The program was limited to 2 years because we anticipated that the RCRA reauthorization, which would address medical waste disposal, would be considered in the following Congress. Unfortunately, we were unable to get to RCRA during the last Congress because of the time required for the Clean Air Act. The Tracking Act will expire this June 22, before we have an opportunity to enact amendments to RCRA, unless we act quickly to extend it.

Our bill simply extends the Tracking Act for another 2 years to continue the program until the Congress has a chance to address the problem of medical waste in the RCRA reauthorization. It requires EPA to prepare a report on the results of the program. And it requires EPA to determine whether the agency needs to make any changes to the interim final rules EPA promulgated in 1989.

While EPA is still evaluating the effectiveness of the act, the Agency has in its second interim report identified a number of positive effects that the program has had. Among these effects have been the development of standards for tracking and managing medical waste which has led to the development of model practices within the regulated community, expanding the state of knowledge about medical waste generation, management, and disposal, encouraging innovation in treatment technologies, reevaluation of home health care waste management, reduction of the severity of beach washups, and the contribution to program development in noncovered States.

Both EPA's second interim report and a recent OTA report, "Finding the Rx for Managing Medical Wastes," have identified a number of issues for congressional consideration regarding medical waste management. This bill is not intended to preclude consideration of those issues. It merely keeps the existing program going while these issues are considered during the RCRA reauthorization process. I look forward to working closely with Senators BAUCUS and CHAFEE on medical waste provisions in RCRA.

Our oceans and beaches are precious resources. They provide aesthetic, recreational, and economic opportunities for our citizens and habitat for wildlife resources. We must protect them, for this and for future generations.

I urge my colleagues to support this bill.●

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mr. DURENBERGER:

S. 1075. A bill to amend the Internal Revenue Code of 1986 and the Federal Election Campaign Act of 1971 to provide a tax credit for contributions to candidates for congressional office; to the Committee on Finance.

By Mr. ROTH:

S. 1076. A bill to amend title 10, United States Code, to authorize the Secretaries of the military departments to prescribe the conditions under which female members of the Armed Forces may be assigned to duty in aircraft that are engaged in combat missions; to the Committee on Armed Services.

By Mr. COHEN:

S. 1077. A bill for the relief of Pandelis Perdikis; to the Committee on the Judiciary.

By Mr. AKAKA (for himself and Mr. INOUYE):

S. 1078. A bill to amend the Energy Policy and Conservation Act with respect to the Strategic Petroleum Reserve; to the Committee on Energy and Natural Resources.

By Mr. THURMOND:

S. 1079. A bill to suspend temporarily the duty on 1,8-Dihydroxynaphthalene-3,6-disulfonic acid; to the Committee on Finance.

S. 1080. A bill to suspend temporarily the duty on certain dyes; to the Committee on Finance.

By Mr. BAUCUS (for himself, Mr. CHAFEE, Mr. MITCHELL, Mr. LAUTENBERG, Mr. LIEBERMAN, and Mr. DURENBERGER):

S. 1081. A bill to amend and reauthorize the Federal Water Pollution Control Act; to the Committee on Environment and Public Works.

By Mr. CHAFEE (by request):

S. 1082. A bill to amend the Solid Waste Disposal Act to prohibit the export from and import into the United States of hazardous and additional waste except in compliance with the requirements of this bill; to the Committee on Environment and Public Works.

By Mr. BURDICK from the Committee on Environment and Public Works:

S. 1083. An original bill to extend Public Law 100-582; placed on the calendar.

By Mr. LEAHY:

S.J. Res. 147. A joint resolution designating October 16, 1991, and October 16, 1992, as "World Food Day"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. METZENBAUM (for Mr. MITCHELL):

S. Res. 127. A resolution to authorize the release of documents by the Select Committee on Intelligence; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DURENBERGER:

S. 1075. A bill to amend the Internal Revenue Code of 1986 and the Federal Election Campaign Act of 1971 to provide a tax credit for contributions to candidates for congressional office; to the Committee on Finance.

CLEAN CAMPAIGN FINANCING ACT

● Mr. DURENBERGER. Mr. President, the American people are voicing their dissatisfaction with the way campaigns are being conducted in this country. We had better listen up and respond.

It is important for us to listen to calls from the League of Women Voters, Common Cause and other responsible groups. But what should really spur us to act is the millions of Ameri-

cans who vote with their feet against the current system.

We are supposed to be a society where majority rules, but of late the majority of eligible Americans spend election day on the sidelines. That is a level of nonparticipation we cannot afford in a democracy.

What must be done? In general terms, first, we need to help restore public confidence in the integrity of the Government decisionmaking process. The American people need to believe that choices are made to further the public interest, rather than some narrower financial or political interest. And second, we need to do what we can within constitutional limits to improve the quality of campaigns.

The bill I am introducing today, S. 1075, is designed to further both of these ends by helping to fertilize the grassroots of the American political system.

The perception of the American people, unfortunately, is that big dollar contributions from wealthy individuals and political action committees dominate campaign financing, and therefore compromise the integrity of elected officials. And in this business perception is reality.

The response of various campaign reform proposals from both parties, including S. 3 which will soon be considered by the Senate, is to force bad money out and encourage good money to come in. In other words, sources which have the greatest appearance of a corrupting influence, PAC's, large out-of-State contributions and so-called soft money in-kind contributions, should be limited while cleaner sources, individual, in-State and political party contributions, should be encouraged.

The bill I am introducing today puts our money where our mouth is. If we support small dollar, in-State contributions and want to displace other kinds of contributions, we should restore the political contributions tax credit that was repealed in 1986.

S. 1075 would provide a 50-percent tax credit to individuals who make contributions to congressional candidates in their State. With a $100 limit for an individual, and $200 for married couples, this is a modest benefit, but one which would encourage more grassroots participation in electoral politics.

The use of a limited tax credit provides the advantages which have been claimed by advocates of public financing, without the pitfalls. It is one thing for the politicians to create a program to fund their own campaigns, something everyone should be nervous about. It is quite another to encourage people to make their own choice as to how and where to participate financially in the political system.

By creating an incentive for citizen involvement through political contributions, the constant need for fundraising activity by elected officials will be reduced, leaving more time for substantive campaigning. This approach also satisfies a cardinal rule of clean politics: the larger the number of people who get involved, the more the public good is served.

We should also ask ourselves the question, Mr. President: Why shouldn't the Tax Code reward in some small way political action when it encourages other kinds of voluntarism through religious and charitable organizations?

Mr. President, the effort for comprehensive campaign reform has been attempted and has failed for several years. My hope is that in our desire to do everything, we may pass up the opportunity to do something. I urge my colleagues to join me in taking this first step toward the election process as it was meant to be, by sponsoring my bill to enhance the role of individuals in financing congressional campaigns.

Mr. President, I ask unanimous consent that the text of S. 1075 be reprinted in the RECORD.

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

S. 1075

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Clean Campaign Financing Act of 1991".

SEC. 2. CREDIT FOR CONTRIBUTIONS TO CONGRESSIONAL CAMPAIGNS.

(a) IN GENERAL.—Subpart A of part IV of subchapter A of chapter 1 on the Internal Revenue Code of 1986 (relating to nonrefundable personal credits) is amended by inserting after sections 23 the following new section:

"SEC. 24. CONTRIBUTIONS TO CANDIDATES FOR CONGRESSIONAL OFFICE.

"(a) In the case of an individual, there shall be allowed, subject to the limitations of subsection (b), as a credit against the tax imposed by this chapter for the taxable year, an amount equal to 50 percent of all political contributions, payment of which is made by the taxpayer within the taxable year.

"(b) LIMITATIONS.—

"(1) MAXIMUM CREDIT.—The credit allowed by subsection (a) for a taxable year shall not exceed $100 ($200 in the case of a joint return under section 6013).

"(2) VERIFICATION.—The credit allowed by subsection (a) shall be allowed, with respect to any qualified political contribution, only if such contribution is verified in such manner as the Secretary shall prescribe by regulations.

"(c) DEFINITIONS.—For purposes of this subsection—

"(1) CONGRESSIONAL CONTRIBUTION.—The term 'congressional contribution' means a contribution of gift or money, payment of which is made during the taxable year by a taxpayer who is a resident of the State involved, to a candidate for nomination or election to the office of Senator or Representative in, or Delegate to, the Congress.

"(2) CANDIDATE.—The term 'candidate' has the meaning given that term in section 301 of the Federal Election Campaign Act of 1971."

(b) EFFECTIVE DATE.—The amendments made by this Act shall apply to taxable years beginning after December 31, 1991.•

By Mr. ROTH:

S. 1076. A bill to amend title 10, United States Code, to authorize the Secretaries of the military departments to prescribe the conditions under which female members of the Armed Forces may be assigned to duty in aircraft that are engaged in combat missions; to the Committee on Armed Services.

ASSIGNMENT OF WOMEN TO COMBAT AIRCRAFT

• Mr. ROTH. Mr. President, perhaps never before in modern history have so many women displayed such valor and competence in battle as America's military women exhibited during the Persian Gulf crisis. In Operation Desert Storm, both men and women demonstrated that they are capable of defending American freedom. Mr. President, today, I am introducing legislation to remove the congressionally imposed restriction against women serving as combat pilots. In removing this outdated law, my proposal will benefit America's fighting capability and provide women with a valuable opportunity to serve in support of our national defense.

Mr. President, women soldiers are an integral part of our national defense. Over the last 20 years, the percentage of women in uniform has grown by a factor of five. This growth can be directly correlated to the removal of restrictions against women serving in positions that used to be limited to men. In 1972, women made up only 2 percent of American military personnel, now they comprise 11 percent. In total, there are 233,000 active duty women in uniform. In addition, there are more than 225,000 women in the National Guard and Reserve.

Over the last 8 years, increasing numbers of American military women have been sent into hostile situations: 110 women were deployed in Grenada; women served on the crews of tanker aircraft refueling bombers used in Libya; 240 women aboard a destroyer tender, a repair ship, worked to repair the *Stark* after it was hit by an Iraqi missile in the Persian Gulf; 600 women were included in the attack on Panama; and about 30,000 women were deployed to the Persian Gulf in Operation Desert Shield.

Over the last 20 years, women have been placed in support positions increasingly tied to combat. But now, support and combat functions are so integrated that support activities often must be performed in the combat zone. In addition, the reach of high-technology weaponry now extends far from the battlefront. Since women aviators continue to be excluded from serving in combat aircraft, they serve on transport and other utility aircraft.

In Panama, women were deployed during the battle in support functions,

such as in military police units where several dozen fought alongside men. In the Persian Gulf, women in support functions were deployed away from the front line, but many executed their duties near the front and even behind enemmy lines. These women performed courageously while under attack. One prominent example of the vital role that women performed in Operation Desert Storm was the case of Maj. Marie Rossi, an Army helicopter pilot who ferried troops behind enemy lines in the early days of the ground war. Shortly after the press featured her in its coverage of the ground war, Major Rossi was killed in a helicopter crash while bravely fulfilling her duties.

Women are an important component of a high quality force. The Congressional Research Service reported that a much larger percentage of female recruits have been high school graduates than men. As women have been given more direct involvement in the defense of America, they have been motivated to join and stay in the Service.

Congress ought to provide more opportunity for women to achieve their fullest potential. Women who want to contribute and are capable should not be prevented by arbitrary, outdated rules. In an All Volunteer Force, women must have opportunities for advancement. On the basis of their outstanding performance in Operation Desert Storm, Congress ought to remove restrictions that preclude women from competing for combat pilot positions.

Mr. President, the arbitrary restriction that excludes women from becoming combat pilots was established by the Congress, not the Defense Department. Congress has prohibited the assignment of women to Navy combat vessels and aircraft. It also prohibited the assignment of women to Air Force combat aircraft. The Army has followed the intent of these laws in restricting women from flying combat helicopters. As a result, the Congressional Research Service has determined that, "* * * there is a limit to the extent to which the armed forces can increase the number and expand the assignments of women as long as there are restictions on assigning women to combat posts." In recent testimony, DOD has said that the exclusion of women from serving as combat pilots is a political issue that must be decided in the Congress.

Given the courage and distinguished performance of the women who served in Operation Desert Storm, I believe it is time to remove the arbitrary restriction on women who wish to fly combat aircraft. The legislation which I am introducing today does not require the Defense Department to have women combat pilots. Rather, it allows women the opportunity to compete fairly, on the basis of their abilities, for combat pilot positions.

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

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

S. 1076

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

SECTION 1. AUTHORIZATION FOR THE ASSIGNMENT OF FEMALE MEMBERS OF THE ARMED FORCES TO DUTY IN COMBAT AIRCRAFT.

(a) FEMALE MEMBERS OF THE ARMY.—(1) Chapter 343 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 3549. Duties: female members; combat duty

"The Secretary of the Army may prescribe the conditions under which female members of the Army may be assigned to duty in aircraft that are engaged in combat missions.".

(2) The table of sections at the beginning of such chapter is amended by adding after the item relating to section 3548 the following new item:

"3549. Duties: female members; combat duty.".

(b) FEMALE MEMBERS OF THE NAVY AND MARINE CORPS.—Section 6015 of title 10, United States Code, is amended—

(1) by inserting "(a)" before "The Secretary" in the first sentence;

(2) by striking out "or in aircraft" in the third sentence; and

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

"(b) The Secretary may prescribe the conditions under which female members of the Navy and the Marine Corps may be assigned to duty in aircraft that are engaged in combat missions.".

(c) FEMALE MEMBERS OF THE AIR FORCE.—(1) Section 8549 of title 10, United States Code, is amended to read as follows:

"§ 8549. Duties: female members; combat duty

"The Secretary of the Air Force may prescribe the conditions under which female members of the Air Force may be assigned to duty in aircraft that are engaged in combat missions.".

(2) The item relating to section 8549 in table of sections at the beginning of chapter 843 of such title is amended to read as follows:

"8549. Duties: female members; combat duty.".●

By Mr. AKAKA (for himself and Mr. INOUYE):

S. 1078. A bill to amend the Energy Policy and Conservation Act with respect to the strategic petroleum reserve; to the Committee on Energy and Natural Resources.

PETROLEUM SUPPLY ACT

Mr. AKAKA. Mr. President, today I am introducing the Emergency Petroleum Supply Act, a bill to ensure that the insular areas of the United States have guaranteed access strategic petroleum reserve during an oil supply disruption. Senator INOUYE has joined me in sponsoring this bill.

Events in the Middle East over the past 9 months have sent major tremors through the world's petroleum markets. While we are all pleased that Iraq was ultimately unsuccessful in maintaining control over its neighbor Kuwait, Iraq's aggression is a stark reminder of just how vulnerable we are to a cutoff of oil supplies.

The thought of what Iraq could have achieved had its invasion of Kuwait proved successful remains a frightening prospect. The combined oil reserves of Iraq and Kuwait total 260 billion barrels. Had these oil fields come under unified control, they would have represented one-fifth of the world's proven oil reserves. It is a sobering thought to imagine so vast an energy resource under the control of a single individual—Saddam Hussein.

But the gulf war was not the first time in recent memory that we have faced a major oil supply disruption. Iraq's invasion of Kuwait triggered the third such disruption of world oil supplies in the past 20 years.

Once more we have been reminded of our precarious dependence on foreign oil. That is why I have joined my colleagues on the Senate Energy and Natural Resources Committee in advancing a national energy strategy which will take concrete steps to improve America's energy future.

Fortunately, we have a resource in place to insulate U.S. consumers from the energy price shocks which occur during such a crisis. When an oil supply disruption hits, we can turn to the strategic petroleum reserve. This emergency reserve, located in Louisiana and Texas, currently holds 570 million barrels of crude. And under legislation passed by Congress last year, we have committed to expanding the strategic petroleum reserve to 1 billion barrels.

During the gulf crisis, we witnessed these emergency reserves in action. On January 16, the day Operation Desert Storm was launched, the President authorized the first emergency drawdown of the petroleum reserve. Fortunately, the war with Iraq was short-lived and the SPR drawdown was very limited.

Had we been hit by a more severe oil supply disruption, these emergency reserves would still have protected the continental United States from severe economic harm. Hawaii and the territories would not have been so fortunate, however. Hawaii's only means of access to the strategic petroleum reserve is by tanker delivery from the Gulf of Mexico through the Panama Canal. Unlike the mainland, which has access to oil transported by pipeline, rail, or highway, all of Hawaii's crude oil and refined products arrive by ocean tanker. Our total reliance on such deliveries makes Hawaii exceptionally vulnerable to a cutoff of oil supplies.

As most gradeschool geography students know, Hawaii is a long way from the Gulf of Mexico, especially when you have to go through the Panama Canal. The distance between the stra-

tegic petroleum reserve loading docks and Honolulu, by way of the canal, is more than 7,000 miles. Putting this in perspective, 7,000 miles is more than one-quarter of the distance around the globe. The problems of the other Pacific Territories are even more acute. American Samoa is 8,000 miles by ship from the SPR facilities and Guam is over 10,000 miles distant from these reserves.

But distance alone is not the issue. When you add together the time between the decision to drawdown the reserves and the time when oil from the reserves actually reaches our shores, the seriousness of the problem emerges. It takes time to solicit and accept bids for SPR oil, time to locate and position tankers, time for tankers to wait in line to gain access to SPR loading docks, and more time to transit through the canal to Hawaii. Obviously, Hawaii is at the end of a very, very long supply line. People often overlook the fact that insular areas have a limited supply of petroleum products on hand at any one time. While we are waiting for emergency supplies of oil to arrive, things could begin to get scary.

Studies commissioned by the State of Hawaii have determined that the delivery time for strategic petroleum reserve oil to Hawaii from the Gulf of Mexico would be as much as 53 days. This exceeds the State's average commercial working inventory by 23 days.

That's why an oil supply disruption is Hawaii's greatest nightmare. As I have said before, when the Middle East sneezes, the mainland may catch a cold, but Hawaii comes down with double pneumonia. Clearly, we have good reason to be concerned about the ability of the strategic petroleum reserve to serve Hawaii in a crisis. That is why I am introducing this legislation today.

The objective of my bill can be summed up in one word: access. Hawaii and the territories, because of their tremendous distance from the gulf coast, must be guaranteed secure access to the strategic petroleum reserve as well as priority access to the SPR loading docks.

My bill accomplishes both these objectives. First, it provides that energy companies serving Hawaii and the territories will have two methods of bidding on SPR oil. Like any other potential bidder, companies may bid for SPR oil on a competitive basis—and hope that their bids are successful.

This measure provides a second mechanism which would guarantee an award of SPR oil. Companies serving insular areas would be able to submit binding offers for a fixed quantity of oil at a price equal to the average of all successful bids. This second approach is modeled after the way our Treasury Department sells treasury bills. It would ensure that Hawaii and the territories have ready access to emergency supplies of oil at a price that is fair to the Government. Without this change Hawaii's energy companies, and the population they serve, face the risk that their bid for SPR oil would be rejected because of an inadequate price.

This change is designed to combat the fear that our refiners would be unable to bid successfully for the limited quantity of oil being released from SPR storage. Unsuccessful bids could result in severe shortages of oil, a nightmare we hope to avoid.

The second change contained in my bill addresses the problem of delay. It grants ships delivering petroleum to Hawaii and the territories expedited access to strategic petroleum reserve loading docks. Everyone would agree that it would be a terrible misfortune if deliveries to Hawaii or some other oil-starved territory were further delayed because the ship scheduled to carry this oil was moored in the Gulf of Mexico, waiting in line for access to the SPR loading docks.

This is what my bill provides. In addition to the bill I am offering today, I also intend to introduce legislation to establish tax incentives for the construction and maintenance of storage tanks to be used for regional petroleum reserves.

I believe that such incentives are essential if regional reserves are to be established in geographic areas where they will be needed most during an oil shortage. Therefore, I will soon propose legislation to permit petroleum storage tanks used for the regional petroleum reserve to qualify for tax-exempt industrial development bonds. I will also ask that an investment tax credit be established to encourage construction of these emergency storage facilities.

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

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

S. 1078

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Emergency Petroleum Supply Act".

SEC. 2. PURCHASES FROM THE STRATEGIC PETROLEUM RESERVE BY ENTITIES IN THE INSULAR AREAS OF THE UNITED STATES.

Section 161 of the Energy Policy and Conservation Act (42 U.S.C. 6241) is amended by adding at the end thereof the following new subsection:

"(j)(1) With respect to each offering of a quantity of crude oil or petroleum product during a drawdown of the Strategic Petroleum Reserve—

"(A) a purchaser located in an insular area of the United States, in addition to having the opportunity to submit a competitive bid, may submit (at the time bids are due) a binding offer, and shall thereupon be entitled to purchase crude oil or petroleum product at the delivery line concerned at a price equal to no more than the average of the successful bids made for the remaining quantity of crude oil or petroleum product subject to the offering; and

"(B) a vessel that arrives at a delivery line of the Strategic Petroleum Reserve to take on crude oil or petroleum product for delivery to a purchaser located in an insular area of the United States, at the request of the Governor or other chief executive officer of the insular area that delivery expedited in order to avert a critical supply shortage in the insular area, shall be loaded ahead of other vessels waiting for delivery.

"(2) For the purposes of this subsection—

"(A) the term 'insular area of the United States' means the State of Hawaii, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands; and

"(B) the term 'offering' means a solicitation for bids to be submitted not later than any specified day for a quantity or quantities of crude oil or petroleum product from a delivery line of the Strategic Petroleum Reserve.".

By Mr. THURMOND:

S. 1079. A bill to suspend temporarily the duty on 1,8-Dihydroxynaphthalene-3, 6-disulfonic acid; to the Committee on Finance.

S. 1080. A bill to suspend temporarily the duty on certain dyes; to the Committee on Finance.

SUSPENSION OF CERTAIN DUTIES

Mr. THURMOND. Mr. President, I rise today to introduce two bills which will suspend the duties imposed on certain chemicals used in the paper and textile industries. Currently, these chemicals are imported for use in the United States because there is no domestic supplier or readily available substitute. Therefore, suspending the duties on these chemicals would not adversely affect domestic industries.

The first bill would temporarily suspend the duty on 1,8-Dihydroxy- naphthalene-3, 6-disulfonic acid—chromotropic acid—which is a chemical used in the manufacturing of a family of dyes used in the paper industry. This dye is unique in the field of paper dyeing and cannot be replaced with other competing chemical dyes.

The second bill would temporarily suspend the duty suspension on C.I. Reactive Blue 224 which is used to dye cotton. This dye is very important to the domestic textile industry and to major fiber producers in the United States.

Mr. President, suspending the duty on these chemicals will benefit the consumer by stabilizing the costs of manufacturing the end-use products. Further, these suspensions will allow domestic producers to maintain or improve their ability to compete internationally. There are no known domestic producers of these materials. I hope the Senate will consider these measures expeditiously.

I ask unanimous consent that the text of the bills be printed in the CON-

GRESSIONAL RECORD immediately following my remarks.

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

S. 1079

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

SECTION 1. DUTY SUSPENSION.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"9902.31.12 1.8-Dihydroxynaphthalene-3, 6-disulfonic acid (CAS No. 129-96-4) (provided for in subheading 2908.20.20)	Free	No change	No change	On or before 12/31/95".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies with respect to articles entered, or with-drawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

S. 1080

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

SECTION 1. C.I. REACTIVE BULE 224.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"9902.32.29 C.I. Reactive Blue 224 (provided for in subheading 3204.16.30)	Free	No change	No change	On or before 12/31/95".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies with respect to articles entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

By Mr. BAUCUS (for himself, Mr. CHAFEE, Mr. MITCHELL, Mr. LAUTENBERG, Mr. LIEBERMAN, and Mr. DURENBERGER):

S. 1081. A bill to amend and reauthorize the Federal Water Pollution Control Act; to the Committee on Environment and Public Works.

WATER POLLUTION PREVENTION AND CONTROL ACT

• Mr. BAUCUS. Mr. President, today I am introducing legislation to reauthorize and strengthen one of our most fundamental environmental statutes—the Clean Water Act.

I am very pleased that Senator CHAFEE, the ranking member of both my Subcommittee on Environmental Protection and the full Environment and Public Works Committee and other members of the Environment and Public Works Committee are joining me in introducing this legislation.

Senator CHAFEE led the effort to reauthorize the Clean Water Act during the 100th Congress and I want to extend my sincere thanks for his substantial and thoughtful contributions to this important legislation.

Almost 20 years ago, Congress enacted sweeping and forward-looking legislation to overhaul programs for protecting water quality throughout the Nation. The Clean Water Act of 1972 was landmark legislation that put us on a course toward fishable and swimmable waters.

We have made outstanding progress in cleaning up major water pollution problems. We have substantially improved and increased treatment of sewage. We have imposed significant controls over the discharge of toxic and other pollutants from industrial facilities. We have reduced the destruction of wetlands. And we have demonstrated our ability to successfully address critical water pollution problems in specific areas such as the Chesapeake Bay.

In my home State of Montana, the Clean Water Act helped us increase the number of people served by secondary sewage treatment plants from only 156,000 in 1972 to over 427,000 10 years later. The East Gallatin River outside Bozeman had severely depressed trout populations prior to 1971. Substantial expansion and repair of the sewage treatment works have improved water quality to the point where it may rival the trout producing streams of the upper Missouri basin.

I know that my colleagues all know of similar cases of dramatic success in improving water quality which are directly attributable to the passage of the 1972 Clean Water Act.

While we can be proud of these accomplishments, the promise of the original Clean Water Act is still unfulfilled. In 1972, we set a goal of assuring fishable and swimmable waters throughout the Nation by 1984 and eliminating the discharge of pollutants by 1985.

Today, 30 percent of all assessed river and stream miles fail to fully attain designated water quality.

Twenty-five percent of lakes are impaired and an additional 20 percent are threatened by pollution.

Twenty-nine percent of assessed estuaries do not meet designated water quality.

Nearly 300,000 acres of wetlands are still destroyed each year.

In the Great Lakes—one of this country's natural treasures—only 8 percent of shoreline miles fully attain designated water quality.

It is vital that we rededicate ourselves to attaining the original goals of the Clean Water Act and to addressing new and emerging threats to water quality. I hope that by the time of the 20th anniversary of the Clean Water Act in October 1992, Congress will have passed and the President will have signed comprehensive legislation to restore and protect the quality of the rivers, lakes, and coastal waters of this Nation.

The bill I am introducing today is the first step toward enactment of comprehensive legislation to expand and strengthen the original Clean Water Act.

In reviewing the implementation of our national water quality program, we concluded that the foundation and basic structure of the program, first established in 1972, are still sound. The act provides for development of national minimum, "technology-based controls" over industrial and municipal point sources of pollution. Where these controls are not adequate to attain water quality standards, additional "water quality-based controls" over these discharges are authorized.

While we are convinced that the basic framework of the Clean Water Act is strong, we identified five key areas where improvements to the act are needed. These areas are:

Water pollution prevention, with special emphasis on industrial dischargers;

Water quality science, including first rate research, monitoring, and water quality standards;

Toxic water pollutant control, with special emphasis on pretreatment of industrial discharges to sewage treatment plants;

Accurate assessment of compliance with water quality requirements and effective enforcement in cases of noncompliance; and

Water pollution control funding, including funding for sewage treatment revolving funds and new initiatives to support the environmental infrastructure needs of small communities, nonpoint pollution control, control of combined sewer overflows, and State water quality programs.

To date, much of our water pollution control efforts have gone into correcting existing problems rather than preventing those problems before they grow to be costly and unmanageable. In addition, we have focused on treating "at the end of the pipe" whatever pollutants are generated by an industry or find their way to a sewage treatment plant.

Several provisions of the bill are intended to refocus water programs on

the important goal of pollution prevention.

The bill amends existing law by assuring that the Environmental Protection Agency [EPA] Administrator will consider changes within an industrial facility, rather than just end of the pipe treatment, when establishing minimum, national technology-based standards.

The existing point source discharge permit program is amended to require permit applicants to demonstrate that they will take steps to eliminate the discharge or minimize the toxicity or volume of the discharge which is within their economic capability.

The bill expands the existing authority of the EPA Administrator to prohibit the discharge of pollutants which are highly toxic, likely to accumulate in the food chain, and have long-term and significant environmental impacts. These highly toxic and "bioaccumulative" pollutants represent a significant threat to human health.

The water pollution control issues we will face in the next 20 years will be increasingly complex and challenging. If we are to address these issues successfully, we must assure that water programs operate on a solid scientific foundation.

The bill clarifies and expands basic water quality research authorities. Authority for grants to demonstrate innovative technology for pollution control is reestablished. Funding for both research and technology development is expanded.

Water quality monitoring data is an essential component of an effective water quality program. The bill expands State water quality monitoring programs and provides a mechanism to coordinate the monitoring activities of State and Federal agencies. There is new authority for expanded monitoring by dischargers.

Much of the progress in water pollution control has been accomplished through technology-based controls. Continued pollution reductions, however, will require an expanded water quality criteria and standards program.

The bill clarifies the process of developing criteria for water pollutants. New authority for sediment quality criteria and standards is provided. The process for adopting enforceable water quality standards is clarified and Federal oversight responsibilities are expanded.

Control of toxic water pollutants was a primary objective of the 1987 Clean Water Act Amendments. Continued progress in toxic pollution control is essential to meeting water quality goals and objectives. In addition to expanded water quality standards for toxics, the bill proposes several new toxic control initiatives.

The bill expands the authority for developing effluent guidelines for industrial discharges. The bill provides for the periodic review of existing guidelines and development of guidelines for new industries. The authority for effluent limitations is clarified and new authority is provided for fees to cover the costs of guideline development.

The bill also expands the program for pretreatment of industrial discharges to publicly owned treatment works. Authority for development of pretreatment standards is clarified and authority for control of discharges not covered by pretreatment standards is established.

In addition, the bill includes a new program for control of nonindustrial sources of toxics to sewage systems. Large municipalities have the option of selecting several nonindustrial sources of toxics for control within the service area of the treatment plant.

There is growing evidence of substantial noncompliance with water discharge permits. A key objective of the bill is to better identify noncompliance and assure appropriate enforcement action.

The bill provides new authority for audits of major industrial facilities discharging toxics to determine compliance with discharge permits. New requirements for public notification of noncompliance are established. In addition, the bill includes a new initiative to assure training and certification of the proficiency of wastewater treatment operators.

A series of several enforcement amendments are included in the bill. For example, the authority for citizen suits is clarified and expanded. In addition, existing authority for the EPA Administrator to take emergency action is clarified.

The bill proposes a comprehensive funding plan for the Clean Water Act over the next 6 years. The authorizations in the bill are consistent with the budget agreement between Congress and the administration.

A key element of the funding plan in the bill is adjustment of funding for State revolving loan funds provided for under title VI of the act to assure that we follow through on our commitment in the 1987 amendments to phase out grants and capitalize State loan funds at the $18 billion level. This funding is essential to continued progress in sewage treatment. Nothing in the bill proposes funding for title VI above the level we agreed to in 1987.

In addition, the bill provides substantial increases in funding for nonpoint pollution control grants to States and new authority for grants for control of combined sewer overflows. The funding plan also reserves funds to provide financial assistance for construction of environmental facilities in small communities. Authority for this initiative is provided in legislation introduced by Senator BURDICK (S. 729).

The bill also provides for substantial increases in grants to State water quality programs. These grant increases are supplemented by a new requirement for States to charge fees for issuance of discharge permits.

In addition, the bill authorizes substantial increases in funding for special projects, such as programs to protect the Great Lakes, Chesapeake Bay, estuaries and rivers of national significance, and related programs.

In addition to the amendments mentioned above, the bill we are introducing today includes a range of other proposals.

Perhaps the most difficult and intractable sources of water pollution are diffuse and not traceable to a pipe or outfall. These "nonpoint" sources are associated with runoff from urban areas, construction activities, agriculture, forestry, and related activities. The EPA estimates that nonpoint sources cause half the remaining water quality problems in the country.

The bill builds on the existing nonpoint control program in section 319 of the Clean Water Act. Funding for State nonpoint source control programs is expanded substantially, and EPA is directed to define minimum elements of approvable State programs.

Other amendments related to nonpoint source pollution control would provide new authority for management of nonpoint pollution sources on Federal land, targeting of agriculture assistance programs to State identified water quality problem areas, better management of commercial fertilizers, and funding of the Rural Clean Water Program.

A new initiative for the assessment and protection of major river systems is proposed. This new program is modeled on the existing National Estuary Program. EPA and the States will work together to assess the health of major rivers and to develop coordinated plans to restore and protect water quality.

The bill includes a proposal for control of overflows from combined storm and sanitary sewers [CSO's]. These discharges are a significant source of water pollution and contribute to the closing of numerous shellfish beds and bathing beaches. Communities with combined sewers are to develop plans for overflow control and work to implement the plans over a 7-year period. The bill establishes a new, 5-year, $2 billion grant program to support CSO projects and clarifies that these projects are eligible for loans from State revolving loan funds.

A series of amendments are proposed to the State revolving loan funds established in title VI of the Clean Water Act. These amendments would clarify several operational and administrative aspects of the program. In addition, the bill would provide an incentive for

maintenance of State contributions to the funds.

Another proposal in the bill addresses the challenges of restoration of already contaminated waterbodies. In these areas, the EPA and the States would have expanded powers to address the EPA and the States would have expanded powers to address pollution problems. For example, the existing biological criteria in section 403, which currently apply only to marine waters, would apply more generally to contaminated waters.

Other amendments to the bill address a range of topics including modifications to the discharge permit program, expansion of support for water quality programs on Indian lands, strengthening of employee protection provisions of the act, and assessment of water pollution problems on the United States-Mexico border.

The bill makes no amendments to section 404 of the act, which regulates the filling of wetlands. This program is undergoing a number of administrative changes. The Subcommittee on Environmental Protection will hold oversight hearings next month to examine the current implementation of the program and to discuss the planned administrative revisions. At the conclusion of those hearings, I intend to make a determination about whether to propose amendments to section 404.

Mr. President, I am pleased that a number of my colleagues have introduced or will introduce additional bills proposing further amendments to the Clean Water Act. These bills address coastal protection, water conservation, State certification of Federal projects with State water quality standards, protection of lakes, expansion of programs for control of pollution to Chesapeake Bay and the Great Lakes, and financial assistance for construction of environmental facilities in small communities.

Over the next several months, my Environmental Protection Subcommittee will hold a series of hearings on the bill that we are introducing today and on other bills related to water quality. Based on these hearings, we will work to consolidate the various legislative proposals into a single Clean Water Act reauthorization package later this year.

I recognize that several of the proposals included in the bill, such as programs for control of nonpoint sources of pollution, will be controversial. I look forward to hearing the views and comments of all parties on ways to refine and improve these proposals. I am confident that, working together, we can develop the best possible legislation to restore and protect the quality of the rivers, lakes, and coastal waters throughout the Nation.

Mr. President, I ask unanimous consent that the bill and a section-by-section description of the bill be printed at an appropriate place in the RECORD.

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

S. 1081

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

SHORT TITLE AND TABLE OF CONTENTS

SECTION 1. (a) SHORT TITLE.—This Act may be cited as the "Water Pollution Prevention and Control Act of 1991".

(b) TABLE OF CONTENTS.—

Sec. 1. Short title and table of contents.
Sec. 2. Findings and purposes.
Sec. 3. Water quality research.
Sec. 4. Technology demonstration program.
Sec. 5. State grant assistance.
Sec. 6. Wastewater training and certification.
Sec. 7. Effluent guidelines.
Sec. 8. Water quality standards.
Sec. 9. Priority waters.
Sec. 10. Water quality monitoring.
Sec. 11. Toxic pollution control.
Sec. 12. Pretreatment program.
Sec. 13. Enforcement.
Sec. 14. Toxic reduction action program.
Sec. 15. Nonpoint source pollution.
Sec. 16. National river assessment and protection program.
Sec. 17. Permit program modifications.
Sec. 18. Biological discharge criteria.
Sec. 19. Interstate dispute resolution.
Sec. 20. Combined sewer overflows.
Sec. 21. Permit fees.
Sec. 22. Employee protection.
Sec. 23. Reports to Congress.
Sec. 24. Indian water quality programs.
Sec. 25. Environmental audits.
Sec. 26. United States-Mexico border water quality.
Sec. 27. Authorizations.
Sec. 28. State revolving loan funds.

FINDINGS AND PURPOSES

SEC. 2. (a) PURPOSES.—The purposes of this Act are:

(1) To expand and strengthen existing programs for control of serious and continuing water pollution problems throughout the Nation.

(2) To establish new initiatives for the control and elimination of water pollution, with special emphasis on the prevention of water pollution.

(3) To provide for the more effective control of municipal and industrial point sources of pollution, including the improved implementation of effluent guidelines, water quality standards, and discharge permit programs.

(4) To provide for the more effective control of significant and widespread water quality degradation resulting from nonpoint sources of pollution in cooperation with other Federal agencies, States, and local governments.

(5) To assure that water pollution control programs more comprehensively protect the ecological integrity of waterbodies, including the maintenance and restoration of aquatic habitat, through enhanced protection of the physical and biological components of waterbodies.

(6) To authorize adequate funding for construction of water pollution control facilities and for effective administration of water pollution control programs.

(b) FINDINGS.—The Congress finds that—

(1) Despite significant progress in water pollution control over the past twenty years, serious water quality problems persist throughout the Nation.

(2) The United States Environmental Protection Agency reports that, of the 45 per centum of waters assessed throughout the Nation, 30 per centum do not meet water quality standards or designated uses.

(3) The United States Environmental Protection Agency reports that 25 per centum of the Nation's freshwater lakes are impaired and another 20 per centum are threatened with impairment.

(4) The Office of Technology Assessment reports that the overall health of coastal waters is "declining or threatened" and that "in the absence of additional measures to protect our marine waters, the next few decades will witness new or continued degradation in many estuaries and coastal waters around the country".

(5) Scientists report that the greatest threat to the biological integrity of aquatic ecosystems is the physical alteration and loss of habitats caused by pollutant inputs of sediments, nutrients, and toxic substances. Destruction of these areas degrades spawning habitats, limits fish and wildlife diversity, and harms human health through bioaccumulation of persistent contaminants in aquatic food chains.

(6) More than 10 per centum of municipalities continue to discharge untreated or undertreated sewage to receiving waters and over one thousand communities discharge overflows of untreated sewage from combined sewers during storms.

(7) Industries discharge large amounts of conventional and toxic pollutants to waters throughout the Nation, including an estimated three hundred and sixty million pounds of toxic pollutants directly to receiving waters and five hundred and seventy million pounds of toxic pollutants to public sewage systems per year.

(8) Pollution from diffuse or nonpoint sources, such as runoff from city streets, construction sites, and agricultural lands, is the source of 55 per centum of the water quality impairments throughout the Nation.

(9) Restoration of water quality and prevention of future water pollution problems will require improving the scientific basis for water protection programs, expanding and strengthening existing efforts, and implementing new programs to address emerging problems.

(10) Strengthened research of water quality and pollution prevention and control problems and increased development of more effective and efficient pollution control technology are required to meet remaining water pollution challenges.

(11) Expanded and better coordinated water quality monitoring activities by States and the Federal Government are needed to improve the quality of information on water quality trends and conditions.

(12) The Federal Government should expand the number and type of pollutant criteria and standards, including development of criteria and standards for lakes, coastal waters, and aquatic sediment.

(13) Effluent guidelines should be developed for additional industrial categories and existing guidelines should be revised to reflect greater understanding of the sources of water pollution and improved pollution control technologies.

(14) Discharges of toxic pollutants from industrial and other sources to publicly owned treatment works are inadequately regulated, monitored, and enforced, causing permit violations by and damage to municipal waste treatment plants, and controls on these sources must be strengthened.

(15) Discharge permits must assure that industrial and municipal dischargers implement reasonable measures to prevent pollution and reduce use of toxic pollutants within these facilities.

(16) Increased efforts are required to control nonpoint sources of pollution, including development of minimum best management practices, improved coordination with existing agriculture programs, control of nonpoint pollution on Federal lands and substantial expansion of grant assistance to States.

(17) The enforcement authorities of the Act should be strengthened to improve compliance with discharge permits and other requirements of the law and to enhance the ability of Federal and State governments and private citizens to undertake appropriate enforcement actions.

(18) The level of funding available to the Environmental Protection Agency and States for the administration of the National Pollutant Discharge Elimination System is inadequate and additional financial resources must be provided.

(19) Support for State revolving loans funds at the level authorized in the 1987 amendments to the Clean Water Act should be assured to assist financing of sewage treatment and related water quality projects.

WATER QUALITY RESEARCH

SEC. 3. (a) GENERAL AUTHORITY.—(1) Section 104(a) of the Federal Water Pollution Control Act (33 U.S.C. 1254) is amended to read as follows:

"(a)(1) The Administrator, in cooperation with Federal, State, and local agencies and public or private institutions, organizations, or individuals, shall conduct and promote a comprehensive program of research, investigations, experiments, surveys, and studies relating to the causes, sources, effects, extent, prevention, detection, and correction of water pollution.

"(2) In carrying out the provisions of this section, the Administrator is authorized to—

"(A) collect and make available, through publications and other appropriate means, the results of research pursuant to this section;

"(B) encourage, cooperate with, and render technical services to pollution control agencies and other appropriate public or private institutions, organizations, and individuals;

"(C) conduct investigations concerning the pollution of any navigable waters and report on the results of such investigations;

"(D) conduct research and make surveys concerning the nationwide extent and seriousness of a pollutant or class of pollutants in water;

"(E) develop, assess, collect and disseminate basic data on chemical, physical, and biological effects of varying water quality and other information pertaining to water pollution and the prevention, reduction, and elimination thereof;

"(F) develop effective and practical processes, methods, and prototype devices for the prevention, reduction, and elimination of pollution;

"(G) make grants to State water pollution control agencies, interstate agencies, other public or nonprofit private agencies, institutions, organizations, and individuals to conduct research pursuant to this section;

"(H) contract with public or private agencies, institutions, organizations, and individuals, without regard to sections 3648 and 3709 of the Revised Statutes (31 U.S.C. 529; 41 U.S.C. 5) to conduct research pursuant to this section;

"(I) utilize, on a reimbursable basis, facilities and personnel of Federal scientific laboratories and research centers;

"(J) convene conferences concerning water quality and water pollution control research issues, giving opportunity for interested persons to be heard and to present papers at such conferences; and

"(K) acquire secret processes, technical data, inventions, patent applications, patents, licenses, and an interest in lands, plants, equipment and facilities, and other property rights by purchase, license, lease, or donation.".

(b) WATER RESEARCH ADVISORY COMMITTEE.—Section 104(b) of the Federal Water Pollution Control Act (33 U.S.C. 1254) is amended to read as follows:

"(b)(1) There is hereby established a National Water Quality Research Committee to advise the Administrator in the implementation of the authorities of this section and other related research activities of the Federal Government and State governments.

"(2) The Research Committee shall—

"(A) identify major research needs and scientific uncertainties regarding the causes, effects, extent, prevention, reduction, and elimination of water pollution;

"(B) assure, to the extent practicable, that research conducted pursuant to this section meets the needs of State and local governments; and

"(C) facilitate, to the extent practicable, the coordination of research programs pursuant to this section and related research programs of other Federal agencies and State and local government.

"(3) The Research Committee shall consist of—

"(A) a representative of the Administrator, who shall chair the Committee;

"(B) a representative of the Secretary of the Department of Agriculture;

"(C) a representative of the Secretary of the Department in which the Coast Guard is operating;

"(D) a representative of the Secretary of the Department of Health and Human Services;

"(E) five representatives of State environmental agencies, as determined by the Administrator; and

"(F) five representatives of the academic community, as determined by the Administrator.

"(4) Members appointed pursuant to subparagraphs (3) (E) and (F) shall serve terms of not to exceed three years, except that the Administrator may stipulate an alternate term of not less than two years and not more than four years at the time of appointment.

"(5) Members appointed pursuant to paragraph (3)(F) shall, while attending meetings of the Committee, be compensated at a rate to be fixed by the Administrator.

"(6) The Research Committee shall submit to the Congress on January 1 of each year after the date of enactment of this subsection a report which shall—

"(A) describe the research conducted pursuant to this section in the preceding year and the results of such research;

"(B) identify the highest priority research needs for the following five-year period, identify the approximate cost of such research, and the relationship of such research to the goals and objectives of this Act;

"(C) describe research activities pursuant to this section and related research authorities planned for the coming year and the extent to which such research will address the priority research needs identified in subparagraph (B);

"(D) identify opportunities to improve coordination of research among Federal agencies and the States.".

(c) POLLUTANT EFFECT ON SHELLFISH, FISH AND WILDLIFE.—Section 104(c) of the Federal Water Pollution Control Act (33 U.S.C. 1254(c)) is amended by inserting "(1)" after "(c)" and adding at the end thereof the following:

"(2) The Administrator, in cooperation with the Director of the United States Fish and Wildlife Service, the Administrator of the National Oceanic and Atmospheric Administration, and officials of other appropriate Federal agencies, shall conduct research and investigations of, and survey the results of other scientific studies on, the harmful effects on the health of fish, shellfish, and wildlife caused by pollutants in water.".

(d) AUTHORIZATION.—Section 104(u) of the Federal Water Pollution Control Act (33 U.S.C. 1254(u)) is amended by inserting "(1)" after "(u)" and adding at the end thereof the following new paragraphs:

"(2) There is authorized to be appropriated to the Administrator for carrying out the provisions of this section such sums as may be necessary for fiscal year 1991 and $80,000,000 for each of the fiscal years 1992 through 1998.

"(3) Of sums appropriated pursuant to paragraph (2) of this subsection in each fiscal year, the Administrator shall reserve not less than $500,000 for the operation of the small flows clearinghouse established pursuant to subsection (q)(3) of this section.

"(4) Of sums appropriated pursuant to paragraph (2) of this subsection in each fiscal year, the Administrator shall reserve not less than $500,000 for the support and operation of the Research Committee established pursuant to subsection (b) of this section.".

(e) TECHNICAL AMENDMENTS.—(1) Section 104(c) of the Federal Water Pollution Control Act (33 U.S.C. 1254(c)) is amended by striking "Health, Education, and Welfare" and inserting in lieu thereof "Health and Human Services".

(2) Section 104(j) of the Federal Water Pollution Control Act (33 U.S.C. 1254(j)) is amended by striking "The Secretary of the Department in which the Coast Guard is operating" and inserting in lieu thereof "The Administrator, in cooperation with the Secretary of the Department in which the Coast Guard is operating,".

(3) Section 104(p) of the Federal Water Pollution Control Act (33 U.S.C. 1254(p)) is amended by striking all after "pollution from" and inserting in lieu thereof "nonpoint sources of pollution, including agriculture, urban runoff, construction activities, hydromodification, forest harvesting activities, mine runoff, and salt-water intrusion." and amending the title appropriately.

(4) Section 104(q) of the Federal Water Pollution Control Act (33 U.S.C. 1254(q)) is amended by striking "subsection (e)(2) of".

(5) Section 104(r) of the Federal Water Pollution Control Act (33 U.S.C. 1254(r)) is amended by striking "is authorized to make grants to colleges and universities to"; inserting in lieu thereof the following: "shall conduct a comprehensive program of"; and amending the title appropriately.

(6) Section 104(s) of the Federal Water Pollution Control Act (33 U.S.C. 1254(s)) is amended by—

(A) striking: "The Administrator is authorized to make grants to one or more institutions of higher education (regionally located and to be designated as 'River Studies Centers') for the purpose of conducting and

reporting on" and inserting in lieu thereof the following: "The Administrator, in cooperation with the Director of the United States Geological Survey, other Federal agencies, and the States, shall conduct research, investigation, and";

(B) striking the last sentence; and

(C) amending the title appropriately.

(7) Section 104(t) of the Federal Water Pollution Control Act (33 U.S.C. 1254(t)) is amended by striking ", but not later than 270 days after the date of enactment of this subsection,".

TECHNOLOGY DEMONSTRATION PROGRAM

SEC. 4. Section 105 of the Federal Water Pollution Control Act is amended to read as follows:

"TECHNOLOGY DEMONSTRATION PROGRAM

"SEC. 105. (a) IN GENERAL.—The Administrator shall establish a program to develop and demonstrate practices, methods, technologies, or processes which may be effective in prevention and control of industrial and municipal sources or potential sources of water pollution.

"(b) GRANT ASSISTANCE.—(1) The Administrator may provide grants to public agencies and authorities, non-profit organizations and institutions and enter into cooperative agreements or contracts with other persons to develop or demonstrate water pollution control practices, methods, technologies, or processes.

"(2) The Administrator may assist demonstration activities only if—

"(A) such demonstration activity will serve to demonstrate a new or significantly improved practice, method, technology, or process or the feasibility and cost effectiveness of an existing, but unproven, practice, method, technology, or process and will not duplicate other Federal, State, local or commercial efforts to demonstrate such practice, method, technology, or process;

"(B) such demonstration activity meets the requirements of this section and serves the purposes of this Act;

"(C) the demonstration of such practice, technology, or process will comply with all other laws and regulations for the protection of human health, welfare, and the environment; and

"(D) in the case of a contract or cooperative agreement, such practice, method, technology, or process would not be adequately demonstrated by State, local, or private persons or in the case of an application for financial assistance by a grant, such practice, method, technology, or process is not likely to receive adequate financial assistance from other sources.

"(3) The demonstration program established by this subsection shall include solicitations for demonstration projects, selection of suitable demonstration projects from among those proposed, supervision of such demonstration projects, evaluation of the results of demonstration projects, and dissemination of information on the effectiveness and feasibility of the practices, methods, technologies and processes which are proven to be effective.

"(4) Within one hundred and eighty days after the date of enactment of the Water Pollution Prevention and Control Act of 1991, and no less often than every twelve months thereafter, the Administrator shall publish a solicitation for proposals to demonstrate, by prototype or at full-scale, practices, methods, technologies, and processes which are (or may be) effective in controlling sources or potential sources of water pollution. The solicitation notice shall prescribe the information to be included in the proposal, including technical and economic information derived from the applicant's own research and development efforts, and other information sufficient to permit the Administrator to assess the potential effectiveness and feasibility of the practice, method, technology, or process proposed to be demonstrated.

"(5) Any person and any public or private nonprofit entity may submit an application to the Administrator in response to the solicitations required by paragraph (4) of this section. The application shall contain a proposed demonstration plan setting forth how and when the project is to be carried out and such other information as the Administrator may require.

"(6) In selecting practices, methods, technologies or processes to be demonstrated, the Administrator shall fully review the applications submitted and shall evaluate each project according to the following criteria—

"(A) the potential for the proposed practice, method, technology, or process to effectively control sources or potential sources of pollutants which present risks to human health;

"(B) the potential for the practice, technology, method or process to contribute to the advancement of pollution control for an industry for which an effluent guideline is published pursuant to section 304;

"(C) the potential for the practice, technology, method, or practice to effectively prevent the discharge of pollutants which present risks to human health and the environment;

"(D) the potential for the practice, technology, method or process to contribute to the advancement of treatment of sewage or the management of sewage sludge;

"(E) the potential for the practice, technology, method or process to contribute to reductions of pollution associated with nonpoint sources of pollution;

"(F) the capability of the person or persons proposing the project to successfully complete the demonstration as described in the application;

"(G) the likelihood that the demonstrated practice, method, technique, or process could be applied in other locations and circumstances to control sources or potential sources of pollutants, including considerations of cost, effectiveness, and technological feasibility;

"(H) the extent of financial support from the persons to accomplish the demonstration as described in the application; and

"(I) the capability of the person or persons proposing the project to disseminate the results of the demonstration or otherwise make the benefits of the practice, method, or technology widely available to the public in a timely manner.

"(7) The Administrator shall select or refuse to select a project for demonstration under this subsection in an expeditious manner. In the case of a refusal to select a project, the Administrator shall notify the applicant of the reasons for the refusal.

"(8) Each demonstrated project under this section shall be performed by the applicant, or by a person satisfactory to the applicant, under the oversight of the Administrator. The Administrator shall enter into a written agreement with each applicant granting the Administrator the responsibility and authority for testing procedures, quality control, monitoring, and other measurements necessary to determine and evaluate the results of the demonstration project.

"(9) The Administrator shall enter into arrangements, wherever practicable and desirable, to provide for monitoring testing procedures, quality control, and such other measurements necessary to evaluate the results of demonstration projects or facilities intended to control sources or potential sources of contaminants.

"(10) Total Federal funds for any demonstration project under this section shall not exceed 75 per centum of the total cost of such project. In cases where the Administrator determines that research under this section is of a basic nature which would not otherwise be undertaken, the Administrator may approve grants under this section with a matching requirement other than that specified in this subsection, including full Federal funding.

"(c) REPORTS.—The Administrator shall, within two years of the date of enactment of this section and biennially thereafter, publish general reports describing the findings of demonstration projects conducted pursuant to this section.

"(d) AUTHORIZATION.—There is authorized to be appropriated to carry out this section $20,000,000 for each fiscal year 1992 through 1998.".

STATE GRANT ASSISTANCE

SEC. 5. (a) AUTHORIZATION.—(1) Section 106(a)(2) of the Federal Water Pollution Control Act (33 U.S.C. 1256(a)(2)) is amended by adding after "1990" the following "; and".

(2) Section 106(a) of the Federal Water Pollution Control Act (33 U.S.C. 1256(a)) is amended by deleting all after "1990; and" and inserting in lieu thereof the following—

"(3) such sums as may be necessary for fiscal years 1991 and 1992.".

(3) Section 106(a) of the Federal Water Pollution Control Act (33 U.S.C. 1256(a)) is amended by adding after "(a)" the following "AUTHORIZATION.—"

(b) STATE PROGRAM.—Section 106(b) of the Federal Water Pollution Control Act (33 U.S.C. 1256(b)) is amended to read as follows:

"(b)(1) From the sums available pursuant to subsection (a) and section 517(b), the Administrator shall make grants to the States to support the administration of comprehensive programs for the prevention, reduction, and elimination of water pollution.

"(2) State water pollution control programs shall, at a minimum, support State development and administration of—

"(A) a continuing water quality planning process pursuant to section 303(e);

"(B) water quality standards pursuant to section 303;

"(C) water quality monitoring programs pursuant to section 305(b);

"(D) nonpoint source pollution control programs pursuant to section 319;

"(E) clean lakes programs pursuant to section 314;

"(F) authority to respond to pollution sources which may pose an imminent and substantial threat to human health and the environment comparable to the authority in section 504; and

(G) any other water pollution control responsibilities delegated to States pusuant to this Act.".

(c) ALLOTMENTS.—Section 106(c) of the Federal Water Pollution Control Act (33 U.S.C. 1256) is amended to read as follows:

"(c) ALLOTMENTS.—(1) Of the sums appropriated pursuant to subsection (a) in any fiscal year, 75 per centum shall be allotted to the States on the basis of the extent of the water pollution problem in the respective States.

"(2) In determining the extent of the water pollution problem in each State, the Administrator shall consider—

"(A) information developed by water monitoring programs pursuant to section 305 and 308;

"(B) the extent and seriousness of water pollution associated with point and nonpoint sources; and

"(C) the extent and seriousness of ground water pollution within the State.

"(3) In making allocations pursuant to paragraph (1), the Administrator shall, to the extent practicable, assure that the allocation of funds to a State in a fiscal year is not less than the allocation of funds to that State pursuant to this section in fiscal year 1991.

"(4) Of the sums appropriated pursuant to subsection (a) in any fiscal year, 25 per centum shall be available to the Administrator for making grants to States for the support of innovative programs for the control and prevention of water pollution which have potential application to other States.".

(d) STATE SHARE.—Section 106(d) of the Federal Water Pollution Control Act (33 U.S.C. 1256(d)) is amended by inserting "STATE SHARE.—(1)" after "(d)" and by adding at the end thereof the following new paragraph—

"(2) Grants made pursuant to this section shall be made on the condition that each State provide from non-Federal funds an amount equal to 50 per centum of the amount allotted to such State pursuant to subsection (c) in each fiscal year.".

(e) OTHER AGENCIES.—Section 106(e) of the Federal Water Pollution Control Act (33 U.S.C. 1256(e)) is amended to read as follows:

"(e) OTHER AGENCIES.—(1) A State receiving a grant pursuant to this section may reserve not to exceed 20 per centum of the grant amount to support the administrative and related costs of any interstate water pollution control agency serving an area of that State.

"(2) A State receiving a grant pursuant to this section may reserve not to exceed 20 per centum of the grant amount to support participation by sub-state regional comprehensive planning agencies in water quality planning activities, including participation in the development and periodic revision of a continuing water quality planning process pursuant to subsection 303(e).".

(f) ADMINISTRATION.—Section 106(f) of the Federal Water Pollution Control Act (33 U.S.C. 1256(f)) is amended to read as follows:

"(f) ADMINISTRATION.—Grants shall be made under this section on condition that—

"(1) the Administrator has approved the plan submitted by the State pursuant to subsection (g)(1);

"(2) the Administrator determines, based on an evaluation of the State water quality program, that such program is consistent with the goals and requirements of this Act; and

"(3) the State assures allocation of adequate funds to support administration of nonpoint pollution control programs, monitoring programs, and ground water quality programs.".

(g) REPORTING.—Section 106(g) of the Federal Water Pollution Control Act (33 U.S.C. 1256(g)) is amended to read as follows:

"(g) REPORTING.—(1) Each State shall, before July 1 of each year, submit to the Administrator its plan for the prevention, reduction, and elimination of pollution in such form and content as the Administrator may require. The Administrator shall approve such plan if he determines it is consistent with the goals and requirements of this Act.

"(2) Each State shall, within ninety days of the end of each fiscal year, submit to the Administrator a report describing—

"(A) the water pollution control activities supported by funds pursuant to this section;

"(B) State implementation of section 402 of this Act; and

"(C) such additional information and data as the Administrator may require.".

WASTEWATER OPERATOR TRAINING AND CERTIFICATION

SEC. 6. (a) OPERATOR TRAINING.—Section 109 of the Federal Water Pollution Control Act (33 U.S.C. 1259) is amended to read as follows:

"OPERATOR TRAINING

"SEC. 109. (a) NATIONAL PROGRAM.—(1) The Administrator shall develop and implement a national program to train persons in the operation of municipal and industrial wastewater treatment works and other facilities whose purpose is water quality control.

"(2) The training program implemented pursuant to this section shall include—

"(A) preparation of undergraduate students to enter an occupation which involves design, operation, and maintenance of wastewater treatment works;

"(B) in-service training to improve and advance the knowledge and skills of persons presently employed in fields related to the design, operation and maintenance of wastewater treatment works; and

"(C) pre-service training to be provided to high school graduates not presently employed in wastewater treatment works operation and maintenance.

"(b) TRAINING PROGRAM GRANTS.—(1) The Administrator shall make grants or contracts with institutions of higher education, or combinations of such institutions, to support development and implementation of wastewater training programs pursuant to this section.

"(2) Within one year from the date of enactment of the Water Pollution Prevention and Control Act of 1991, the Administrator shall publish guidance specifying the minimum elements of wastewater training programs. Such guidance shall, at a minimum—

"(A) indicate relative emphasis to be given to design, operation, and maintenance;

"(B) indicate relative emphasis to be given to undergraduate, in-service, and pre-service training; and

"(C) indicate relative emphasis to be given to training for industrial and municipal facilities.

"(3) Within eighteen months of the date of enactment of the Water Pollution Prevention and Control Act of 1991, the Administrator shall request proposals from institutions of higher education, or combinations of such institutions, to provide training services.

"(4) The Administrator shall, to the extent adequate funds are available, award training grants to not less than ten institutions of higher education, or combinations of such institutions, in each fiscal year.

"(5) In awarding training grants, the Administrator shall consider—

"(A) the demonstrated capability of the applicant to provide training services;

"(B) the degree to which the proposed program is consistent with the guidance issued pursuant to paragraph (2);

"(C) the results of any evaluation conducted pursuant to paragraph (7) of this subsection; and

"(D) the degree to which the geographic area to be served by the program will, in combination with other programs funded pursuant to this section, assure the reasonable availability of training programs throughout the Nation.

"(6) In allocating available grant funds among training programs, the Administrator shall consider the need for training in the area served as reflected in the report to Congress pursuant to subsection 104(g)(3).

"(7) The Administrator shall provide for the triennial review and evaluation of each training program funded pursuant to this section.".

(b) OPERATOR CERTIFICATION.—(1) Section 110 of the Federal Water Pollution Control Act (33 U.S.C. 1260) is amended to read as follows:

"OPERATOR CERTIFICATION

"SEC. 110. (a) IN GENERAL.—The Administrator shall develop and implement a program to certify the proficiency of operators of publicly owned wastewater treatment works.

"(b) REQUIREMENT.—(1) Each publicly owned treatment works shall assure that the chief operator of such treatment works and such additional personnel as may be designated by the Administrator, are certified as proficient by the Administrator.

"(2) The requirement of this subsection shall be effective three years from the date of enactment of the Water Pollution Prevention and Control Act of 1991, unless extended by the Administrator pursuant to paragraph (3).

"(3) The Administrator may extend the effective date of the requirement of this subsection for a period of not to exceed two years on a facility—specific basis based on a determination that adequate opportunity to seek certification did not exist.

"(c) GUIDELINES.—(1) Within one year of the date of enactment of the Water Pollution Prevention and Control Act of 1991, the Administrator shall publish guidelines specifying minimum standards for certification pursuant to this section.

"(2) Guidelines shall specify minimum standards for a Chief Operator of a publicly owned treatment works and for such additional personnel as are judged by the Administrator as appropriate to operator proficiency certification. Guidelines shall also establish such additional standards as are, in the judgment of the Administrator, necessary to assure proficiency in the operation of large, complex treatment systems. Guidelines may provide for on-site assessment in cases where this is necessary to determine proficiency.

"(3) Within one year of the date of enactment of the Water Pollution Prevention and Control Act of 1991, the Administrator shall publish a Treatment Works Operator's Manual describing essential knowledge and skills of a Chief Operator and essential knowledge and skills of such additional personnel as are judged by the Administrator as appropriate to operator proficiency certification.

"(d) CERTIFICATION PROGRAM.—(1) Within one year of the date of enactment of the Water Pollution Prevention and Control Act of 1991, the Administrator shall implement a program to certify operators pursuant to this section.

"(2) The Administrator may establish priorities for operator certification giving priority to—

"(A) facilities with a history of noncompliance with a discharge permit pursuant to section 402; and

"(B) facilities implementing a local pretreatment program pursuant to section 307(f).

"(3) The Administrator shall charge a fee for certification sufficient to cover the cost of the certification program.

"(4) The Administrator may delegate implementation of the certification program to a State based on a determination that the State is fully qualified to operate the program and will provide the Administrator with such data and information concerning the program as the Administrator may request.

"(5) Certification of proficiency pursuant to this section shall be granted to the individual certified, not to the treatment works. Certification of the individual is transferable from one treatment works to another. States may provide for the transfer of certification from one State to another.

"(6) Certification of proficiency pursuant to this section applies to the five-year period following certification. The Administrator may re-certify an individual for additional five-year periods: *Provided*, That—

"(A) the individual complies with such in-service training and related education as the Administrator may specify; and

"(B) the individual has remained in the position of Chief Operator, or other applicable position, for four years of the five-year certification period.".

"(7) Any State may establish a certification requirement in addition to those established pursuant to this section.".

(2) Section 309(g)(1) of the Federal Water Pollution Control Act (33 U.S.C. 1319 (g)(1)) is amended by adding after "violated section" the following "110(b),".

(c) SCHOLARSHIPS.—(1) Section 111(3) of the Federal Water Pollution Control Act (33 U.S.C. 1261(3)) is amended by deleting subparagraph (C) and inserting in lieu thereof the following—

"(C) that the institution is currently participating or has participated in the training grant program pursuant to section 109(b); and".

(2) Section 111(3)(D) of the Federal Water Pollution Control Act (33 U.S.C. 1261(3)(D)) is amended by deleting "and" after "treatment works"; deleting the period at the end thereof; and inserting in lieu thereof the following: ", and (iii) the institution will make reasonable efforts to assure representation of minorities and women in the program.".

(d) AUTHORIZATIONS.—Section 112(c) of the Federal Water Pollution Control Act (33 U.S.C. 1262(c)) is amended by inserting "(1)" after "(c)" and adding at the end thereof the following new subparagraphs:

"(2) There are authorized to be appropriated $15,000,000 per fiscal year for each of the fiscal years 1991 and 1992 to carry out sections 109 and 111 of this Act: *Provided*, That not less than one-third of such sums as are appropriated in a fiscal year shall be reserved to carry out section 111.

"(3) Of such sums as may be appropriated pursuant to section 517(b), one-third shall be reserved to carry out section 111.".

(e) RESEARCH.—(1) Section 104 of the Federal Water Pollution Control Act (33 U.S.C. 1254) is amended by deleting subsection (g) and inserting in lieu thereof the following—

"(g)(1) The Administrator is authorized to provide, or make grants to public or private agencies and institutions to provide training in technical matters relating to the causes, prevention, reduction, and elimination of pollution for personnel of public agencies and other persons with suitable qualifications.

"(2) The Administrator shall establish and maintain research fellowships with such stipends and allowances, including travel and subsistence expenses, as the Administrator may deem necessary to procure the assistance of the most promising research fellows.

"(3) The Administrator shall develop and maintain a system for forecasting the supply of, and demand for, various professional and other occupational categories needed for the prevention, reduction, and elimination of pollution in each region, state or area of the United States. The Administrator shall report to the Congress on the results of forecasts pursuant to this paragraph not less often than biennially.".

EFFLUENT GUIDELINES

SEC. 7. (a) AUTHORITY.—Section 304(b) of the Federal Water Pollution Control Act (33 U.S.C. 1314(b)) is amended to read as follows:

"(b) EFFLUENT GUIDELINES.—

"(1) IN GENERAL.—The Administrator shall, after notice and opportunity for public comment, promulgate regulations establishing effluent guidelines applicable to point sources (other than publicly owned treatment works) which discharge conventional, nonconventional, toxic or other pollutants to the navigable waters. Such regulations shall achieve, in terms of amounts of constituents and chemical, physical, and biological characteristics of pollutants, the maximum reduction of each pollutant in the discharge of any source in the category or class of sources to which the regulations apply and shall—

"(A) reflect applications of the best available control technology economically achievable for the category or class of sources to which the standard applies;

"(B) in determining the best available technology economically achievable under subparagraph (A), rely upon and require, to the maximum extent practicable, toxic use and waste reduction measures and practices including changes in production processes, products or raw materials that reduce, avoid or eliminate the use of toxic or hazardous substances and the generation of toxic or hazardous byproducts so as to reduce the overall risk of adverse effects to the health of workers and the public and to the environment;

"(C) eliminate the discharge of pollutants to navigable waters if the Administrator finds that such elimination is technologically and economically achievable for the category or class or sources to which the standard applies; and

"(D)(i) prohibit or limit the release of such pollutants to other environmental media (including ground water) to the extent such prohibition or limitation is technologically or economically achievable for the category or class of sources to which the standard applies,

"(ii) prohibit specific control measures or practices which, in the judgment of the Administrator, are likely to have a significant adverse impact on any environmental media. Factors which the Administrator may take into account in determining whether any prohibition, limitation or requirement is technologically or economically achievable for a category or class of sources include age of equipment and facilities involved, the process employed, the engineering aspects of the application of various types of control techniques, process changes (including in-plant toxic use and waste reduction measures, in addition to end-of-pipe controls), the cost of achieving such limitation, prohibition or requirements, and non-water quality environmental impacts (including energy requirements).".

(b) CONFORMING AMENDMENTS.—(1) Section 301(b)(2)(A) of the Federal Water Pollution Control Act (33 U.S.C. 1311(b)(2)(A)) is amended by striking "302(b)(2)" wherever it occurs and inserting in lieu thereof "302(b)".

(2) Section 301(b)(2)(A) of the Federal Water Pollution Control Act (33 U.S.C. 1311(b)(2)(A)) is amended by striking "(including information developed pursuant to section 315)".

(3) Section 301(b)(2)(E) of the Federal Water Pollution Control Act (33 U.S.C. 1311(b)(2)(E)) is amended by striking "conventional" and inserting in lieu thereof "available"; and by striking "304(b)(4)" and inserting in lieu thereof "304(b)".

(4) Section 301(c) of the Federal Water Pollution Control Act (33 U.S.C 1311(c)) is repealed.

(5) Section 402 of the Federal Water Pollution Control Act (33 U.S.C. 1342) is amended by inserting "304(b)," after "302," in the first sentence thereof.

(6) Section 402(b)(1)(A) of the Federal Water Pollution Control Act (33 U.S.C. 1342(b)(1)(A)) is amended by inserting "304(b)," after "302".

(c) REVISION OF GUIDELINES AND STANDARDS.—Section 301(d) of the Federal Water Pollution Control Act (33 U.S.C. 1311(d)) is amended to read as follows:

"(d) REVISION OF GUIDELINES.—

"(1) Any effluent guideline required pursuant to subsection (b)(2) or promulgated under section 304(b) shall be reviewed and revised, pursuant to the provisions of such section, not less frequently than every seven years according to the schedule established under section 304(m). Notwithstanding the schedule for review included in the previous sentence, the Administrator shall revise an effluent guideline on a date earlier than otherwise required by the previous sentence whenever evidence is available to the Administrator indicates that advances in pollution control technology or practice, including toxic use and waste reduction measures, would achieve a significant reduction in the quantity of toxicity of pollutants discharged to navigable waters by sources in the category and such advances are technologically and economically achievable for a category or class of sources.

"(2) Not later than three years after the date of enactment of the Water Pollution Prevention and Control Act of 1991, the Administrator shall, after notice and opportunity for public comment, promulgate a standard of performance for new sources in every category and subcategory for which an effluent guideline has been promulgated prior to such date of enactment. Each guideline in effect on the date of enactment of this paragraph, including each guideline applicable to any subcategory of sources under a guideline, shall be reviewed and revised, according to the provisions of paragraph (1) and sections 304(b) and 304(m), not later than seven years after such date of enactment. Any effluent guideline, performance standard or pretreatment standard in effect on the date of enactment of this paragraph shall remain in effect until a revised guideline or standard applicable to the same category or class of sources has been promulgated by the Administrator. If a timely petition for review of any guideline or standard under section 509 is pending on such date of enactment, the guideline or standard shall be upheld if it complies with the requirements of this Act as in effect before that date. If any such guideline or standard is remanded to the Administrator, the Administrator may in the Administrator's discretion apply either (i) the requirements of this Act, or (ii) the requirements of this Act in effect immediately prior to the date of enactment of this paragraph when repromulgating the guideline or standard.".

(d) NEW SOURCE PERFORMANCE STANDARDS.—(1) Section 306(a)(1) of the Federal Water Pollution Control Act (33 U.S.C. 1316(a)(1)) is amended to read as follows:

"(1) The term "standard performance" means a standard for the control of the discharge of pollutants which reflects the greatest degree of effluent reduction which the Administrator determines to be achievable through application of the best available demonstrated control technology, processes, operating methods, or other alternatives. In determining the best available demonstrated control technology, the Administrator shall—

"(i) rely upon and require, to the maximum extent practicable, toxic use and waste reduction measures and practices including changes in production processes, products of raw materials that reduce, avoid or eliminate the use of toxic or hazardous substances and the generation of toxic or hazardous byproducts so as to reduce the overall risk of adverse effects to the health of workers and the public and to the environment;

"(ii) eliminate the discharge of pollutants to navigable waters if the Administrator finds that such elimination is technologically and economically achievable for the category or class of sources to which the standard applies;

"(iii) prohibit or limit the release of such pollutants to other environmental media (including ground water) to the extent such prohibition or limitation is technologically or economically achievable for the category or class of sources to which the standard applies; and

"(iv) prohibit specific control measures or practices which, in the judgment of the Administrator, are likely to have a significant adverse impact on any environmental media.".

(2) Section 306(b)(1)(B) of the Federal Water Pollution Control Act (33 U.S.C. 1316(b)(1)(B)) is amended to read as follows:

"(B) As soon as practicable, but in no case more than one year after a category of sources is included on the list under subparagraph (A), the Administrator shall, after notice and opportunity for comment, promulgate regulations establishing standards of performance for new sources in such category. The Administrator shall promulgate or revise regulations establishing standards of performance for new sources in a category whenever the Administrator promulgates or revises effluent guidelines under section 301(b) or 304(b) for such category. The Administrator shall from time to time, but not less often than every seven years, review and revise such standards. Standards of performance, or revisions thereof, shall become effective upon promulgation.".

(e) PLAN FOR GUIDELINE AND STANDARDS DEVELOPMENT.—

(1) Section 304(m) of the Federal Water Pollution Control Act (33 U.S.C. 1314(m)) is amended by:

[RESERVED]

(f) FEES.—Section 308 of the Federal Water Pollution Control Act (33 U.S.C. 1318) is amended by adding the following new subsection at the end thereof:

"(e) FEES FOR ISSUANCE OF GUIDELINES AND STANDARDS.—

"(1) The Administrator shall, not later than three years prior to the promulgation or revision of any effluent guideline pursuant to section 301(b) and section 304(b), any new source performance standard pursuant to section 306, and any pretreatment standard pursuant to section 307(b), publish in the Federal Register a notice of intent to promulgate or revise such guideline or standard for a category of sources and an estimate of the schedule and cost of developing such guideline or standard.

"(2) The notice pursuant to paragraph (1) shall require each source within the category with a permit pursuant to section 402 of this Act and each source within such category introducing a pollutant into a publicly owned treatment works to register with the Administrator within one hundred and twenty days of the publication of such notice and provide such information as the Administrator may require including but not limited to—

"(A) the name and location of the source;

"(B) the number of the permit issued to such source pursuant to section 402 of this Act or the number of the permit issued to the publicly owned treatment works into which the source discharges;

"(C) the pollutants in and volume of the discharge from the source;

"(D) any pollution control requirements in effect for the discharge in addition to those required by an existing guideline or standard; and

"(E) the intention of the source to request consideration pursuant to paragraphs (4) or (5) of this subsection.

"(3) The Administrator shall, within two hundred and forty days of the date of publication of a notice pursuant to paragraph (1), assess each registrant under paragraph (2) a proportional share of the estimated cost of developing and publishing the guideline or standard. Such assessment shall be based on the volume and toxicity of the discharge and the sum of all assessments shall be sufficient to offset the full cost of developing and publishing the guideline or standard.

"(4) The Administrator may modify or waive the assessment pursuant to paragraph (3) based on a finding that the source is a small business, as defined under title 13 Code of Federal Regulations, part 121, or that the assessment would pose an unreasonable financial hardship for the source. The amount of any assessments modified or waived pursuant to this paragraph shall be shared proportionally among other registrants.

"(5) The Administrator may modify the assessment pursuant to paragraph (3) in the case of a source which will demonstrate new or innovative technology or allow the Administrator such access to such source as will facilitate the full and effective development of the guideline or standard pursuant to this Act. The amount of any assessments modified pursuant to this paragraph shall be shared proportionally among other registrants.

"(6) Assessments and penalties collected pursuant to this subsection shall be placed in a special fund of the United States Treasury and shall be available for appropriation only to carry out the activities of the Administrator relating to the development and promulgation of effluent guidelines and new source performance standards and pretreatment standards under this Act.

"(7) The owner or operator of any source who subsequently applies for a permit issuance or reissuance under section 402 to operate pursuant to an effluent guideline, for the development of which the Administrator made assessments under this subsection and who should have paid such assessment, shall be liable for the assessment at the time the permit application for such source is filed and shall be subject to penalties in an amount not less than 50 per centum of such assessment and interest computed in accordance with section 6621(a)(2) of title 26, of the United States Code (relating to computation of interest on underpayment of Federal taxes). Any assessments, penalties and interest collected pursuant to this paragraph shall be placed in the fund established by paragraph (6) and may be appropriated for the purposes described in such paragraph.

"(8) Any notice pursuant to paragraph (1) of this subsection shall be reviewed by the Advisory Committee established pursuant to section 515 of this Act.".

(g) INFORMATION REQUIREMENTS.—Notwithstanding any other provision of law (including any Executive Order or regulation), no survey, questionnaire, or other information request issued or to be issued by the Administrator of the Environmental Protection Agency for the purpose of collecting information or data to develop or revise an effluent guideline, new source performance standard or pretreatment standard pursuant to section 301, 302, 304, 306 or 307 of the Federal Water Pollution Control Act shall be subject to any review, modification or other requirement established by any other provision of law or by a requirement of any other department, agency or instrumentality of the Executive Branch.

(h) ADVISORY COMMITTEE.—(1) Section 515(a) of the Federal Water Pollution Control Act (33 U.S.C. 1374(a)) is amended to read as follows:

"(a) MEMBERSHIP.—

"(1) There is established an Effluent Standards and Water Quality Information Advisory Committee which shall advise the Administrator on the implementation of sections 301, 304, 306 and 307 of this Act.

"(2) The Committee shall be composed of twelve members appointed by the Administrator. The Administrator shall assure that four members are selected from the scientific community, four members are selected from State environmental agencies which administer a program pursuant to section 402 of this Act, and four members are selected from interested organizations.

"(3) Members of the Committee shall serve three-year terms, unless the Administrator determines at the time of the initial appointments which occur after the date of enactment of the Water Pollution Prevention and Control Act of 1991 that the term of any member shall be for not less than two years or not more than four years.".

(2) Section 515(b) of the Federal Water Pollution Control Act (33 U.S.C. 1374(b)) is amended to read as follows:

"(b) DUTIES.—

"(1) The Committee shall advise the Administrator in the development of effluent standards, new source performance standards, categorical pretreatment standards, secondary treatment standards, and related information and guidelines.

"(2) The Committee shall review any plans developed pursuant to section 304(m) of this Act and provide comments on such plan. Any such comments shall be included in the plan submitted to the Congress. The Committee shall review notices to be published pursuant to section 308(e).".

(3) Section 515(c)(1) of the Federal Water Pollution Control Act (33 U.S.C. 1374(c)(1)) is amended to read as follows:

"(1) The Committee shall appoint and prescribe the duties of a Secretary and such legal counsel as it deems necessary. The Committee is authorized to acquire, on a contractual basis, such expert assistance as is necessary to assist the Committee in the full and effective review of plans and proposals.".

(4) Section 515(d) of the Federal Water Pollution Control Act (33 U.S.C. 1374(d)) is amended to read as follows:

"(d) AUTHORITY FOR RULES.—The Committee is authorized to make such rules as are necessary for the orderly transaction of its business.".

(5) Section 515(e) of the Federal Water Pollution Control Act (33 U.S.C. 1374(e)) is repealed.

(i) FISH CONSUMPTION ADVISORIES.—Section 304(g) of the Federal Water Pollution Control Act (33 U.S.C. 1314(g)) is amended to read as follows:

"(g)(1) The Administrator, in consultation with appropriate Federal and State agencies and other interested persons, shall develop and publish, within two years of the date of enactment of the Water Pollution Prevention and Control Act of 1991 and biennially thereafter, guidelines for States to follow in issuing contaminated finfish and shellfish consumption advisories to protect recreational and subsistance fishermen.

"(2) Guidelines pursuant to this subsection shall—

"(A) describe a consistent risk assessment procedure for evaluating the cancer and noncancer risks of fish consumption;

"(B) specify consistent risk assessment factors, such as cancer potency and noncancer reference doses; and

"(C) specify a quality assurance and quality control program for fish tissue sampling and analysis.

"(3) The Administrator shall provide technical assistance to the State to support implementation of the guidelines pursuant to this subsection and to educate the public concerning the risks of consumption of contaminated fish and shellfish.".

WATER QUALITY STANDARDS

SEC. 8. (a) CRITERIA DOCUMENTS.—(1) Section 304(a)(1)(A) of the Federal Water Pollution Control Act (33 U.S.C. 1314(a)(1)(A)) is amended by inserting after "criteria" "and information" and inserting after "ground water" the following ", waters of the contiguous zone and the oceans, lakes, rivers and streams, and the sediment associated with such bodies of water".

(2) Section 304(a)(2) of the Federal Water Pollution Control Act (33 U.S.C. 1314(a)(2)) is amended to read as follows:

"(2) In developing criteria and information pursuant to paragraph (1), the Administrator shall (A) consider the factors necessary to restore and maintain the chemical, physical, and biological integrity of water bodies; (B) consider the factors necessary to assure the protection of public water supplies, provide for the protection and propagation of a balanced, indigenous population of fish, shellfish, and wildlife, and provide for recreational activities in and on the water; (C) identify a numerical pollutant concentration limit appropriate for varying types of receiving waters and which is sufficient to assure attainment of all uses specified in subparagraph (B); and (D) identify numerical pollutant concentration limits appropriate for varying types of receiving waters which are sufficient to assure attainment of interim uses established by a State. The Administrator may establish biological monitoring and assessment methods for a pollutant, in addition to a pollutant concentration limit: *Provided*, That such method includes an objective and enforceable limit expressed in numerical terms.".

(3) Section 304(a)(4) of the Federal Water Pollution Control Act (33 U.S.C. 1314(a)(4)) is revised to read as follows:

"(4)(A) The Administrator shall, within one year of the date of enactment of the Water Pollution Prevention and Control Act of 1991, and biennially thereafter, publish a list of conventional, nonconventional, and toxic pollutants.

"(B) Conventional pollutants listed pursuant to this paragraph shall include, at a minimum, biological oxygen demand, fecal coliform, pH, oil and grease, and pollutants which degrade the physical integrity of a water body (including suspended solids, hydromodification, and thermal pollution), and pollutants which degrade fish, shellfish, and wildlife habitat.

"(C) Nonconventional pollutants listed pursuant to this paragraph shall include, at a minimum, pollutants identified pursuant to paragraph 301(g)(4).

"(D) Toxic pollutants listed pursuant to this paragraph shall include, at a minimum, pollutants listed pursuant to section 307(a)(1) of this Act.".

(4) Section 304(a)(5) of the Federal Water Pollution Control Act (33 U.S.C. 1314(a)(5)) is revised to read as follows:

"(5)(A) The Administrator shall, within one year of the date of enactment of the Water Pollution Prevention and Control Act of 1991 and triennially thereafter, prepare and submit to the Congress a plan for the development of criteria and information pursuant to this subsection.

"(B) The plan pursuant to this paragraph shall indicate a three-year schedule for development of criteria and information, including relative priority to be given to—

"(i) types of pollutants (conventional, nonconventional, and toxic) listed pursuant to paragraph (4);

"(ii) types of water bodies; and

"(iii) aquatic sediment.

"(C) The first plan required pursuant to this paragraph shall, at a minimum, provide for—

"(i) publication of criteria and information for not less than twenty pollutants for which criteria and information are not currently available in each fiscal year;

"(ii) revision of not less than twenty existing criteria documents to address the special needs of lakes and marine waters; and

"(iii) publication of not less than twenty criteria documents for pollutants in aquatic sediments.

"(D) In listing pollutants pursuant to subparagraph (c)(i), the Administrator shall give priority to pollutants associated with nonpoint sources and to any pollutant listed pursuant to section 307(a)(1) for which no criteria are published.

"(E) The Administrator shall consult with States and the public in the development of the plan.

"(6) Regardless of the date of publication of the plan pursuant to paragraph (5) the Administrator shall publish not less than sixty criteria documents pursuant to this subsection within four years of the date of enactment of the Water Pollution Prevention and Control Act of 1991.".

(5) Section 304(a)(6) of the Federal Water Pollution Control Act (33 U.S.C. 1314(a)(6)) is amended by deleting ", for purposes of section 301(h) of this Act".

(6) Section 304(a) of the Federal Water Pollution Control Act (33 U.S.C. 1314(a)) is amended by adding at the end thereof the following new paragraph:

"(9) The Administrator shall, within two years of the date of enactment of this paragraph, publish a criteria document pursuant to this subsection for whole effluent toxicity. Such criteria document shall be in addition to any pollutant specific criteria.".

(b) WATER QUALITY STANDARDS.—(1) Sections 303 (a), (b), and (c) of the Federal Water Pollution Control Act (33 U.S.C. 1313(a)(b)(c)) are revised to read as follows:

"(a) DESIGNATED USES.—(1) Each State shall, not later than three years from the date of enactment of the Water Pollution Prevention and Control Act of 1991, designate uses for all waterbodies within such State where such uses have not already been designated, or have been designated in a manner inconsistent with this section: *Provided*, That all existing uses shall be maintained and protected.

"(2) Waterbodies for which uses shall be designated shall, at a minimum, include—

"(A) rivers and streams;

"(B) lakes; and

"(C) estuarine waterbodies and waters of the contiguous zone.

"(3) Use designations pursuant to this subsection shall apply to the waters of the designated waterbody and to the aquatic sediments of such waterbodies.

"(4) All waterbodies not currently designated to support the national goal of fishable, swimmable waters nationwide shall be so designated as soon as practicable but not later than the next triennial review of standards pursuant to subsection (c)(4). Waters so designated shall assure the protection of public water supplies, provide for protection and propagation of a balanced, indigenous population of fish, shellfish and wildlife, and provide for recreation in and on the water and serve the purposes of this Act.

"(5) The Administrator may extend a designated use for a waterbody for a period of three years based on a showing by the State that attainment and maintenance of fishable, swimmable waters—

"(A) is not feasible because naturally occurring pollutant concentrations prevent attainment of the use; or

"(B) human caused sources of pollution prevent attainment of the use and would cause more environmental harm to correct than to leave in place; or

"(C) would result in substantial and widespread social and economic impacts.

"(6) Any source discharging to a waterbody for which the designated use has been upgraded pursuant to this subsection shall comply with any revised permit requirements pursuant to section 402 as expeditiously as practicable, but not later than three years from the date of permit issuance.

"(7) Each State shall report to the Administrator the designated uses of waters within such State within three years of the date of enactment of the Water Pollution Prevention and Control Act of 1991, and subsequently as part of any triennial review of State water quality standards.

"(b) WATER AND SEDIMENT QUALITY STANDARDS.—(1) Each State shall adopt water and sediment quality standards adequate to protect the uses designated pursuant to subsection (a) of this section.

"(2)(A) Standards shall be based on criteria and information published pursuant to section 304(a) of this Act and may reflect site specific characteristics of the waterbody.

"(B) Standards shall be enforceable through permits issued pursuant to section 402 and shall specify numerical pollutant concentration limits appropriate for designated uses and types of waterbodies.

"(C) Standards shall, at a minimum, apply to all waterbodies of the types identified pursuant to subsection (a)(2) of this section.

"(D) Standards shall be independently applicable.

"(E) A State may adopt biological monitoring and assessment methods for a class of pollutants affecting a type of waterbody, in addition to a pollutant concentration limit: *Provided*, That such method includes an ob-

jective and enforceable limit expressed in numerical terms.

"(F) In the case of a waterbody designated fishable, swimmable, fish taken from the waterbody shall be safe for human consumption and standards shall, at a minimum, protect subsistence and recreational fishermen.

"(3) Each State shall adopt standards for pollutants for which criteria and information pursuant to section 304(a) are published on the date of enactment of the Water Pollution Prevention and Control Act of 1991 within three years of such date of enactment.

"(4) Each State shall, from time to time, but at least once every three-year period beginning with the date of enactment of the Federal Water Pollution Control Act Amendments of 1972, hold public hearings for the purpose of reviewing designated uses of waterbodies and standards and upgrading existing uses and standards and adopting standards for additional pollutants.

"(5) Each State shall adopt standards for any pollutant for which criteria and information are published pursuant to section 304(a) as expeditiously as practicable but not later than three years after the date of publication of such criteria and information.

"(6) Each State shall, upon adoption of a standard pursuant to this subsection, notify States which border on waters of the State and States with water bodies located upstream from the State of such changes in standards.".

"(c) FEDERAL OVERSIGHT.—(1) The Administrator shall assist and oversee designation of uses pursuant to subsection (a) and adoption of standards pursuant to subsection (b) of this section.

"(2) Each State shall report to the Administrator any revisions of designated uses or standards or adoption of new use designations or standards within sixty days of adoption of such use or standard. If the State fails to submit such revised or new uses or standards, such uses and standards shall be deemed to be submitted for the purposes of paragraph (3) of this subsection on the date sixty days after the date of adoption.

"(3) The Administrator shall, within one hundred and twenty days of a report by a State pursuant to paragraph (2), review a revised or new use or standard and approve or disapprove such use or standard. The Administrator shall review and approve or disapprove each use and standard adopted by a State regardless of action by the Administrator pursuant to section 304(a) of this Act.

"(4) If the Administrator determines that the designated use is consistent with subsection (a) and the standard is adequate to attain and maintain the designated use of the waterbody, the use and standard shall be approved and such use and standard shall thereafter be applicable to such waterbody.

"(5) If the Administrator determines that the use is not consistent with the requirements of subsection (a) or the standard is not adequate to attain or maintain the designated use of the waterbody, the standard shall be disapproved. Any disapproval action shall specify necessary actions which the State must take to attain approval. If such changes are not adopted by the State within ninety days after notification, the Administrator shall promulgate a use and standard pursuant to paragraph (6).

"(6) The Administrator shall promulgate regulations setting a revised or new use or standard within one hundred and eighty days of a notification of disapproval pursuant to paragraph (5) unless prior to such promulgation, such State has adopted or revised a use or standard which complies with any changes specified pursuant to paragraph (5).

"(7) In a case where a State fails to comply with the requirements of subsection (b), the Administrator shall, not later than one hundred and eighty days after such failure, promulgate uses and standards for the water bodies of such State. Uses established pursuant to this section shall be consistent with the requirements of subsection (a) and standards shall be adequate to assure the attainment and maintenance of such uses.

"(8)(A) The use of waters of the contiguous zone and the ocean shall be designated by the Administrator as fishable, swimmable and shall, at a minimum, provide for protection and propagation of a balanced, indigenous population of fish, shellfish and wildlife and recreation in and on the water.

"(B) The Administrator shall, within two years of the date of enactment of this paragraph, publish a proposed regulation which shall adopt standards for such waters for each pollutant for which criteria and information were published pursuant to section 304(a) on such date of enactment. The Administrator shall promulgate final standards within one year of proposal.

"(C) The Administrator shall, at the time of publication of any criteria and information to section 304 (a), propose standards to apply such criteria and information to waters of the contiguous zone and the oceans. The Administrator shall promulgate final standards within one year of proposal.

(c) CONTINUING PLANNING PROCESS.—(1) Section 303(e)(2) of the Federal Water Pollution Control Act (33 U.S.C. 1313(e)(2)) is amended by deleting "from time to time" and inserting in lieu thereof "bienially" and adding after "title IV of this Act" the following—"or make a grant under section 106 of this Act.".

(2) Section 303(e)(3)(B) of the Federal Water Pollution Control Act (33 U.S.C. 1313(e)(3)(B)) is amended by deleting "and" after "208," and inserting after "209" the following—"nonpoint source control programs under section 319, estuary, management plans under section 320, and river protection plans under section 321".

(3) Section 303(e)(3)(F) of the Federal Water Pollution Control Act (33 U.S.C. 1313(e)(3)(F)) is amended by deleting "(c)" and inserting in lieu thereof "(b)".

(4) Section 303(e)(3)(G) of the Federal Water Pollution Control Act (33 U.S.C. 1313(e)(3)(G)) is amended by inserting after "processing" the following "including municipal sludge disposal under section 405 and industrial waste treatment sludge disposal".

(d) THERMAL POLLUTION.—Thermal Pollution. (1) Title III of the Federal Water Pollution Control Act (33 U.S.C. 1311 et. seq.) is amended by deleting section 316 and inserting in lieu thereof "**RESERVED**".

(2) Section 303 of the Federal Water Pollution Control Act (33 U.S.C. 1313) is amended by deleting subsection (g) and relettering the remaining subsection accordingly.

(e) Section 303 of the Federal Water Pollution Control Act (33 U.S.C. 1313) is amended by adding at the end thereof—

"(h) ANTIDEGRADATION POLICY.—Each State shall develop and implement a statewide antidegradation policy. The Administrator shall review and approve or disapprove the policy and any revisions thereto adopted by each State. The Administrator shall, not later than twenty-four months after the date of enactment of this subsection, promulgate and implement an antidegradation policy for each State which does not have an approved policy by such date. The antidegradation policy implementation methods shall, at a minimum, be consistent with the following:

"(1) Existing instream water uses, including any uses occurring on or after November 28, 1975, and the level of water and sediment quality necessary to protect existing uses shall be maintained and protected.

"(2) Where the quality of waters and sediments exceed limits necessary to support the protection and propagation of a balanced indigenous population of fish, shellfish, and wildlife and recreation in and on the water, such quality shall be maintained and protected unless the State finds, after public notice, opportunity for public hearing and full satisfaction of the intergovernmental coordination provisions of the State's continuing planning process, that allowing lower water or sediment quality is necessary to accommodate important economic or social development in the area in which the waters are located. In allowing such lower water or sediment quality, the State shall assure water and sediment quality adequate to protect existing uses fully. Further, the State shall assure that—

"(A) all applicable requirements of this Act including any toxic use and waste reduction requirements established pursuant to section 301, 304, 306, 307, or 402 shall be fully incorporated in the permit for each point source discharging to the waterbody and industrial users discharging to a publicly owned treatment works discharging to the waterbody for which quality is to be lowered, and

"(B) all nonpoint sources which affect or may affect such water or sediment quality are subject to enforceable best management practices economically and technologically achievable for such sources before water or sediment quality is lowered.

"(3)(A) Where high quality waters constitute an outstanding National resource, that water and sediment quality shall be maintained and protected.

"(B) Not later than twenty-four months after the date of enactment of this subsection, each State shall designate and implement a program to protect all outstanding National resource waters within such State which shall include, but not be limited to, waters within any National or State park, wildlife refuge, wild and scenic river system, National forest, wilderness area, National seashore or lakeshore, or National monument. The State shall also designate as outstanding National resource waters those waters of exceptional recreational, cultural or ecological significance including, but not limited to, any waters which support a population of threatened or endangered species, as identified in the guidance of the Administrator published pursuant to subparagraph (C). Notwithstanding the requirements of this subparagraph, a State may propose to remove the designation of a specific water, and the Administrator may, after notice and opportunity of comment, approve such proposal, if the State demonstrates that continued designation would cause important social and economic harms and, for waters within Federal lands, if the Federal manager of such lands, concurs within the State proposal.

"(C) The Administrator shall not later than twelve months after the date of enactment of this subsection publish guidance for States to assist in the designation and protection of outstanding National resource waters of ecological, cultural or recreational significance.

"(D) If the State has failed to make the designations required by this paragraph by the date thirty-six months after the date of enactment of this subsection, the Adminis-

tration shall make the designations not later than such date.

"(E) State antidegradation policies shall assure that waters of ecological significance designated pursuant to guidance of the Administrator (including waters of ecological significance which may have been designated as outstanding National resource waters under other provisions of this subsection) meet water and sediment quality standards which assure the protection and propagation of a balanced indigenous population of fish, shellfish, and wildlife and recreation in and on the water.

"(F) The State shall include in its antidegradation policy provisions allowing any citizen of the State to petition for the designation of a particular waterbody as an outstanding National resource water.

"(4) The State shall conduct an antidegradation review for a waterbody (A) prior to issuing any permit to a source authorizing new, expanded or increased discharges of any pollutant to such waterbody, and (B) whenever an existing source increases the mass or concentration of its discharges to such waterbody by more than de minimis amounts to assure that the antidegradation policy required by this subsection is not violated.".

(f) MIXING ZONES.—Section 303(d) of the Federal Water Pollution Control Act (33 U.S.C. 1313(d)) is amended by adding at the end thereof the following:

"(5) Standards established pursuant to this section shall be achieved in all parts of the waters of the United States except that such standards may be exceeded within a mixing zone established in a permit issued pursuant to section 402. Mixing zones shall at a minimum—

"(A) be of the smallest practicable size and, at a minimum, not exceed one-thousand feet from the point of discharge;

"(B) be prohibited within one mile of any drinking water intake; and

"(C) shall be in a shape that is easy to identify and monitor;

Nothing in this paragraph shall reduce or override any other existing restrictions on the use of mixing zones, such as restrictions pursuant to antidegradation regulations, more stringent State water quality standards, international agreements or any other restrictions.".

(g) TOTAL MAXIMUM DAILY LOADS.—Section 303(d) (1), (2) and (3) of the Federal Water Pollution Control Act (33 U.S.C. 1313(d) (1), (2) and (3)) are amended to read as follows:

"(d)(1)(A) Each State shall prepare and submit to the Administrator a total maximum daily load consistent with this subsection for each pollutant for which criteria and information are published pursuant to section 304(a) of this Act for each waterbody identified pursuant to section 305(b)(2)(B) of this Act.

"(B) In the case of criteria and information published after the date of enactment of the Water Pollution Prevention and Control Act of 1991 a State shall prepare such total maximum daily loads within one year of the date of publication of such criteria and information or identification of such waterbody.

"(C) Each State shall, not later than April 1, 1994, establish a schedule for the development of total maximum daily loads for each pollutant for which criteria and information are published pursuant to section 304(a) of this Act prior to the date of enactment of the Water Pollution Prevention and Control Act of 1991 for waterbodies identified pursuant to section 305(b)(2)(B) of this Act. Such schedule shall not exceed five years.

"(2) A total maximum daily load shall establish the level of pollutant loading necessary to attain and maintain the applicable standards adopted pursuant to section 303 with a margin of safety which takes into account the lack of knowledge concerning the relationship between effluent limitations, pollution controls, and water quality.

"(3)(A) The Administrator shall approve or disapprove a total maximum daily load and schedule pursuant to paragraph (1)(A) within ninety days of submission.

"(B) If the Administrator approves the total maximum daily load and schedule the State shall incorporate it into the current plan pursuant to subsection (e).

"(C) If the Administrator disapproves a total maximum daily load the Administrator shall, within ninety days of the date of such disapproval, establish such loads for such waters as the Administrator determines necessary to implement the water quality standards applicable to such waters. If the Administrator disapproves a schedule pursuant to paragraph (1)(A), the Administrator shall establish such schedule as he deems appropriate. Upon the establishment of such loads or schedule, the State shall incorporate them into its current plan under subsection (e).".

PRIORITY WATERS

SEC. 9. (a) NEW AUTHORITY.—Section 304(l) of the Federal Water Pollution Control Act (33 U.S.C. 1314(l)) is amended by adding at the end thereof the following:

"(4) In the case of any waterbody for which an individual control strategy is developed pursuant to this subsection, the Administrator, or with respect to subparagraphs (A), (B), and (C) in the case of a State authorized to issue permits under section 402 the State, shall—

"(A) provide that any permit issued to a point source pursuant to section 402 discharging to such waters includes conditions adequate to assure that sufficient information is available to exercise authorities pursuant to section 403 of this Act in issuing any subsequent permit;

"(B) notwithstanding the schedules established pursuant to section 402(p)(4) and consistent with the requirements of section 402(p)(2), within one year of listing, issue permits for industrial and municipal discharges of stormwater to such waters, consistent with the requirements of section 402(p)(3) of this Act;

"(C) within one hundred and eighty days of designation, consider, pursuant to section 404(c) of this Act, prohibiting the specification of an area designated pursuant to this subsection as a disposal site and denying or restricting the use of any area designated pursuant to this section as a disposal site;

"(D) exercise authorities concerning prohibition of discharges of sewage from vessels pursuant to section 312 of this Act;

"(E) give priority to the selection of such waters for management conferences pursuant to sections 320 and 321 of this Act; and

"(F) in the case of a State that does not have an approved assessment and/or management program for the affected waterbody that complies with sections 319(a) and (b) of this Act, the Administration shall conduct an assessment and prepare a management program for the watershed area of such waters within eighteen months of the date of enactment of the Water Pollution Prevention and Control Act of 1991.

(b) CONFORMING AMENDMENTS.—(1) Section 304(l)(1) of the Federal Water Pollution Control Act (33 U.S.C. 1314(l)(1)) is amended by deleting "of the subsection" and inserting in lieu thereof "of the Water Pollution Prevention and Control Act of 1991 and every three years thereafter,".

(2) Any agreement concerning individual control strategies for control of toxic polluants developed pursuant to this subsection prior to the enactment of the Water Pollution Prevention and Control Act of 1991 is hereby preserved.

WATER QUALITY MONITORING

SEC. 10. (a) STATE WATER QUALITY MONITORING PROGRAMS.—Section 305(b) of the Federal Water Pollution Control Act (33 U.S.C. 1315(b)) is amended to read as follows:

"(b) STATE WATER QUALITY MONITORING PROGRAMS.—(1) Each State shall conduct a comprehensive program to monitor the quality of all navigable waters within such State.

"(2) State monitoring programs shall, at a minimum—

"(A) assess whether the navigable waters of such State, including rivers, lakes, and coastal waters, provide for the protection and propagation of a balanced, indigenous population of shellfish, fish and wildlife and allow for recreation in and on the water;

"(B) identify waters in which designated uses or quality standards adopted pursuant to section 303 are not attained or maintained; and

"(C) assess the contribution of point and nonpoint sources to the water pollution problem in the State.

"(3) State programs pursuant to this subsection shall be the primary assessment of water quality within such States. State programs may draw on data from Federal agency monitoring programs and from discharger monitoring pursuant to section 308 and may collect and assess original data wherever necessary to supplement these data sources.

"(4) State water quality programs shall be conducted in coordination and cooperation with the Water Quality Monitoring Council established pursuant to subsection (b). States shall include data collected from hydrologic study units and fixed monitoring stations operated by Federal agencies to the fullest extent practicable.

"(5) Each State shall prepare and submit to the Administrator by April 1, 1994, and biennially thereafter, a report describing the findings of the monitoring program conducted pursuant to this subsection.".

(b) WATER QUALITY MONITORING COUNCIL.—Section 305 of the Federal Water Pollution Quality Control Act (33 U.S.C. 1315) is amended by adding at the end thereof the following new subsection:

"(c) WATER QUALITY MONITORING COUNCIL.—(1) There is established a Water Quality Monitoring Council to assure the effective coordination of Federal and State water quality monitoring programs.

"(2) The membership of the Council shall be—

"(A) a representative of the Administrator, who shall chair the Council;

"(B) not more than five representatives of appropriate Federal agencies;

"(C) not more than five representatives of State environmental protection agencies, as selected by the Administrator; and

"(D) not more than five representatives of the academic community, as selected by the Administrator.

"(3) The Council shall, at a minimum—

"(A) oversee the implementation of Federal water quality monitoring programs;

"(B) oversee the implementation of State water monitoring programs pursuant to subsection (b);

"(C) establish consistent quality assurance standards for monitoring programs implemented pursuant to this section;

"(D) establish procedures and methods for statistical analysis of monitoring data; and

"(F) assure the effective coordination of data management systems.

"(4) The Administrator, in cooperation with the Council, shall issue guidance not less often than annually to State agencies, the United States Geological Survey, the National Oceanic and Atmospheric Administration, and such other Federal agencies as deemed appropriate by the Administrator, to assure the effective and coordinated implementation of water quality monitoring programs.

"(5) Within two years of the date of enactment of this subsection, the Administrator, in cooperation with the Council, shall submit to the Congress a strategy for the coordinated implementation of water quality monitoring programs. Such strategy shall review and assess the location and function of fixed monitoring stations and hydrologic study units, describe the roles and responsibilities of Federal agencies, methods of coordination among agencies, anticipated level of resources to be devoted to monitoring programs by each agency, and measures to assure that Federal monitoring programs are responsive to the monitoring needs of States to the fullest extent practicable.

"(6) The Administrator, in cooperation with the Council, shall prepare and submit to the Congress on January 1, 1995, and biennially thereafter, a report describing the findings of monitoring programs pursuant to this section and providing a comprehensive assessment of conditions and trends in the quality of navigable waters throughout the nation. The report shall also identify needed changes to Federal and State monitoring programs, including the adequacy of funding for the accomplishment of the programs provided for in this section.".

(c) AUTHORIZATION.—Section 305 of the Federal Water Pollution Quality Control Act (33 U.S.C. 1315) is amended by adding at the end thereof the following new subsection:

"(f) AUTHORIZATION.—There is authorized to be appropriated to carry out subsection (c) of this section not to exceed $3,000,000 for each of the fiscal years 1993 through 1998.".

(d) DISCHARGER MONITORING.—(1) Section 308(a)(2) of the Federal Water Pollution Control Act (33 U.S.C. 1318(a)(2)) is amended by inserting "or water quality standard" after "performance".

(2) Section 308(a)(4)(A)(iv) of the Federal Water Pollution Control Act (33 U.S.C. 1318(a)(4)(A)(iv)) is amended by inserting "and affected receiving waters" after "effluents"."

TOXIC POLLUTION CONTROL

SEC. 11. (a) EFFLUENT PROHIBITION.—Sections 307(a) (2)-(7) of the Federal Water Pollution Control Act (33 U.S.C. 1317(2)-(7)) are amended to read as follows:

"(2) Each toxic pollutant listed in accordance with paragraph (1) of this subsection shall be subject to effluent limitations resulting from the application of the best available technology economically achievable for the applicable category or class of point sources established in accordance with section 301(b)(2)(A) and 304(b) of this Act.

"(3) In the case of any pollutant listed pursuant to paragraph (1), or any other toxic pollutant, as defined pursuant to section 502(13), the Administrator may, by regulation, prohibit the discharge of such pollutant from direct and indirect point sources regulated under this Act as is necessary to protect public health or the environment. Any regulation issued pursuant to this paragraph shall specify acceptable analytical methods to be used to determine compliance.

"(4) In any action pursuant to paragraph (3), the Administrator shall take into account the toxicity of the pollutant, its persistence, degradability, bioaccumulation potential, the usual or potential presence of the affected organisms in any water and the nature and effect of the toxic pollutant on such organisms, and the need to assure an ample margin of safety.

"(5) The Administrator shall, within one year of the date of enactment of the Water Pollution Prevention and Control Act of 1991, publish final regulations prohibiting the discharge of the following toxic pollutants:

"(A) Aldrin/Dieldrin;

"(B) DDT;

"(C) Endrin;

"(D) Toxaphene;

"(E) Benzidine;

"(F) Polychlorinated Biphenyls;

"(G) 2,3,7,8, TCDD; and

"(H) Mercury.

For the purposes of this paragraph, pollutants listed in subparagraphs (A) through (E) of this paragraph are defined as defined in 40 CFR 129.4 as of May 15, 1991.

"(6)(A) The Administrator shall, within three years of the date of enactment of the Water Pollution Prevention and Control Act of 1991, and as necessary thereafter, review and assess each toxic pollutant listed pursuant to paragraph (1) and establish the bioaccumulation factor of such pollutant.

"(B) The Administrator shall, within one year of the date of enactment of the Water Pollution Prevention and Control Act of 1991, publish methods and procedures for determining the bioaccumulation factor of toxic pollutants. Procedures shall include means for deriving the bioaccumulation factor from the bioconcentration factor. Bioconcentration factors may be based on laboratory studies as well as field data. Where such data are not available, the Administrator may use n-octanol water coefficient analysis.

"(C) The Administrator shall, within four years of the date of enactment of this paragraph, publish final regulations pursuant to this subsection prohibiting the discharge of highly toxic and highly bioaccumulative pollutants. The Administrator shall consider any pollutant with a toxicity equivalent to or greater than that of pollutants listed pursuant to paragraph (5) to be toxic and shall consider any pollutant with a bioconcentration factor greater than two hundred and fifty to be highly bioaccumulative.

"(7) Any toxic pollutant prohibition established pursuant to this subsection shall take effect within one year of the date of promulgation of a regulation pursuant to this subsection. If the Administrator determines that compliance within one year from the date of promulgation of a regulation pursuant to this subsection is technologically infeasible, the effective date of a prohibition may be established at the earliest date upon which compliance can be feasibly attained, but in no event more than five years after the date of such promulgation. The Administrator may exempt from the requirements of paragraph (3) a publicly owned treatment works based on a determination that compliance is not technologically feasible.

"(8) Any person may petition the Administrator to prohibit the discharge of a pollutant pursuant to paragraph (3). Such petition shall provide evidence of the toxicity of a pollutant and such other information as the Administrator may require. The Administrator shall approve or disapprove a petition within one hundred and eighty days of submittal. The Administrator shall publish a decision concerning a petition in the Federal Register and shall include a statement concerning the basis for the decision to approve or disapprove the petition. In the case of the approval of a petition, the Administrator shall publish regulations not later than two years after the date of decision. The Administrator's decision constitutes a final Agency action for purposes of judicial review.

"(9) Beginning one year after the date of enactment of the Water Pollution Prevention and Control Act of 1991, the Administrator shall not register any pesticide pursuant to the Federal Insecticide, Fungicide and Rodenticide Act until the registrant has provided the Administrator sufficient information to assess the pesticide pursuant to paragraphs (3) and (6) of this subsection.

"(10) In the case of any pollutant prohibited pursuant to paragraph (3), such prohibition shall be deemed to be a determination that the pollutant presents or will present an unreasonable risk of injury to health or the environment pursuant to section 6(a) of the Toxic Substance Control Act (15 U.S.C. 2605(a)) and the Administrator shall, within one year of such date of prohibition, issue regulations as required pursuant to section 6 of the Toxic Substances Control Act.".

(b) LISTING PROCESS.—(1) Section 307(a)(1) of the Federal Water Pollution Control Act (33 U.S.C. 1317(a)(1)) is amended by amending the second sentence to read as follows: "The Administrator is authorized to add or remove from such list any pollutant and shall, within one year of the date of enactment of the Water Pollution Prevention and Control Act of 1991 and not less often than every five years thereafter review and revise such list.".

(2) Section 307(a)(1) of the Federal Water Pollution Control Act (33 U.S.C. 1317(a)(1)) is amended by inserting "(A)" after "(1)" and adding at the end thereof the following:

"(B) Upon petition of any person, the Administrator may add a pollutant to the list established pursuant to this paragraph. A person petitioning for listing of an additional pollutant pursuant to this paragraph shall submit to the Administrator sufficient information to make determinations pursuant to this paragraph. The Administrator shall approve or disapprove a petition pursuant to this subparagraph within ninety days and shall publish a notice in the Federal Register providing the basis for the decision. Any pollutant for which a petition is approved shall be added to the list pursuant to this paragraph on the date of the Administrator's decision.".

(c) CONFORMING AMENDMENT.—(1) Section 307(a)(1) of the Federal Water Pollution Control Act (33 U.S.C. 1317(a)(1)) is amended by adding to the third sentence after "degradability," the following "potential for bioaccumulation,".

(2) Section 307(d) of the Federal Water Pollution Control Act (33 U.S.C. 1317(d)) is amended by deleting "effluent standards or" each places it appears.

(d) NONCONVENTIONAL POLLUTANTS.—(1) Section 301(g) of the Federal Water Pollution Control Act (33 U.S.C. 1311(g)) is amended by adding at the end thereof the following:

"(6) Notwithstanding any other provision of this Act, the Administrator shall, within sixty days of the date of enactment of this paragraph, remove from the list of

nonconventional pollutants pursuant to this subsection the pollutants ammonia and chlorine and add such pollutants to the list of toxic pollutants pursuant to section 307(a).".

(2) Section 301(g)(1) of the Federal Water Pollution Control Act (33 U.S.C. 1311(g)(1)) is amended by deleting "ammonia, chlorine,".

PRETREATMENT

SEC. 12. (a) Section 307(b) of the Federal Water Pollution Control Act (33 U.S.C. 1317(b)) is amended to read as follows:

"(b) PRETREATMENT STANDARDS.—

"(1) IN GENERAL.—The Administrator shall, after notice and opportunity for public comment, promulgate regulations establishing pretreatment standards and local limits for the introduction of toxic and nonconventional pollutants into treatment works (as defined in section 212) which are publicly owned. Regulations under this section shall be established to prevent the discharge of any pollutant through treatment works, including pollutants which interfere with, pass through, prevent the beneficial reuse or cause or contribute to the contamination of sewage sludge or are otherwise incompatible with such works and pretreatment standards shall—

"(A) reflect application of the best available technology economically achievable for the category or class of sources to which the standard applies;

"(B) in determining the best available technology economically achievable under subparagraph (A), rely upon and require, to the maximum extent practicable, toxic use and waste reduction measures and practices including changes in production processes, products or raw materials that reduce, avoid or eliminate the use of toxic or hazardous substances and the generation of toxic or hazardous byproducts so as to reduce the overall risk of adverse effects to the health of workers and the public and to the environment;

"(C) eliminate the introduction of pollutants into treatment works if the Administrator finds that such elimination is technologically and economically achievable for the category or class of sources to which the standard applies;

"(D)(i) prohibit or limit the release of such pollutants to other environmental media (including ground water) to the extent such prohibition or limitation is technologically or economically achievable for the category or class of sources to which the standard applies;

"(ii) prohibit specific control measures or practices which, in the judgment of the Administrator, are likely to have a significant adverse impact on any environmental media; and

"(E) be no less stringent than any effluent guideline for such pollutants and category or class of sources which has been promulgated under section 304(b).

Removal credits shall be prohibited in the regulations issued under this subsection.

"(2) SCHEDULE FOR PROMULGATION AND REVISION.—(A) Not later than three years after the date of enactment of this paragraph, and after notice and opportunity for comment, the Administrator shall promulgate pretreatment standards for each category of sources for which an effluent guideline but no pretreatment standard had been promulgated on such date, unless the Administrator determines that no source in the category introduces or will introduce pollutants into publicly owned treatment works. Not later than seven years after the date of enactment of this paragraph, and after notice and opportunity for comment, the Administrator shall review and revise, as required by subsection (b), each of the pretreatment standards promulgated prior to such date. After the date of enactment of this paragraph, the Administrator shall simultaneously promulgate a pretreatment standard for each category of new and existing sources whenever an effluent guideline is promulgated for such category, unless the Administrator determines that no sources in the category introduce or will introduce pollutants into a publicly owned treatment works. The Administrator is authorized to promulgate pretreatment standards for a category of sources whether or not an effluent guideline for such category has been promulgated.

"(B) The Administrator shall from time to time, but not less often than every seven years, review and, pursuant to the requirements of paragraph (1), revise each of the standards promulgated under this section. Notwithstanding the schedule for review included in the preceding sentence, the Administrator shall revise a standard whenever evidence available to the Administrator indicates that a significant advance in technology or practice would be technologically and economically achievable for a category or class of sources and such advance would achieve a significant reduction in the quantity or toxicity of pollutants introduced into a treatment works by sources in the category.

"(3) APPLICABLE CATEGORY.—When proposing or promulgating any pretreatment standard under this section, the Administrator shall designate the category or categories of sources to which the standard shall apply.

"(4) STATE AND LOCAL AUTHORITY.—Nothing in this subsection shall affect any pretreatment requirement established by any State or local law, regulation or policy that is more stringent than any pretreatment standard established under this subsection.

"(5) EFFECTIVE DATE.—Pretreatment standards under this section shall specify a date for compliance as expeditious as practicable, but not later than three years after the date on which the standard is promulgated.".

(b) Section 307(c) of the Federal Water Pollution Control Act (33 U.S.C. 1317(c)) is amended by—

(1) inserting "STANDARDS REQUIRED.—" after "(c)";

(2) inserting "(1) NEW SOURCES.—" before "In order to ensure"; and

(3) striking "Such pretreatment standard shall prevent the discharge of any pollutant into such treatment works, which pollutant may interfere with, pass through, or otherwise be incompatible with such works." and inserting in lieu thereof "Such pretreatment standard shall comply with the requirements of subsection (b)(1) and may be more stringent than a standard promulgated under such subsection for existing sources and shall be no less stringent than any standard of performance for such pollutants and category or class of sources which has been promulgated under section 306.".

(c) Section 307 of the Federal Water Pollution Control Act (33 U.S.C. 1317) is amended by adding at the end thereof the following new subsections:

"(f) LOCAL LIMITS.—

"(1) IN GENERAL.—The control authority shall establish local limits for the pretreatment of all toxic and nonconventional pollutants introduced into a publicly owned treatment works by each industrial user. Local limits shall be established for each such industrial user that is not otherwise subject to a national pretreatment standard promulgated by the Administrator under subsection (b). Such local limits shall be established considering the same factors as the Administrator is to consider in the development of national pretreatment standards, including each of the factors listed in subparagraphs (A) through (D) of subsection (b)(1). Local limits may impose additional requirements on industrial users.

"(2) SCHEDULE FOR COMPLIANCE.—The Administrator shall, after notice and opportunity for comment, but not later than two years after the date of enactment of this subsection, promulgate regulations requiring compliance by control authorities with the requirements of this subsection not later than five years after such date of enactment. No permit shall be issued or reissued under section 402 to any publicly owned treatment works after the date five years after the date of enactment of this subsection, unless such permit includes a requirement enforceable under sections 309 and 505 to establish and enforce local limits in compliance with the requirements of this subsection for all sources introducing toxic and nonconventional pollutants to such treatment works.

"(3) DEFINITION.—For purposes of this subsection the term "control authority" means (A) the publicly owned treatment works or, (B) if such treatment works is required to have a pretreatment program under section 402(b)(8), but does not have an approved pretreatment program, the State, in States with permit programs approved under section 402(b), or (C) the Administrator in each other case where a treatment works is required to have a pretreatment program under section 402(b)(8), but does not have an approved pretreatment program.

"(g) DOMESTIC SEWAGE EXCLUSION.—Beginning three years after the date of enactment of this subsection, the phrase "but does not include solid or dissolved material in domestic sewage" shall not, for the purposes of section 1004(27) of the Solid Waste Disposal Act, be interpreted, construed or applied to include any pollutant introduced by a source into a treatment works, as defined in section 212, unless—

"(1) the pollutant and source are subject to a pretreatment standard promulgated by the Administrator under this section and the source is in compliance with such standard;

"(2) the Administrator has promulgated a schedule for establishing a pretreatment standard pursuant to section 304(m) which would be applicable to such pollutant and source not later than five years after the date of enactment of this subsection, such standard is promulgated on or before the date established in such schedule, and after the effective date of such standard the source is in compliance with the standard; or

"(3) the pollutant and source are subject to a local limit under subsection (f) and the local limit for that source and pollutant is equivalent to best demonstrated available treatment technology as determined by the Administrator under section 3004(m) of the Solid Waste Disposal Act.

It shall be unlawful to introduce into a treatment works any pollutant that is a hazardous waste under the Solid Waste Disposal Act. Notwithstanding the provisions of this subsection, a publicly owned treatment works receiving or treating any pollutant which is a hazardous waste under the Solid Waste Disposal Act shall not be deemed to be treating, storing, disposing of, or otherwise managing a hazardous waste for the purposes of such Act, if the treatment works has es-

tablished and is enforcing requirements to prohibit the introduction of hazardous wastes into the treatment works.".

(d) Section 301(a) of the Federal Water Pollution Control Act (33 U.S.C. 1311(a)) is amended by inserting "or the introduction of any pollutant into a publicly owned treatment works" after "the discharge of any pollutant".

(e) Section 402(a)(1) of the Federal Water Pollution Control Act (33 U.S.C. 1342(a)(1)) is amended by

(1) inserting "or the introduction of any pollutant or combination of pollutants into a publicly owned treatment works" after "the discharge of any pollutant, or combination of pollutants"; and

(2) inserting "or introduction" after "such discharge".

(f) Section 402(b)(8) of the Federal Water Pollution Control Act (33 U.S.C. 1342(b)(8)) is amended to read as follows:

"(8) To assure that any permit for the discharge from a publicly owned treatment works—

"(A) includes conditions to require the identification in terms of character and volume of pollutants of any source introducing pollutants subject to pretreatment standards under section 307(b) of this Act into such works and a program to assure compliance with such pretreatment standards by each such source, in addition to adequate notice (including information on the quality and quantity of effluent to be introduced into such treatment works and any anticipated impact of such change in the quantity or quality of effluent to be discharged from such publicly owned treatment works) to the permitting agency of—

"(i) new introductions into such works of pollutants from any source which would be a new source as defined in section 306 if such source were discharging pollutants,

"(ii) new introductions of pollutants into such works from a source which would be subject to section 301 if it were discharging such pollutants, or

"(iii) a substantial change in volume or character of pollutants being introduced into such works by a source introducing pollutants into such works at the time of issuance of the permit;

"(B) includes, for any publicly owned treatment works discharging more than five million gallons of effluent per day and each other treatment works designated by the Administrator, a requirement that the treatment works have a pretreatment program including, at a minimum—

"(i) procedures to adopt and enforce local limits, as provided in section 307(f),

"(ii) compliance mechanisms adequate to assure that each requirement (including monitoring and procedural requirements and compliance schedules) applicable to an industrial user under this Act is enforceable, and

"(iii) monitoring and reporting requirements for industrial users pursuant to paragraph (10)

for each industrial user introducing pollutants into the treatment works;

"(C) includes numerical effluent limits for the publicly owned treatment works for each toxic or nonconventional pollutant, for which the State has established water quality standards, introduced into the treatment works by a significant industrial user;".

(g) Section 402(b)(9) of the Federal Water Pollution Control Act (33 U.S.C. 1342(b)(9)) is amended by (1) inserting "including a requirement that any significant industrial user or other source designated by the Administrator introducing a pollutant to a publicly owned treatment works that has not established a pretreatment program under paragraph (8), by the date two years after the date of enactment of the Water Pollution Prevention and Control Act of 1991, obtain, and operate pursuant to, a permit issued by the State (or the Administrator, for industrial users operating in States without approved permit programs) under this section" before the period at the end thereof; and (2) striking the period at the end thereof and inserting "; and".

(h) Section 402(b) of the Federal Water Pollution Control Act (33 U.S.C. 1342(b)) is amended by adding the following new provisions at the end thereof.

"(10) To assure that—

"(A) any industrial source required to comply with pretreatment requirements, including local limits, under this Act shall, at a minimum, conduct monitoring of discharges to treatment works adequate to determine compliance with such standards and submit such data to the applicable publicly owned treatment works;

"(B) any monitoring data submitted pursuant to this paragraph shall be maintained for not less than five years and shall be available to the public;

"(C) any publicly owned treatment works shall notify the Administrator and the applicable State of any violations of standards or other requirements pursuant to this Act within thirty days of receipt of information concerning such violation. Such notice shall identify any previously reported violations by a source within the most recent five-year period.

The Administrator shall, within twelve months of the date of enactment of this subparagraph, promulgate regulations establishing standard data reporting formats, protocols, and frequencies for the implementation of paragraph (10): *Provided*, That the frequency of reporting shall not be less often than each month for significant industrial users and quarterly for other indirect dischargers.".

ENFORCEMENT

SEC. 13. (a) PAST VIOLATIONS.—Section 505 of the Federal Water Pollution Control Act (33 U.S.C. 1365) is amended as follows—

(1) subsection (a)(1) is amended by inserting "to have violated (if there is evidence that alleged the violation has been repeated) or" immediately before "to be in violation";

(2) subsection (b)(1)(A) is amended by inserting "or has occurred," immediately after "occurs,";

(3) subsection (f)(6) is amended by inserting ", or has been in effect," immediately after "in effect"; and

(4) subsection (g) is amended by inserting "has been," immediately before "is or may be".

(b) BENEFICIAL USE.—(1) Section 505(a) of the Federal Water Pollution Control Act (33 U.S.C. 1365(a)) is amended by adding at the end thereof—

"The district courts shall have discretion to order that such civil penalties be used for beneficial projects to enhance the public health or environment by restoring or otherwise improving the water quality, wildlife or habitat damaged as a result of the violation.".

(2) Section 309(d) of the Federal Water Pollution Control Act (33 U.S.C. 1319(d)) is amended by inserting "The Court shall have the discretion to order that civil penalties imposed under this section be used for beneficial projects to enhance the public health or environment by restoring or otherwise improving the water quality, wildlife or habitat damaged as a result of the violation." after "and such other matters as justice may require.".

(c) RESTORATION OF DAMAGED NATURAL RESOURCE.—(1) Section 309(b) of the Federal Water Pollution Control Act (33 U.S.C. 1319(d)) is amended by inserting ", to order the defendant to take such other action as may be necessary, including the restoration of natural resources damaged or destroyed as a result of the violation," after "such violation".

(2) Section 505(a)(2) of the Federal Water Pollution Control Act (33 U.S.C. 1365(a)(2)) is amended by inserting "or to order any responsible person to take such other action as may be necessary, including the restoration of natural resources damaged or destroyed as a result of the violation," after "as the case may be,".

(d) PRETREATMENT REQUIREMENTS.—(1) Section 505(f)(4) of the Federal Water Pollution Control Act (33 U.S.C. 1365(f)(4)) is amended by inserting ", pretreatment requirement," after "effluent standard".

(2) Section 309(a)(1) of the Federal Water Pollution Control Act (33 U.S.C. 1319(a)(1)) is amended by inserting "or any requirement imposed in a pretreatment program approved under section 402(a)(3) or 402(b)(8) of this Act," after "under section 402 or 404 of this Act,".

(3) Section 309(a)(3) of the Federal Water Pollution Control Act (33 U.S.C. 1319(a)(3)) is amended by inserting "or any requirement imposed in a pretreatment program approved under section 402(a)(3) or 402(b)(8) of this Act," after "section 404 of this Act by a State,".

(4) Section 309(c)(1)(A) of the Federal Water Pollution Control Act (33 U.S.C. 1319(c)(1)(A)) is amended by inserting "or any requirement imposed in a pretreatment program approved under section 402(a)(3) or 402(b)(8) of this Act," after "the Secretary of the Army or by a State,".

(5) Section 309(g)(1)(A) of the Federal Water Pollution Control Act (33 U.S.C. 1319(g)(1)(A)) is amended by inserting "or any requirement imposed in a pretreatment program approved under section 402(a)(3) or 402(b)(8) of this Act," after "section 404 by a State,".

(e) OFFSETTING PENALTIES.—(a) Section 309(d) of the Federal Water Pollution Control Act (33 U.S.C. 1319(d)) is amended by inserting "any penalty previously imposed by a court or administrative agency for the same violation," after "the violator,".

(2) Section 309(g)(6)(B)(i) of the Federal Water Pollution Control Act (33 U.S.C. (g)(6)(B)(i)) is amended by inserting "or an action under a State law comparable to this subsection," after "an action under this subsection".

(3) Section 309(g)(6)(B)(ii) of the Federal Water Pollution Control Act (33 U.S.C. (g)(6)(B)(ii)) is amended by inserting "or an action under a State law comparable to this subsection" after "an action under this subsection".

(f) EMERGENCY POWERS.—Section 504 of the Federal Water Pollution Control Act (33 U.S.C. 1364) is amended to read as follows—

"SEC. 504. (a) Notwithstanding any other provisions of this Act, the Administrator upon receipt of evidence that a pollution source or combination of sources may present an imminent and substantial endangerment to public health, welfare, or the environment, may bring suit on behalf of the United States in the appropriate district court against any person causing or contrib-

uting to the alleged pollution to immediately restrain such person from discharging the pollutants causing or contributing to such pollution, or to order such person to take such other action as may be necessary, or both. The Administrator may also take other action under this section including, but not limited to, issuing such orders as may be necessary to protect public health, welfare, or the environment.

"(b) Any person who willfully violates, or fails or refuses to comply with, any order of the Administrator under subsection (a) may, in an action brought in the appropriate United States district court to enforce such order, be fined not more than $25,000 for each day in which such violation occurs or such failure to comply continues.".

(g) PUBLIC NOTICE.—(1) Section 308(b) of the Federal Water Pollution Control Act (33 U.S.C. 1318(b)) is amended as follows—

(A) by inserting ", including information contained in the 'Permit Compliance System'," after "obtained under this section"; and

(B) in paragraph (2) by inserting "by computer telecommunications and other means, on a cost reimbursable basis where appropriate," after "public".

(2) Section 308 of the Federal Water Pollution Control Act (33 U.S.C. 1318) is amended by adding at the end thereof the following new subsection:

"(e) Not less than four times each year, each Regional Office of the Environmental Protection Agency or State with a program approved under section 402(b) of this Act, shall provide public notice of major dischargers in significant noncompliance, (as determined by the Administrator), as reported in the Agency's Quarterly Noncompliance Reports, in a newspaper having a general circulation serving the area in which the facility is located. Whenever appropriate, public notice shall include a press release to electronic media and individual mailings to residents of the area.".

(h) STATE ADMINISTRATIVE ENFORCEMENT.—(a) Section 402 of the Federal Water Pollution Control Act (33 U.S.C. 1342) is amended by adding at the end thereof the following new subsection—

"(q) WITHHOLDING WATER POLLUTION CONTROL ASSISTANCE.—(1) Beginning three years after the date of enactment of the Water Pollution Control Act of 1991, the Administrator is authorized to withhold from a State with a program approved under subsection (b), up to 25 per centum of the funds allocated in any fiscal year to such State under section 106 of this Act unless the Administrator determines that such State has adequate authority to abate violations of (A) permits issued under section 402 of this Act; and (B) pretreatment requirements applicable to industrial users of publicly owned treatment works. For purposes of the preceding sentence, in order to demonstrate 'adequate authority', a State must, at a minimum, have the authority to recover administrative civil penalties of not less than $10,000 per day for each violation.

"(2) The Administration shall make amounts withheld under paragraph (1) available to States having programs approved pursuant to subsection (b).".

"(b) Section 402(b)(7) of the Federal Water Pollution Control Act is amended to read as follows:

"(7) To abate violations of the permit or the permit program by the imposition of administrative penalties (in a manner comparable to section 309(g) of the Act), and the imposition of criminal penalties, or by other ways and means of enforcement which the State can demonstrate are equally effective.".

TOXIC REDUCTION ACTION PROGRAM

SEC. 14. (a) TOXIC REDUCTION ACTION PROGRAM.—Title III of the Federal Water Pollution Control Act (33 U.S.C. 1311 et. seq.) is amended by deleting section 315 and inserting in lieu thereof the following new section—

"TOXIC REDUCTION ACTION PROGRAM

"SEC. 315. (a) IN GENERAL.—Each publicly owned treatment works serving a population of greater than fifty thousand persons shall develop and implement a Toxic Reduction Action Program pursuant to this section.

"(b) TOXIC REDUCTION ACTION PLAN.—(1) Each publicly owned treatment works covered by this section shall, within three years of the date of enactment of the Water Pollution Prevention and Control Act of 1991, prepare and submit to the Administrator a Toxic Reduction Action Program using guidance issued by the Administrator under subsection (c).

"(2) The program pursuant to this subsection shall identify—

"(A) categories of sources, other than sources controlled pursuant to section 304(b) and 307(b) of this Act, which contribute toxic pollutants to the influent of the treatment plant;

"(B) specific toxic pollutants associated with each category of source identified pursuant to subparagraph (A);

"(C) those pollutants identified pursuant to subparagraph (B) for which the State or the Administrator has adopted standards pursuant to section 303 of this Act applicable to the receiving waters; and

"(D) the estimated contribution of the discharge to loadings of pollutants listed pursuant to subparagraph (B) in the receiving waters and any reported violations of standards identified pursuant to subparagraph (C).

"(3) Based on the assessment pursuant to paragraph (2) the publicly owned treatment works shall select not less than three categories of sources identified pursuant to subparagraph (2)(A) for influent interdiction.

"(4) The publicly owned treatment works shall give priority in selection of categories of sources to those categories contributing toxic pollutants resulting in a violation of standards adopted pursuant to section 303 of this Act in the receiving waters and those toxic pollutants making the largest contribution to identified pollutant loadings in the receiving waters.

"(5) In selecting categories of sources pursuant to paragraph (3), the publicly owned treatment works shall consider, at a minimum, the following sources—

"(A) waste oil disposal;

"(B) household products;

"(C) car and truck washing operations;

"(D) medical and dental laboratories and facilities;

"(E) paint and related product disposal;

"(F) dry-cleaning facilities; and

"(G) photofinishing facilities.

"(6) For each of the categories of sources selected pursuant to paragraph (4), the publicly owned treatment works shall develop and implement an influent interdiction program to limit, to the fullest extent practicable, the addition of pollutants associated with selected sources of influent to the publicly owned treatment works.

"(7) Influent interdiction programs pursuant to paragraph (6) may be based on models provided in guidance published pursuant to subsection (c) of this section.

"(8) The Administrator shall, within one hundred and twenty days of the submission of a program pursuant to this subsection, approve or disapprove such program. In evaluating programs pursuant to this paragraph, the Administrator shall consider—

"(A) the likely pollutant reductions to result from implementation of the program relative to the extent and seriousness of toxic pollution of receiving waters;

"(B) the probable long-term effectiveness of the program;

"(C) the adequacy of legal authority to implement and enforce the program;

"(D) the adequacy of financial commitments to administer and implement the program;

"(E) the adequacy of public participation in development of the program; and

"(F) the degree to which the program is consistent with guidance published pursuant to subsection (c).

"(9) The Administrator shall approve a program pursuant to this subsection for a period of not to exceed five years and shall coordinate approval with issuance of a permit pursuant to section 402 to the fullest extent practicable. At the end of such five-year period, the publicly owned treatment works may review, revise and resubmit such program for review by the Administrator.

"(10) Publicly owned treatment works shall provide for public participation in development of the program pursuant to this section and shall, at a minimum, hold a public hearing on the draft program.

"(c) GUIDANCE.—(1) Within one year of the date of enactment of the Water Pollution Prevention and Control Act of 1991, and biennially thereafter, the Administrator shall publish guidance to assist publicly owned treatment works in developing programs pursuant to this section and implementing such programs.

"(2) Guidance published pursuant to this subsection shall, at a minimum—

"(A) identify probable nonindustrial sources of toxics in influent to publicly owned treatment works;

"(B) identify a range of mechanisms for preventing toxic pollutants from entering the influent;

"(C) identify and describe toxic reduction programs existing in communities around the country;

"(3) Mechanisms for preventing toxic pollutants from entering influent shall include, at a minimum—

"(A) information and education activities;

"(B) limitations or prohibitions on the sale of specified pollutants or products within the service area of the publicly owned treatment works;

"(C) alternative rate structures for specified categories of sources to discourage the addition of pollutants to influent;

"(D) voluntary or mandatory participation in pollutant collection and management programs operated by the publicly owned treatment works;

"(E) limitations or prohibitions on the addition of specified pollutants to influent; and

"(F) appropriate disposal of materials and substances not added to influent to the treatment works.

"(4) The Administrator shall consult with publicly owned treatment works, States, and interested organizations in development of guidance pursuant to this subsection.

"(d) DEFINITION.—For the purposes of this section the term "receiving waters" refers to the water body to which a publicly owned treatment works discharges, including both water and aquatic sediments associated with such waterbody.

"(e) PROGRAM APPROVAL EFFECT.—(1) In the case of any publicly owned treatment works for which the Administrator has approved a program pursuant subsection (b) of this section, the Administrator shall adjust the amount of any permit fee pursuant to section 402 of this Act to reflect the degree of pollutant reduction accomplished by such program. Any adjustment pursuant to this section shall be not more than 20 per centum of the amount which would otherwise have been assessed under such section.

"(2) Approval of a program pursuant to subsection (b) of this section shall constitute a demonstration of a need to discharge pursuant to section 402(b)(10) of this Act.".

NONPOINT SOURCE POLLUTION

SEC. 15. (a) MANAGEMENT PROGRAM REVISION.—(1) Section 319(b)(1) of the Federal Water Pollution Control Act (33 U.S.C. 1329(b)(1)) is amended to read as follows:

"(1) The Governor of each State shall, within two years of the date of enactment of this paragraph, prepare and submit to the Administrator a management program which the State proposes to implement for control of pollution from nonpoint sources. Management programs shall be consistent with nonpoint pollution management program guidelines published under subsection (c) and shall, in conjunction with controls over point sources, assure the attainment and maintenance of water and sediment quality standards and the goals and purposes of this Act.".

(2) Section 319(b)(2)(A) of the Federal Water Pollution Control Act (33 U.S.C. 1329(b)(2)(A)) is amended by deleting "paragraph (1)(B)" and inserting in lieu thereof "subsection (c)(2)(A)".

(3) Section 319(b)(2)(C) of the Federal Water Pollution Control Act (33 U.S.C. 1329(b)(2)(C)) is amended to read as follows:

"(C) A schedule containing annual milestones for implementation of any nonpoint pollution control measures or programs which are in addition to the measures and programs needed to assure conformance with the guidelines established pursuant to subsection (c).".

(4) Section 319(b)(2)(D) of the Federal Water Pollution Control Act (33 U.S.C. 1329(b)(2)(D)) is amended by deleting all after "such management program" and inserting in lieu thereof a period.

(5) Section 319(b)(3) of the Federal Water Pollution Control Act (33 U.S.C. 1329(b)(3)) is amended to read as follows:

"(3) PUBLIC AND AGENCY INVOLVEMENT.—In developing and implementing a management program under this subsection a State shall provide for public review and comment and shall cooperate with local, subregional, and interstate entities.".

(6) Section 319(c) of the Federal Water Pollution Control Act (33 U.S.C. 1329(c)) is amended to read as follows:

"(c) NATIONAL PROGRAM GUIDELINES.—(1) The Administrator, in consultation with other Federal agencies, shall publish guidelines specifying elements of nonpoint pollution management programs.

"(2) Guidelines under this subsection shall include, at a minimum—

"(A) a description of each category and subcategory of source of nonpoint pollution;

"(B) management measures appropriate to each category or subcategory of source identified in subparagraph (A), including a description of methods and practices, structural and nonstructural controls, and operation and maintenance procedures, that constitute each measure;

"(C) program implementation criteria appropriate to assure the implementation of management measures;

"(D) methods to estimate reductions in nonpoint pollution loads necessary to attain and maintain water and sediment quality standards and achieve the goals and requirements of this Act; and

"(E) any necessary monitoring techniques to assess over time the success of management measures in reducing pollution loans and improving water and sediment quality.

Guidelines published pursuant to this paragraph shall be consistent with guidance published pursuant to section 6217(g) of Public Law 101-508.

"(3) The Administrator shall publish proposed guidelines pursuant to this subsection not later than six months after the date of the enactment of the Water Pollution Prevention and Control Act of 1991, and final guidelines not later than eighteen months after such date of enactment.

"(4) The Administrator shall provide interested Federal agencies, States, and other interested persons with an opportunity to provide written comments on proposed guidelines under this subsection.

"(5) For purposes of this subsection, the term "management measures" means economically achievable measures for the control of the addition of pollutants from existing and new categories and classes of nonpoint sources of pollution, which reflect the greatest degree of pollutant reduction achievable through the application of the best available nonpoint pollution control practices, technologies, processes, siting criteria, operating methods, or other alternatives.

"(6) For purposes of this subsection, the term "program implementation criteria" means specified characteristics of a program which will result in the effective and reliable implementation of management measures and the maintenance of such measures over the long-term. In establishing such criteria, the Administrator shall consider existing programs which have been demonstrated by one or more States as an effective and reliable means of assuring implementation and maintenance of a management measure. Program implementation criteria shall include State statutes, county or municipal ordinances, financial assistance programs, and related enforceable authorities.".

(7) Section 319(d) of the Federal Water Pollution Control Act (33 U.S.C. 1329(d)) is amended to read as follows:

"(d) APPROVAL OF MANAGEMENT PROGRAMS.—(1) The Administrator shall approve or disapprove a management program submitted pursuant to this section within one hundred and eighty days of the date of submission of such management program.

"(2) If, after consultation with other appropriate Federal Agencies and other interested persons, the Administrator determines that the proposed management program is not consistent with the guidelines established pursuant to subsection (c), or is not likely to assure the attainment and maintenance of water and sediment quality standards, or to satisfy the goals and requirements of this Act, the Administrator shall disapprove the program.

"(3) If the Administrator disapproves a management program pursuant to paragraph (2), the Administrator shall notify the State of any revisions or modifications necessary to obtain approval and the State shall have ninety days from the date of notification to submit a revised program and the Administrator shall approve or disapprove the program within thirty days.

"(4) Beginning in fiscal year 1995, no grant funds available to a State under this section shall be awarded to a State without an approved management program pursuant to subsection (b).

"(5) Beginning in fiscal year 1995, in the case of a State without an approved management program pursuant to subsection (b) the Administrator shall reserve an amount equal to the proportionate share for such State of the grant awarded pursuant to subsection (h) in the previous year. The Administrator shall first allocate such funds among local management programs within such State approved pursuant to subsection (e) in such amounts as the Administrator determines to be appropriate. Any funds not allocated to support programs approved pursuant to subsection (e) shall be made available to States having approved programs pursuant to subsection (b).

"(6) Beginning in fiscal year 1995, the Secretary of Transportation shall not approve any projects or award any grants for any new construction under title 23, United States Code, other than for safety, mass transit, or transportation improvement related to air quality improvement or maintenance to any State without an approved management program pursuant to subsection (b).".

(8) Section 319(e) of the Federal Water Pollution Control Act (33 U.S.C. 1329(e)) is amended by deleting from the first sentence ", with the approval of the State,".

(9) Section 319(j) of the Federal Water Pollution Control Act (33 U.S.C. 1329(j)) is amended by inserting after "fiscal year 1991" the following: ", 1992, and 1993".

(b) AGRICULTURE PROGRAM COORDINATION.—(1) Title 16 U.S.C. 590(g)(a) is amended by deleting "." at the end of the first sentence and inserting in lieu thereof the following: "; giving priority consideration to watersheds of waterbodies identified as impaired pursuant to section 305(b)(2)(B) of the Federal Water Pollution Control Act.".

(2) Title 16 U.S.C. 590(h)(b), paragraph 4, is amended by adding after subparagraph (D) the following: "; giving priority consideration to watersheds of waterbodies identified as impaired pursuant to section 305(b)(2)(B) of the Federal Water Pollution Control Act.".

(3) Title 16 U.S.C. 3838(c)(a) is amended by striking "or" after (7); striking "." after paragraph (8); and inserting in lieu thereof the following: "; or (9) areas of the watershed of a waterbody identified as impaired pursuant to section 305(b)(2)(B) of the Federal Water Pollution Control Act.".

(4) Title 16 U.S.C. 3839(b)(1) is amended by striking "or" after subparagraph (B); striking "." after subparagraph (C); and inserting in lieu thereof the following: "; or (D) is located within the watershed of a waterbody identified as impaired pursuant to section 305(b)(2)(B) of the Federal Water Pollution Control Act.".

(5) Title 16 U.S.C. 3831(f)(1) by adding at the end thereof the following new sentence: "The Secretary shall designate watershed areas of waterbodies identified as impaired pursuant to section 305(b)(2)(B) of the Federal Water Pollution Control Act as conservation priority areas.".

(c) FEDERAL PROGRAM COORDINATION.—Section 319(k) of the Federal Water Pollution Control Act (33 U.S.C. 1329(k)) is amended by inserting after the title "(1)" and adding at the end thereof the following—

"(2) The Administrator shall, in cooperation with other appropriate Federal agencies, issue regulations concerning the control of nonpoint sources of pollution on all

lands owned or managed by the Federal Government which, at a minimum, will assure the implementation of management measures identified pursuant to subsection (c).

"(3) Regulations pursuant to paragraph (2) shall apply to all lands owned or managed by the Federal Government, including at a minimum, lands owned or managed by—

"(A) the Department of Defense;

"(B) the Department of Transportation;

"(C) the National Park Service;

"(D) the National Forest Service;

"(E) the Bureau of Reclamation;

"(F) the Bureau of Land Management; and

"(G) the Fish and Wildlife Service.

"(4) Regulations pursuant to paragraph (2) shall be proposed within two years of the date of enactment of this paragraph and shall be promulgated within one year from the date of proposal.

"(5) Regulations pursuant to paragraph (2) shall require compliance on the date of promulgation. Any license, permit, contract, special use permit, lease, agreement, claim, or related operational authority between a Federal agency and any person authorizing activities on Federal lands entered into prior to the date of promulgation may remain in effect for the term of such authority or a period of five years, whichever is less. Any such authority which extends beyond a five-year period beginning on the date of promulgation shall be amended to be in compliance with such regulations within two years from the date of promulgation.

"(6) The Administrator shall, three years from the date of enactment of this paragraph, report to the Congress on progress in control of nonpoint sources of pollution on Federal lands.

"(7) Nothing in this subsection limits or constrains the authority of a State or the Administrator to require the implementation of such additional controls over nonpoint sources of pollution on Federal lands as may be necessary to attain and maintain standards adopted pursuant to section 303 or other requirements of this Act.".

(d) COMMERCIAL FERTILIZER MANAGEMENT.—(1) Section 319 of the Federal Water Pollution Control Act (33 U.S.C. 1329) is amended by adding at the end thereof—

"(o) COMMERCIAL FERTILIZER MANAGEMENT.—(1) Beginning three years after the date of enactment of this subsection, no person may manufacture and distribute for sale within the United States any commercial fertilizer product without taking adequate precautions for protection of water quality as determined by the Administrator pursuant to this subsection.

"(2) The Administrator shall, within one year of the date of enactment of this paragraph propose regulations implementing requirements of this subsection and shall promulgate final regulations within two years of the date of enactment.

"(3) Regulations pursuant to this subsection shall, at a minimum—

"(A) specify the information to be provided by the manufacturer of a commercial fertilizer product to the Administrator;

"(B) define the term 'commercial fertilizer product';

"(C) require public information and labeling of the product to prevent misuse and excessive use and to protect public health and the environment;

"(D) require development and implementation of public information and education programs concerning the water pollution consequences of misuse or excessive use of a commercial fertilizer product;

"(E) require that the manufacturer assure that a management plan pursuant to paragraph (4) be developed if—

"(i) more than one thousand pounds of product is sold to the same person in any ninety-day period; and

"(ii) the intended application site is located within an area designated pursuant to paragraph (5);

"(F) require that, in any case where a management plan is needed pursuant to subparagraph (E), and no such management plan exists, the manufacturer shall prepare, or cause to be prepared, a management plan pursuant to paragraph (4) at no cost to the purchaser; and

"(G) establish minimum training and qualification standards for persons preparing management plans pursuant to paragraph (4).

"(4) A commercial fertilizer management plan shall, at a minimum, include—

"(A) soil tests adequate to determine nutrient needs in the area to be fertilized;

"(B) recommended site-specific management practices to protect water quality;

"(C) recommended fertilizer application rates consistent with yield goals consistently demonstrated within the substate region, taking into consideration soil type, growing season and precipitation.

"(5)(A) The Administrator shall, within three years of the date of enactment of this paragraph and annually thereafter, prepare a list and description of significant water resource areas.

"(B) The Administrator shall consult with the Secretary of the Department of Agriculture, the Director of the United States Geological Survey, and the States in listing areas pursuant to this paragraph.

"(C) Areas listed pursuant to this section shall include, at a minimum, the watershed areas of—

"(i) waterbodies identified by States as impaired in reports submitted pursuant to section 305(b)(2)(B);

"(ii) waterbodies designated as outstanding national resource waters;

"(iii) areas where, in the judgment of the Administrator, nitrogen levels in ground water pose a threat to public health; and

"(iv) waterbodies identified in a petition approved by the Administrator pursuant to subparagraph (D).

"(D) Any person may petition the Administrator to include a waterbody on the list pursuant to this paragraph. A petition shall describe the environmental condition and significance of the waterbody and such information as the Administrator determines to be appropriate. The Administrator shall approve of disapprove a petition within ninety days and publish in the FEDERAL REGISTER a statement indicating the basis for the decision. A waterbody for which a petition is approved shall be deemed to be listed pursuant to subparagraph (A) on the date of decision.

"(6) The Administrator shall provide a report to the Congress on the status of implementation of this section not later than three years from the date of enactment of this subsection and biennially thereafter.".

(2) CIVIL PENALTY.—Section 309(a)(3) of the Federal Water Pollution Control Act (33 U.S.C. 1319(a)(3)) is amended by striking "or 405" and inserting in lieu thereof "405, or 319(o)".

(e) RURAL CLEAN WATER PROGRAM.—(1) Section 208(j)(1) of the Federal Water Pollution Control Act (33 U.S.C. 1288(j)(1)) is amended by deleting the second sentence and deleting from the first sentence all after "the purpose of" and inserting in lieu therefore: "demonstrating the effectiveness of management measures and practices in control of nonpoint sources of pollution.".

(2) Section 208(j)(2) of the Federal Water Pollution Control Act (33 U.S.C. 1288(j)(2)) is amended by deleting from the second sentence all after "contract" and inserting in lieu thereof a period.

(3) Section 208(j)(4) of the Federal Water Pollution Control Act (33 U.S.C. 1288(j)(4)) is amended by inserting in the first sentence after "Secretary" the following ", in consultation with the Administrator," and deleting the second sentence and inserting in lieu thereof the following "The Secretary shall, at a minimum, give priority to watersheds of waterbodies identified pursuant to section 305(b)(2)(B).".

(4) Section 208(j) of the Federal Water Pollution Control Act (33 U.S.C. 1288(j)) is amended by deleting paragraphs (6), (7) and (8) and renumbering the remaining paragraph accordingly.

NATIONAL RIVER ASSESSMENT AND PROTECTION PROGRAM

SEC. 16. Title III of the Federal Water Pollution Control Act (33 U.S.C. 1311 et. seq.) is amended by adding at the end thereof the following new section:

"NATIONAL RIVER ASSESSMENT AND PROTECTION PROGRAM

"SEC. 321. (a) MANAGEMENT CONFERENCE.—(1) The Administrator, in consultation with other Federal agencies, States, and other entities, shall establish and support management conferences to assess environmental quality in major river systems and develop management plans for such river systems.

"(2) The purposes of any management conference convened with respect to a river system under this subsection shall be to—

"(A) assess baseline environmental conditions in the river system in coordination with a research program pursuant to subsection (c);

"(B) assess trends in water quality, natural resources, and uses of the river system;

"(C) identify pollution sources to the river system, including point sources, nonpoint sources, and in place pollutants;

"(D) develop a comprehensive conservation and management plan pursuant to subsection (b) of this section;

"(E) review all Federal financial assistance programs and Federal development projects in accordance with the requirements of Executive Order 12372, as in effect on September 17, 1983, to determine whether such assistance program or project would be consistent with and further the purposes and objectives of the plan prepared under this section; and

"(F) monitor the effectiveness of actions taken pursuant to the plan.

"(3) For purposes of paragraph (2)(E), such programs and projects shall not be limited to the assistance programs and development projects subject to Executive Order 12372, but may include any programs listed in the most recent Catalog of Federal Domestic Assistance which may have an effect on the purposes and objectives of the plan developed under this section.

"(4) A management conference convened under this section shall consist of a representative of the Administrator and representatives of—

"(A) each State and foreign nation located in whole or in part in the river system for which the conference is convened;

"(B) international, interstate, or regional agencies or entities having jurisdiction over all or a significant part of the river system;

"(C) each interested Federal agency, as determined by the Administrator; and

"(D) affected local governments, industries, public and private educational institutions, and the general public, as determined appropriate by the Administrator.

"(5) A management conference convened under this section shall be convened for a period not to exceed five years.

"(6) The Administrator shall, within one year of the date of enactment of this section and periodically thereafter, select river systems for inclusion in the program pursuant to this section. In selecting river systems for which a management conference will be established pursuant to this section, the Administrator shall give priority to river systems—

"(A) in which there are significant violations of quality standards in a river pursuant to section 303 of this Act;

"(B) in which the attainment and maintenance of that water quality which assures protection of public water supplies and the protection and propagation of a balanced, indigenous population of shellfish, fish, and wildlife, and allows recreational activities, in and on the water, requires the implementation of additional measures, including controls over point and nonpoint sources of pollution;

"(C) in which maintenance of continued environmental quality is necessary to protect a natural resource of national significance;

"(D) nominated by the Governor of a State pursuant to paragraph (7) of this subsection; and

"(E) listed pursuant to paragraph (8).

"(7) The Governor of any State may nominate to the Administrator a river system lying in whole or in part within the State as a river system of national significance and request a management conference to develop a comprehensive management plan for the river system. The nomination shall document the need for the conference, the likelihood of pollution reductions, and information relating to the factors in paragraph (6).

"(8) The Administrator shall give priority consideration under this section to the Hudson River; the Susquehanna River; the Delaware River; the Rio Grand River; and the Columbia River.

"(b) CONSERVATION AND MANAGEMENT PLANS.—(1) Conservation and management plans developed pursuant to subsection (a)(2)(D) shall, at a minimum—

"(A) assess the adequacy of existing pollution control programs and measures, including quality standards pursuant to section 303 of this Act, point source controls pursuant to section 402 of this Act, and nonpoint source controls pursuant to section 319 of this Act;

"(B) recommend such measures and corrective actions as are necessary to assure the attainment and maintenance of quality standards pursuant to section 303 of this Act and protection of public water supplies, a balanced indigenous population of shellfish, fish, and wildlife, and recreational activities in and on the water;

"(C) indicate the schedule on which each measure or corrective action will be implemented: *Provided*, That any existing schedules pursuant to this Act are not extended or relieved;

"(D) indicate the financial and other commitments made by participating members of the management conference to assure the timely and complete implementation of the plan.

"(2) In developing a conservation and management plan under this section, the management conference shall survey and utilize existing reports, data, and studies relating to the river system that have been developed by or made available to Federal, interstate, State, and local agencies.

"(3) Not later than one hundred and twenty days after the completion of a conservation and management plan and after providing for public review and comment, the Administrator shall approve such plan if the plan meets the requirements of this section and the Governor or Governors of States participating in the management conference concur.

"(c) RESEARCH AND ASSESSMENT.—The Administrator, in cooperation with the management conference, may develop and implement—

"(1) a program of monitoring to determine the physical, biological, and chemical conditions of the river system, including variations in pollutant concentrations, ecological conditions, and other physical or biological parameters which may affect the river system;

"(2) a program of ecosystem assessment assisting in the development of (i) baseline studies which determine the state of waters and the effects of natural and anthropogenic changes, and (ii) predictive models capable of translating information on specific discharges or general pollutant loadings within river systems into a set of probable effects in such waterbodies; and

"(3) a program of research to identify the movements of pollutants through the river system and the impact of pollutants on water quality, the ecosystem, and designated or potential uses of the waters.

"(d) GRANTS.—(1) The Administrator is authorized to make grants to support a management conference pursuant to this section including—

"(A) grants to support the initial, five-year management conference and development of a conservation and management plan; and

"(B) grants to maintain operation of the management conference and to oversee implementation of an approved conservation and management plan.

"(2) State, interstate, and regional water pollution control agencies, other public or nonprofit private agencies, institutions, and organizations, and individuals shall be eligible for grants pursuant to this subsection.

"(3) The amounts of grants under paragraph (1)(A) for a fiscal year shall not exceed 75 per centum of the costs of the management conference and shall be made on condition that the non-Federal share of such costs is provided from non-Federal sources. Grants pursuant to paragraph (1)(A) shall be made for not more than five fiscal years.

"(4)(A) No grant shall be made pursuant to paragraph (1)(B) in a case where the Administrator has not approved a conservation and management plan or where, in the judgment of the Administrator, there is a substantial failure to implement the conservation and management plan.

"(B) The amount of grants under paragraph (1)(B) for a fiscal year shall not exceed 50 per centum of the costs of the management conference and shall be made on condition that the non-Federal share of such costs are provided from non-Federal sources.

"(C) The amount of grants under paragraph (1)(B) of this subsection for a fiscal year shall not exceed 30 per centum of the average annual grant for the management conference pursuant to paragraph (1)(A).

"(5) Any recipient of a grant under this subsection shall report to the Administrator not later than eighteen months after receipt of such grant on the progress being made under this section.

"(e) REPORTS.—The Administrator shall submit to the Congress no less often than biennially a comprehensive report on the activities authorized under this section including—

"(1) a listing and description of river systems considered for selection pursuant to this section;

"(2) a listing and description of river systems considered and selected for management conferences;

"(3) a description of the status of each management conference and assessment of progress in developing or implementing conservation and management plans; and

"(4) an overall assessment of the progress and effectiveness of the program pursuant to this section and recommendations concerning needed improvements to the program.

"(f) DEFINITIONS.—(1) For purposes of this section, the term 'river system' means the portion of a river, its tributaries, and any lake, estuary or coastal waters receiving such waters, and the land area drained by such waters, as specified by the Administrator in establishing the management conference.

"(2) For the purposes of this section, the term 'natural resource of national significance' means a national park, national forest, or wildlife refuge.".

PERMIT PROGRAM MODIFICATIONS

SEC. 17. (a) POLLUTION PREVENTION.—(1) Section 402(b) of the Federal Water Pollution Control Act (33 U.S.C. 1341) is amended by deleting "and" at the end of paragraph (8), deleting "." at the end of paragraph (9), and inserting in lieu thereof—

"; and (10) To ensure that no permit will be issued unless the applicant demonstrates a need to discharge based on a showing of the maximum use of measures, processes, methods, systems, or techniques to eliminate the discharge altogether or reduce the volume and toxicity of pollutants (through process changes, substitution of material, enclosure of systems, or other modifications) within the economic capability of the owner or operator.".

(2) Section 304(i) of the Federal Water Pollution Control Act (33 U.S.C. 1313(i)) is amended by inserting after "(i)" the following "(1)"; by deleting "(1)" after "shall"; deleting "Act," and inserting in lieu thereof "Act."; deleting "and (2) within" and inserting in lieu thereof "(2) Within"; and adding at the end thereof the following:

"(3) The Administrator shall, within one year of the date of enactment of this paragraph, publish guidance establishing criteria for demonstrations pursuant to section 402(b)(10).".

(b) PERMIT REVISION.—Section 402(b) of the Federal Water Pollution Control Act (33 U.S.C. 1342(b)) is amended by adding at the end thereof the following—

"(11) To insure that, in the case of permits issued with a remaining term of three or more years, any permit shall require revisions to the permit to incorporate any new or revised effluent limitations, applicable standards, or regulations promulgated under this Act after the issuance of such permit. Such revisions shall occur as expeditiously as practicable but not later than eighteen months after the promulgation of such limitations, standards or regulations.".

(c) PERMIT TERMS AND CONDITIONS.—Section 402(a) of the Federal Water Pollution Control Act (33 U.S.C. 1342(a)) is amended by adding at the end the following new paragraph—

"(6) No new permit for a new discharge into navigable waters shall be issued to any person who owns, leases, or operates two or more facilities which are not in compliance with a permit issued under this section.".

(d) NEW CONSTRUCTION.—Section 402(a) of the Federal Water Pollution Control Act (33 U.S.C. 1342(a)) is amended by adding at the end thereof the following new paragraph:

"(6) In the case of a new facility for which a permit is to be issued pursuant to this section, such permit shall be obtained prior to construction of such facility. This requirement shall take effect upon enactment and shall apply to all facilities for which actual construction has not commenced as of the date of enactment.".

(e) PERMIT PROGRAM AUTHORITY.—(1) Section 402(a)(1) of the Federal Water Pollution Control Act (33 U.S.C. 1342(a)(1)) is amended by inserting after "302," the following "303,".

(2) Section 402(b)(1)(A) of the Federal Water Pollution Control Act (33 U.S.C. 1342(b)(1)(A)) is amended by inserting after "302," the following "303,".

(f) TECHNICAL AMENDMENT.—(1) Section 402(a)(5) of the Federal Water Pollution Control Act (33 U.S.C. 1342(a)(5)) is amended by deleting "304(h)(2)" and inserting in lieu thereof "304(i)(2)".

(2) Section 402(b) of the Federal Water Pollution Control Act (33 U.S.C. 1342(b)) is amended by deleting "(h)(2)" and inserting in lieu thereof "(i)(2)".

(3) Section 402(c)(2) of the Federal Water Pollution Control Act (33 U.S.C. 1342(c)(2)) is amended by deleting "304(h)(2)" and inserting in lieu thereof "304(i)(2)".

(4) Section 402(e) of the Federal Water Pollution Control Act (33 U.S.C. 1342(e)) is amended by deleting "(h)(2)" and inserting in lieu thereof "(i)(2)".

BIOLOGICAL CRITERIA

SEC. 18. (a) APPLICATION.—(1) Section 403(a) of the Federal Water Pollution Control Act (33 U.S.C. 1343) is amended to read as follows—

"(a) BIOLOGICAL DISCHARGE CRITERIA.—(1) The Administrator may, in addition to any other requirement of this Act, deny a permit under section 402 of this Act for a discharge into the territorial sea, the waters of the contiguous zone, the oceans, or any waters listed pursuant to section 304(l) of this Act if the Administrator finds, based on an assessment of the criteria provided in subsection (c), that the discharge can reasonably be expected to adversely affect the protection and propagation of a balanced, indigenous population of shellfish, fish, and wildlife and the provision of recreational activity in and on the water.".

(b) REGULATIONS.—Section 403(c)(2) of the Federal Water Pollution Control Act (33 U.S.C. 1343(c)(2)) is amended by adding at the end thereof the following: "Any existing or proposed regulations creating exemptions to the limitations of this paragraph are herewith deemed invalid.".

(c) CONFORMING AMENDMENTS.—(1) The title of section 403 of the Federal Water Pollution Control Act (33 U.S.C. 1343) is amended to read as follows "Biological Discharge Criteria".

(2) Section 403(c)(1) of the Federal Water Pollution Control Act (33 U.S.C. 1342(c)(1)) is amended by deleting "Act (and from time to time thereafter) promulgate" and inserting in lieu thereof the following "the Water Pollution Prevention and Control Act of 1991, and biennially thereafter, publish".

(3) Section 403(c)(1) of the Federal Water Pollution Control Act (33 U.S.C. 1342(c)(1)) is amended by deleting "and the oceans" and inserting in lieu thereof "the oceans, or any waters listed pursuant to section 304(l) of this Act,".

(4) Section 403(c)(1)(B) of the Federal Water Pollution Control Act (33 U.S.C. 1343(c)(1)(B)) is amended by deleting "marine" and inserting in lieu thereof "aquatic".

(5) Section 403(c)(1)(C) of the Federal Water Pollution Control Act (33 U.S.C. 1343(c)(1)(G)) is amended by inserting after "oceans," the following "or other waters".

(6) Section 301(a) of the Federal Water Pollution Control Act (33 U.S.C. 1311(a)) is amended by inserting "403," after "402".

INTERSTATE DISPUTE RESOLUTION

SEC. 19. (a) PERMIT REVIEW.—Section 402(b)(1) of the Federal Water Pollution Control Act (33 U.S.C. 1342(b)(1)) is amended by adding at the end thereof the following new subparagraph—

"(E) shall be reconsidered for termination or modification at any time a State other than that in which the source is located provides notice that the permitted discharge is causing a substantial violation of a water quality requirement (including any standard) of such State or adversely affecting the public health of such State and seeks a modification of such permit;".

(b) ADMINISTRATOR REVIEW.—Amend paragraph 402(d)(2) of the Federal Water Pollution Control Act (33 U.S.C. 1342(d)(2)) by inserting "(A)" after "(2)", by striking "(A)" and "(B)" and inserting in lieu thereof "(i)" and "(ii)" respectively, and by adding the following new subparagraph—

"(B) In the case of the failure of any State to accept the recommendations of another State whose waters may be affected by the issuance of a permit, submitted in accordance with subsection (b)(5), the Administrator shall determine within ninety days following written objection to the Administrator by the State whose recommendations were not accepted, whether any substantial violation of a water quality requirement or adverse effect on public health of the affected State will result from the issuance of the permit. The Administrator's determination shall be based on (i) the designated use or uses of the waters in the affected State; (ii) criteria issued by the Administrator under section 304(a) appropriate to such uses; and (iii) the antidegradation policy of the affected State. If the Administrator determines that an adverse effect on public health would result from the discharge, that the designated use or uses are or would be impaired by the discharge, or that the antidegradation policy of the affected State would not authorize lowering of existing water quality in such instance, and if the Administrator determines that sources in the affected State are subject to the same requirements and policies (or would be subject to such requirements and policies, if discharging to the affected waters), the Administrator shall object to issuance of such permit or provide specific modifications to such permit. Any such determination shall be provided in writing to the affected State and such determination or such objection shall be reviewable in the appropriate Circuit Court of Appeals under section 509(b) of this Act as the issuance or denial of a permit under section 402.".

(c) OTHER VIOLATIONS.—Amend section 511 of the Federal Water Pollution Control Act (33 U.S.C. 1371) by adding a new subsection (e)—

"(e) Any State or municipality the water quality of which is adversely affected by pollutants from another State may petition the Administrator who shall determine on the record, after opportunity for Agency hearing pursuant to 5 U.S.C. 554, 556, and 557 whether such pollution is causing a substantial violation of a water quality requirement of such State or adversely affecting public health in such State. The Administrator's determination shall be based on (1) the designated use or uses of the waters in the affected State; (2) criteria issued by the Administrator under section 304(a) appropriate to such uses; and (3) the antidegradation policy of the affected State. If the Administrator determines that an adverse effect on public health would result from the discharge, that the designated use or uses are or would be impaired by the discharge, or that the antidegradation policy of the affected State would not authorize lowering of existing water quality in such instance, and if the Administrator determines that sources in the affected State are subject to the same requirements and policies (or would be subject to such requirements and policies, if discharging to the affected waters), the Administrator shall issue an order within ninety days restraining any person causing or contributing to such pollution or providing such other relief as appropriate, taking into account the goals and requirements of this Act and other equitable considerations. In no case shall such order or other relief based solely on this subsection supersede or abrogate rights to quantities of water which have been established by interstate water compacts, Supreme Court decrees, or State water laws. This subsection shall not apply in any case in which section 402(d)(2)(B) or section 402(b)(1)(E) is available, nor to any pollution which is subject to the Colorado River Salinity Control Act of 1974.".

COMBINED SEWER OVERFLOW

SEC. 20. Amend title IV of the Federal Water Pollution Control Act by adding the following new section at the end thereof:

"COMBINED SEWER OVERFLOWS

"SEC. 406. (a) COMBINED SEWER OVERFLOWS INVENTORY.— Each State in which there are discharges of overflows from combined storm water sewers and sanitary sewers into navigable waters shall, within twelve months of the date of enactment of this section and biennially thereafter, prepare and submit to the Administrator an inventory of all such discharges in the State which shall include—

"(1) identification of the location of each such discharge, and the waterbody affected;

"(2) identification of the municipal or other entity responsible for such discharge;

"(3) identification of any permit for each such discharge pursuant to section 402 of this Act, including the compliance status of the permit;

"(4) identification of the estimated volume of such discharge over a one-year period and the estimated pollutant loading of the discharge over such period, including any pollutants introduced by an industrial discharger;

"(5) assessment of the proportion of the volume of all such combined discharges to the volume capacity of the appropriate treatment works over the maximum measured storm that would occur as a result of a one-year/six-hour storm event; and

"(6) the nature and status of any existing programs to eliminate such discharges.

"(b) COMBINED SEWER OVERFLOW ELIMINATION OF PROGRAMS.—(1) Any municipality or other entity listed pursuant to subsection (a)(2) of this section shall develop and submit to the Administrator a program and schedule for the elimination of all discharges listed pursuant to subsection (a)(1).

"(2) The program and schedule required pursuant to this subsection shall be submitted to the Administrator not later than thirty-six months after the date of enactment of this section and shall—

"(A) identify system modifications, best management practices, regulatory and nonregulatory programs, and other measures to be taken by the municipality or other responsible entity for elimination of discharges of overflows from combined sewers;

"(B) identify pretreatment program modifications to reduce, to the fullest extent practicable, toxic pollution levels of any overflows;

"(C) specify the controls to be applied to any overflows not eliminated;

"(D) established a schedule for development of plans and implementation of system modifications, best management practices, and other measures providing for implementation of such practices, programs, and measures at the earliest practicable date but in no case more than seven years from the date of program approval, except in the case of a waterbody designated pursuant to section 305(b)(2)(B) in which case such schedule shall be not more than five years;

"(E) estimate the costs of design and implementation of system modifications, best management practices, programs, and other measures including the estimated financial contributions from local, State, and Federal sources; and

"(F) provide for monitoring of waters to which overflows are discharged sufficient to assess water quality impacts of overflow discharges.

"(3) The municipality or other responsible entity shall provide for public review and comment on the program developed pursuant to this subsection and shall include any such comments in the plan. The municipality or other responsible entity also shall coordinate development of the program with any management program required pursuant to section 319(b) of this Act, any individual control strategy adopted pursuant to section 305(b)(2)(B) of this Act, and any management conference convened pursuant to section 320 or 321 of this Act.

"(4) Not later than three months after the submission of a program pursuant to this subsection, the Administrator shall approve or disapprove the program. The Administrator shall approve the program only if—

"(A) the program meets the requirements of subsection (b)(2) of this section;

"(B) adequate authority exists and adequate financial resources are available to implement the program; and

"(C) the schedule for implementation of the program is as expeditious as practicable, but in no case more than seven years from the date of program approval, except in the case of a discharge to a waterbody designated pursuant to section 305(b)(2)(B) in which cases such schedule shall be not more than five years.

"(5) If the Administrator disapproves the program pursuant to this section, the Administrator shall notify the municipality of any revisions or modifications necessary to obtain approval. The municipality shall have three months to submit its revised plan and the Administrator shall approve or disapprove the program in three months.

"(6) Any municipality required to develop a program pursuant to this section which does not have an approved program by the date forty-eight months after the date of enactment of this section or which fails to implement an approved program shall be subject to penalties pursuant to subsections (d) and (g) of section 309 of this Act.

"(7) No later than five years from the date of enactment of this section, the Administrator, or a State administering a program pursuant to section 402 of this Act, shall modify or issue permits pursuant to section 402 of this Act for any discharge of combined sewers. Such permits may be issued on a system or jurisdiction wide basis and shall reflect the elimination plans developed pursuant to this section.

"(8) Nothing in this section shall relieve any person, municipality, or other responsibility entity from liability for any existing violation of this Act, eliminate any existing duty to obtain and comply with a permit issued pursuant to section 402 of this Act, or reduce the obligation of any person, municipality, or other responsiblity entity, to comply with the requirements of this Act, including standards adopted pursuant to section 303 of this Act.

"(9) The Administrator may extend the compliance period established in paragraphs (2)(D) and (4)(C) of this subsection for a period of up to two years if the Administrator determines that the applicant has made a good-faith effort to comply with the plan approved pursuant to this subsection and that compliance with the plan is not feasible.

"(c) COMBINED SEWER OVERFLOW ELIMINATION GUIDANCE.—(1) Within one year from the date of enactment of this section, the Administrator shall publish guidance describing best management practices, regulatory and nonregulatory programs, and other measures for the elimination of combined storm-water and sanitary sewer overflows including, but not limited to—

"(A) implementation of domestic water conservation programs to reduce sewage influent;

"(B) implementation of inflow and infiltration reduction measures;

"(C) implementation of surface treatment and on-site runoff controls;

"(D) implementation of requirements for volume reduction or elimination and detention during and following storm events by industrial and commercial users;

"(E) implementation of storm-water best management practices, including erosion controls, street cleaning, and land use requirements and controls;

"(F) separation of sewers;

"(G) pretreatment program modifications;

"(H) sewer system operation and construction of detention facilities for storage of combined influent prior to treatment at the publicly owned treatment works or increases in capacity of publicly owned treatment works;

"(I) estimate, average design and construction schedules and costs for best management practices, programs, and other measures; and

"(J) model local ordinances or regulations, including model amendments to local pretreatment programs.

"(2) Any delay by the Administrator in issuing guidance under this provision shall not excuse the obligation of any municipality or other responsible entities to comply with the requirements of this section.

"(3) The Administrator shall consult with appropriate Federal agencies, State agencies, sewage treatment agencies, public interest groups, and other interested parties in development of guidance pursuant to paragraph (1).

"(d) PROGRAM DEVELOPMENT AND IMPLEMENTATION.—(1) The Administrator may make grants—

"(A) to States to support the development of surveys of combined sewer overflows pursuant to subsection (a) and development of overflow elimination plans pursuant to subsection (b); and

"(B) to municipalities or other responsible entities to support, to the maximum extent practicable, the implementation of overflow elimination plans pursuant to subsection (b).

"(2)(A) Following the date of enactment of this section, any State in which there is a discharge of combined sewers may submit to the Administrator an application for assistance pursuant to paragraph (1)(A) of this section. Such application shall be in such form and contain such information as the Administrator may require but, at a minimum, shall include a description of the process to be used by the State in allocating available grant assistance to municipalities or other responsible entities required to develop plans pursuant to subsection (b) of this section.

"(B) Any municipality with a program approved pursuant to subsection (b)(4) of this section may submit to the Administrator an application for assistance pursuant to paragraph (1)(B) of this subsection. Such application shall be in such form and contain such information as the Administrator may require.

"(3)(A) The Administrator shall allocate funds available for grants pursuant to paragraph (1)(A) on the basis of the number of municipalities in the State with combined sewer overflows and the estimated seriousness and extent of such overflows.

"(B) In allocation of funds available for assistance to municipalities pursuant to paragraph (1)(B), the Administrator shall give priority to proposed projects which—

"(i) are unlikely to receive assistance pursuant to title VI of this Act within the compliance period;

"(ii) would address serious water pollution problems, including violations of water quality standards, impacts on bathing beaches, and contamination of seafood;

"(iii) would address overflows to waters listed pursuant to section 305(b)(2)(B) of this Act; or

"(iv) would address overflows from treatment works receiving significant amounts of effluent from industrial dischargers.

"(4)(A) The Federal share of the cost of a survey or management program pursuant to paragraph (1)(A) of this subsection in any fiscal year shall not exceed 75 per centum of the cost incurred by the State or municipality and shall be made on the condition that the non-Federal share is provided for non-Federal sources, including funds contributed by municipalities receiving assistance.

"(B) The Federal share of the cost of a survey or management program pursuant to paragraph (1)(B) of this subsection in any fiscal year shall not exceed 55 per centum of the cost incurred by the municipality or other responsible entity and shall be made on the condition that the non-Federal share is provided from non-Federal sources.

"(5) Any grants made pursuant to paragraph (1)(B) of this subsection shall comply with the requirements of sections 201(g)(2), 201(g)(5), 201(o), 204(a)(1), 204(a)(2), 204(b)(1), 511(c)(1), 513, and 518 and with such other terms and conditions as determined by the Administrator to be appropriate.

"(6) The availability of grant assistance pursuant to this subsection shall in no way affect the obligations of a State, municipality, or other responsible entity to comply with the requirements of this Act.

"(e) DEFINITIONS.—(1) For the purposes of this section, the term 'treatment works' shall be as defined in section 212(2) of this Act.

"(2) For the purposes of this section, the term 'elimination of all discharges' refers to measures which will, at a minimum, assure that there is no discharge during or following the maximum measured storm that would occur as a result of a one-year, six hour storm event.".

(b) ELIGIBILITY FOR STATE REVOLVING LOAN FUNDS.—(1) Amend Section 601(a) of the Federal Water Pollution Control Act (33 U.S.C. 1381(a)) by striking all after "and (3)" and inserting in lieu thereof: "for developing and implementing a conservation and management plan under section 320, and (4) implementing a combined stormwater and sanitary sewer elimination program pursuant to section 406(b).",

(2) Amend section 603(c) of the Federal Water Pollution Control Act (33 U.S.C. 1383(c)) by striking "and" preceding (3) and inserting at the end of the sentence—

"and

"(4) implementing a combined stormwater sewer and sanitary sewer elimination program pursuant to section 406(b).".

(c) REPORTING.—Amend section 516(b)(1) of the Federal Water Pollution Control Act (33 U.S.C. 1375(b)) by adding at the end thereof the following new sentence: "For the purposes of this subsection, the term 'treatment works' shall include any discharges from combined stormwater sewers and sanitary sewers and shall reflect the data provided by States pursuant to section 406(a) of this Act".

(d) INFORMATION AND GUIDELINES.—Amend subsection 304(d) of the Federal Water Pollution Control Act by adding at the end thereof the following new paragraph:

"(5) The Administrator, after consultation with appropriate Federal agencies and other interested persons, shall publish within eighteen months of the date of enactment of this paragraph information supplementing the information published pursuant to paragraph (1) and establishing the degree of percentage removal attainable through the application of secondary treatment where a treatment works receives flows from combined sanitary and stormwater sewers.".

PERMIT FEES

SEC. 21. Section 402 of the Federal Water Pollution Control Act is amended by adding the following new subsection at the end thereof:

"(q) PERMIT FEES.—

"(1) IN GENERAL.—Not later than 24 months after the date of enactment of the Water Pollution Prevention and Control Act of 1991, the Governor of each State administering a permit program under subsection (b) shall submit to the Administrator for approval pursuant to paragraph (4) a modification of the State's permit program including a requirement under State law that the owner or operator of each point source subject to the requirement to obtain a permit under this section pay an annual fee, or the equivalent over some other period. The accumulated amount of such fees in any State shall be sufficient to cover not less than 60 per centum of all reasonable costs of developing and administering the point source elements of the water quality program of such State, including, but not limited to, the reasonable costs of—

"(A) reviewing and acting upon any applications for permits,

"(B) implementing and enforcing the terms and conditions of permits (not including any court costs or other costs associated with any enforcement action),

"(C) effluent and ambient water quality monitoring,

"(D) preparing generally applicable regulations or guidance,

"(E) modeling, analyses, and demonstrations, including the development of total maximum daily loads and waste load allocations,

"(F) identifying and monitoring impaired waters, and

"(G) preparing and maintaining public information systems on effluent limitations, discharges, compliance and water quality.

"(2) AMOUNT OF FEES.—The amount of fees collected from any point source by the State shall conform to the following requirements:

"(A) The Administrator shall not approve a program modification as meeting the requirements of this subsection unless the State demonstrates that the program will result in the collection from all point sources subject to subparagraph (A), of an annual amount not less than the sum of—

"(i) from each publicly owned treatment works, $2500 multiplied by the daily treatment capacity of such treatment works in gallons divided by 1,000,000, but not to exceed $125,000 per annum;

"(ii) from each minor industrial point source, $2500;

"(iii) from each major industrial point source, such amounts, not less than $25,000 or more than $125,000 per annum, as the Administrator shall specify in guidance reflecting the cost and complexity of developing and enforcing water quality programs for such sources; and

"(iv) $2500 from each other source required to obtain a permit under this section.

"(B) The requirements of subparagraph (A) to collect the amount specified under such clause shall not apply if the State demonstrates that collecting an amount less than the amount specified under subparagraph (A) will satisfy the requirements of paragraph (1).

"(C) The fee calculated under subparagraph (A) shall be increased every three years beginning three years after the date of enactment of this subsection by the percentage, if any, by which the Producer Price Index for the most recent calendar year ending before the beginning of such year exceeds the Producer Price Index for the calendar year 1991.

"(3) USE OF REVENUE.—Any fee required to be collected by a State under this subsection shall be utilized only to support the water quality programs of such State.

"(4) APPROVAL.—The Administrator shall approve or disapprove any permit program modification submitted by the Governor of a State under this subsection not later than one hundred and eighty days after the receipt of such modification. The Administrator shall approve such modification if it meets the requirements of this subsection and the State demonstrates to the Administrator that revenues from the fees required by this subsection shall be in addition to and not in lieu of appropriations which have been made by the State to develop and implement its water quality programs.

"(5) FEDERAL FEES.—(A) If the Administrator determines that the fee provisions proposed by a State do not meet the requirements of this subsection, if the Administrator makes a determination that the State is not adequately administering or enforcing an approved fee program, or if a State does not have the authority to administer a permit program pursuant to subsection (b), the Administrator shall collect reasonable fees from the point sources identified under paragraph (1).

"(B) Any point source that fails to pay fees lawfully imposed by the Administrator under this paragraph shall be liable to the United States for payment of such fees plus a penalty in an amount equal to 50 per centum of the fee amount, plus interest on the fee amount computed in accordance with section 6621(a)(2) of title 26, of the United States Code (relating to computation of interest on underpayment of Federal taxes).

"(C) Any fees, penalties, and interest collected under this paragraph shall be deposited in the fund established under section 301(o) for licensing and other services, which thereafter shall be available for appropriation, to remain available until expended, subject to appropriation, to carry out the Agency's activities for which the fees were collected.

"(6) SANCTION.—Beginning three years after the date of enactment of the Water Pollution Prevention and Control Act of 1991, the Administrator shall withhold from any State which has a program approved under subsection (b) but—

"(A) which has not submitted an approved permit fee modification under this subsection, or

"(B) which is not in compliance with the maintenance of effort requirement under paragraph (4),

50 per centum of the funds that would otherwise be allocated to such State in each fiscal year under section 106, until such time as the State has submitted an approved modification under this subsection and is in compliance with such maintenance of effort requirement. Any amounts withheld by the Administrator under this subsection shall be reallocated to other States which have submitted approved permit fee modifications under this subsection.".

EMPLOYEE PROTECTION

SEC. 22. Sections 507 (b) and (c) of the Federal Water Pollution Control Act (33 U.S.C. 1367) are amended to read as follows:

"(b) No person shall fire, or in any other way discriminate against, or caused to be fired or discriminated against, any employee by reason of the fact that such employee has refused to perform the employee's duties when performing such duties constitutes a violation of this Act or any regulation promulgated pursuant to this Act or because of the employee's reasonable apprehension that performing such duties would result in serious injury to the public. The circumstances causing the employee's apprehension of serious injury would be of such nature that a reasonable person, under the circumstances then confronting the employee, would conclude that there is a bona fide danger of an accident, injury, or serious impairment of health to the public or the environment resulting from the circumstances. In order to qualify for protection under this subsection, the employee must have sought from his employer, and have been unable to obtain, corrections of the circumstances causing the refusal to perform the employee's duties.

"(c) The process, procedures, and remedies with respect to firing or discrimination under subsection (a) or (b) shall be governed by the applicable provisions of section 405 of the Surface Transportation Assistance Act, except that the legal burden of proof should be governed by the applicable provisions of section 3 of the Whistleblower Protection Act of 1989.".

REPORTS TO CONGRESS

SEC. 23. (a) REPORTS.—Sections 516 (a), (b), and (c) of the Federal Water Pollution Control Act (33 U.S.C. 1375) are amended to read as follows:

"(a) CLEAN WATER REPORT.—(1) On January 1 of the year following enactment of the

Water Pollution Prevention and Control Act of 1991 and every three years thereafter, the Administrator shall submit to the Congress a report, in addition to any other report required by this Act, on measures taken toward implementation of the goals and objectives of this Act, including but not limited to—

"(A) a summary of actions taken and results achieved in the field of water pollution control research, demonstrations, experiments, studies, and related matters by the Administrator and other Federal agencies and by other persons and agencies under Federal grants or contracts;

"(B) a description of activities relating to wastewater treatment operator training and certification;

"(C) an assessment of progress in the development of effluent limitations for existing and new dischargers from direct and indirect sources;

"(D) a summary of development of pollutant criteria documents and adoption of water quality and sediment quality standards;

"(E) an assessment of progress in identification and development of water quality problem areas, including estuaries and rivers for which management conferences are being conducted;

"(F) a description of State nonpoint source pollution control programs;

"(G) an identification and assessment of noncompliance with the enforceable requirements of this Act and description of all enforcement actions pending or completed under this Act during the preceding two years; and

"(H) recommendations concerning improvements to the water quality programs authorized by this Act.

"(2) The Administrator shall consult with State agencies in development of the report required by this subsection.

"(b) WATER QUALITY INFRASTRUCTURE NEEDS ASSESSMENT.—(1) The Administrator shall make a comprehensive assessment of the cost of construction of public facilities needed to accomplish the water quality goals of this Act.

"(2) The assessment required pursuant to this subsection shall, at a minimum, describe—

"(A) the costs of construction for rehabilitation, replacement, and upgrading of existing publicly owned treatment works nationally and in each of the States, including an estimate of the portion of such costs associated with meeting the enforceable requirements of this Act;

"(B) the costs of construction of expanded or new publicly owned treatment works nationally and in each of the States, including an estimate of the portion of such costs associated with meeting the enforceable requirements of this Act;

"(C) the costs of implementing plans for the elimination of combined stormwater and sanitary sewer overflows developed pursuant to section 406 of this Act, including any such additional treatment needed to assure compliance with water quality standards;

"(D) that portion of the costs described in subparagraphs (A), (B) and (C) associated with treatment works serving fewer than three thousand five hundred persons;

"(E) the costs to Federal, State, and local governments and to agricultural producers of construction of measures to control nonpoint sources of pollution implemented in accordance with programs developed pursuant to section 319 of this Act; and

"(F) the cost of construction of measures and facilities required to comply with permits for the control of municipal discharges of stormwater.

"(3) The Administrator shall submit the assessment required pursuant to this subsection to the Congress no later than four years after the date of enactment of the Water Pollution Prevention and Control Act of 1991 and every five years thereafter.".

"(c) **RESERVED.**".

(b) TECHNICAL CORRECTION.—Title II of the Federal Water Pollution Control Act (33 U.S.C. 1281 et seq.) is amended by deleting section 210 and inserting in lieu thereof "**RESERVED.**".

INDIAN WATER QUALITY

SEC. 24. (a) SEWAGE TREATMENT.—(1) Section 518(c) of the Federal Water Pollution Control Act (33 U.S.C. 1377(c)) is amended by deleting "one-half of one percent of the sums appropriated under section 207" and inserting in lieu thereof "1 percent of the sums appropriated under section 607".

(2) Section 518(c) of the Federal Water Pollution Control Act (33 U.S.C. 1377(c)) is amended by adding at the end thereof the following: "The Administrator shall provide funds reserved under this subsection directly to Indian tribes and may make a grant in an amount of up to 100 per centum of project cost. In making a grant pursuant to this subsection, the Administrator shall give priority to projects addressing the most significant public health and environmental pollution problems as determined by needs assessments pursuant to paragraph (2).".

(3) Section 518(c) of the Federal Water Pollution Control Act (33 U.S.C. 1377(c)) is amended by inserting "(1)" after "(c)" and adding at the end thereof:

"(2) The Administrator, in cooperation with the Director of the Indian Health Service, shall assess the need for sewage treatment works to serve Indian tribes and report the findings of such assessment to the Congress within one year of the date of enactment of this paragraph and biennially thereafter.".

(4) Section 518(e) of the Federal Water Pollution Control Act (33 U.S.C. 1377(e)) is amended by striking the second and third sentences.

(b) NONPOINT POLLUTION CONTROL.—(1) Section 518(f) of the Federal Water Pollution Control Act (33 U.S.C. 1377(f)) is amended by deleting "one-third" and inserting in lieu thereof "one-half" and by deleting "(d)" and inserting in lieu thereof "(e)".

(2) Section 518(f) of the Federal Water Pollution Control Act (33 U.S.C. 1377(f)) is amended by adding at the end thereof the following: "Notwithstanding section 319(h)(3), the Administrator may make a grant pursuant to this subsection in an amount up to 100 per centum of project cost.".

(c) PLANNING ASSISTANCE.—Section 518 of the Federal Water Pollution Control Act (33 U.S.C. 1377) is amended by deleting subsection (b) and inserting in lieu thereof the following:

"(b) PLANNING ASSISTANCE.—(1) The Administrator shall make grants to support the administration of water quality programs by an Indian tribe treated as a State pursuant to subsection (e) of this section.

"(2)(A) The Administrator may make a grant to an Indian tribe to support development of such authorities and capabilities as are necessary for the tribe to be treated as a State pursuant to subsection (e).

"(B) An Indian tribe seeking grant assistance pursuant to this paragraph shall file with the Administrator a notice of intent to develop authority and capability pursuant to subsection (e).

"(C) The Administrator shall not provide grant assistance pursuant to this paragraph for a period of more than four years following filing of a notice of intent under subparagraph (B).

"(3) The Administrator shall allocate funds available pursuant to this subsection among Indian tribes treated as States and tribes having filed a notice of intent pursuant to paragraph (2) based on—

"(A) the reasonable expected costs of such program development or implementation;

"(B) the population and land area of the reservation; and

"(C) the extent and seriousness of water pollution problems on the reservation.

"(4) The Administrator shall assure, to the extent practicable, that each Indian tribe seeking a grant pursuant to this section is allotted a minimum grant amount of not less than $100,000.

"(5) The Federal share of the cost of programs pursuant to this subsection shall be 75 per centum of the costs of such program and shall be made on the condition that the non-Federal share shall be provided from non-Federal sources.

"(6) Each Indian tribe receiving a grant pursuant to this subsection shall report to the Administrator on an annual basis concerning its activities in development or administration of water quality programs.".

(d) REVOLVING LOAN FUNDS.—Section 603(c) of the Federal Water Pollution Control Act (33 U.S.C. (33 U.S.C. 1383(c) is amended by inserting after "State agency" the following ", or Indian tribe".

(e) DISCHARGE PERMITS.—Section 402(a) of the Federal Water Pollution Control Act (33 U.S.C. 1342) is amended by adding at the end thereof the following new paragraph—

"(6)(A) The Administrator shall issue a permit pursuant this subsection for any discharge to navigable waters on a Federal Indian reservation, as defined pursuant to section 518(h) of this Act, unless the applicable Indian tribe is treated as a State pursuant to section 518(e) of this Act and has been delegated authority to issue permits pursuant to subsection (b) of this section.

"(B) In issuing permits pursuant to this paragraph, the Administrator shall assure that, in addition to other requirements of this subsection, such discharge will not prevent the protection and propagation of a balanced, indigenous population of fish, shellfish, and wildlife and recreation in and on the water or such discharge is in compliance with such alternative water quality standards as the Administrator may establish.".

ENVIRONMENTAL AUDITS

SEC. 25. The Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) is amended by adding at the end thereof the following new section:

"SEC. 520. ENVIRONMENTAL AUDITS.

"(a) AUDITS.—(1) Any person with a permit pursuant to section 402 of this Act required to file an annual toxic chemical release form under section 313 of the Superfund Amendments and Reauthorization Act of 1986 shall conduct environmental audits pursuant to this section.

"(2) An environmental audit pursuant to this section shall, at a minimum establish the compliance of the facility with the terms, requirements, and conditions of discharge permits issued pursuant to section 402 of this Act and any other applicable requirements of this Act and identify necessary steps and an appropriate schedule for improving the degree and extent of compliance

with such permit or requirements, including necessary corrective actions.

"(3) An environmental audit pursuant to this section may, with the concurrence of the discharger—

"(A) identify opportunities for preventing, reducing, or eliminating the volume or toxicity of pollutant discharges to navigable waters and ground water beyond the level required by existing permits and related requirements through source reduction practices; and

"(B) identify oppotunities to improve compliance with requirements related to other environmental media.

"(4) any environmental audit conducted pursuant to this section shall be conducted by a firm, person, or organization who is certified to conduct environmental audits pursuant to subsection (e) of this section.

"(5) Within twenty-four months following the date of enactment of this section, the Administrator shall, by regulation, establish requirements concerning the form, content, and schedule of audits required pursuant to this section. Regulations promulgated pursuant to this section shall, at a minimum, require—

"(A) submission to the Administrators, or in the case of a State with authority to implement a program pursuant to section 402, the State, of a complete audit report within two years of the date of notification pursuant to paragraph (5) of this subsection;

"(B) beginning twelve months after the date of notification pursuant to this section, periodic monitoring as necessary to determine compliance with discharge permits pursuant to section 402 and related requirements, including quarterly reports of such monitoring and notification to the Administrator of any identified violations within ten working days of the identification of such violation; and

"(C) public notice of the availability of audit reports pursuant to subparagraph (A).

"(6) Beginning thirty-six months following the date of enactment of this section, the Administrator shall provide notice by certified mail to the owner or operator of each facility required to prepare audits pursuant to this section. Notification pursuant to this paragraph shall explain the obligation to prepare environmental audits, list firms or organizations certified to conduct such audits, and provide such other information and guidance as the Administrator deems appropriate. Facilities covered by this section shall not be required to conduct an audit pursuant to this section prior to notification pursuant to this paragraph.

"(7) The Administrator may delay notification of facilities pursuant to paragraph (5) based on a determination that there are not a sufficient number of firms certified pursuant to subsection (e).

"(8) In notifying facilities pursuant to this subsection, the Administrator shall give priority to facilities at which—

"(A) there is a history of noncompliance with permits pursuant to section 402 of this Act;

"(B) discharges contribute to violations of standards adopted pursuant to section 303 of this Act;

"(C) discharges, in the judgment of the Administrator, are of significant volume or toxicity; and

"(D) there are discharges to several environmental media, including air, land, and ground water.

"(9) The Administrator shall, to the extent practicable and consistent with paragraphs (8), not require an audit pursuant to this section for a facility during the term of each permit issued pursuant to section 402.

"(10) Within twenty-four months following the date of enactment of this section, and periodically thereafter, the Administrator shall publish guidance concerning methods, practices, and techniques for the design and implementation of environmental monitoring and audits pursuant to this section. The Administrator shall provide for public review and comment on the guidance required pursuant to this paragraph.

"(b) PENALTIES.—(1) The owner or operator of a facility required to conduct an audit pursuant to this section, and the certified auditor, shall provide such assurance as the Administrator shall require concerning the accuracy and completeness of any audit document or related report. A false certification shall be punishable by a civil penalty pursuant to section 309 of this Act.

"(2) Any owner or operator of a facility required to conduct an audit pursuant to this section who fails to submit reports or other information required by this section shall be punishable by a civil or criminal penalty pursuant to section 309 of this Act.

"(3) The owner or operator of a facility and the certified environmental auditor shall include in any audit report required pursuant to this subsection assurance that the certified environmental auditor and the firm or organization employing such auditor does not have a financial interest of any kind in the facility for which the audit report was prepared or any other entity with any financial interest in such facility. A false assurance pursuant to this paragraph shall be punishable by a civil penalty pursuant to section 309 of this Act.

"(c) CONFIDENTIALITY OF INFORMATION.—(1) Any records, reports, or information obtained from any person under this section (including records, reports, or information obtained by representatives of the Administrator) shall be available to the public, except that upon a showing satisfactory to the Administrator by any person that records, reports, or information, or particular parts thereof (other than health or safety effects data) to which the Administrator or any officer, employee, or representative has access under this section if made public would divulge information entitled to protection under section 1905 of title 18 of the United States Code, such information or particular portion thereof shall be considered confidential in accordance with the purposes of that section, except that such record, report, document, or information may be disclosed to other officers, employees, or authorized representatives of the United States concerned with carrying out this section, or when relevant in any proceeding under this section.

"(2) Any person not subject to the provisions of section 1905 of title 18 of the United States Code, who knowingly and willfully divulges or discloses any information entitled to protection under this subsection shall, upon conviction, be subject to a civil penalty pursuant to section 309 of this Act.

"(3) In submitting data under this section, a person required to provide such data may—

"(A) designate the data which such person believes is entitled to protection under this subsection; and

"(B) submit such designated data separately from other data submitted under this section.

A designation under this subsection shall be made in writing and in such manner as the Administrator may prescribe by regulation.

"(4) Notwithstanding any limitation contained in this section or any other provision of law, all information reported to or otherwise obtained by the Administrator under this section shall be made available upon written request of any duly authorized committee of the Congress, to such committee.

"(5) The following information with respect to any toxic pollutant at a facility shall not be entitled to protection under this subsection:

"(A) the trade name, common name, or generic class or category of the hazardous substance;

"(B) the physical properties of the substance, including its boiling point, melting point, flash point, specific gravity, vapor density, solubility in water, and vapor pressure at 20 degrees Celsius;

"(C) the hazards to health and the environment posed by the substance, including physical hazards (such as explosion) and potential acute and chronic health hazards;

"(D) the potential routes of human exposure to the substance at the facility, establishment, place, or property being investigated, entered, or inspected under this section;

"(E) the location of disposal of any waste stream;

"(F) any monitoring data or analysis of monitoring data pertaining to disposal activities;

"(G) any hydrogeologic or geologic data; or

"(H) any ground water monitoring data.

"(d) IMPLEMENTATION OF OTHER LAWS.—The requirement to conduct environmental audits pursuant to this section in no way limits or constrains the right of Federal, State, or local agencies to implement or enforce environmental or related laws or to conduct compliance inspections or related activities.

"(e) ENVIRONMENTAL AUDIT TRAINING AND CERTIFICATION.—(1) The Administrator shall develop and operate programs to train individuals to conduct environmental audits and shall certify individuals, firms, and organizations as proficient in environmental auditing.

"(2) The Administrator shall conduct training programs or shall contract with institutions of higher learning or other organizations or firms to conduct such training programs.

"(3) The Administrator shall publish, within twelve months following the date of enactment of this section and periodically thereafter, a general manual of methods, practices, and protocols for environmental monitoring, compliance assessment, and environmental auditing.

"(4) In developing training programs, the Administrator shall give special attention to development of knowledge and skills needed to identify and implement source reduction measures and practices.

"(5) The Administrator shall certify an individual as a 'certified environmental auditor' upon the satisfactory completion of a program of testing to determine the adequate knowledge, skills, and abilities of such individual.

"(6) The Administrator, within eighteen months following the date of enactment of this section, shall promulgate regulations governing the testing and certification of auditors pursuant to this section.

"(7) A certification pursuant to this subsection shall apply for a period of not more than ten years, after which time an individual must be recertified pursuant to this section in order to act as a certified environmental auditor.

"(8) The Administrator is authorized to collect fees for training and certification pursuant to this subsection equal to the ad-

ministrative costs of such training and certification programs. Fees collected pursuant to this subsection shall be deposited into an Environmental Audit Fund within the Environmental Protection Agency which shall be available to the Administrator without further appropriation to support the implementation of this subsection.

"(f) AUDIT OVERSIGHT AND EVALUATION.—(1) The Administrator shall provide for oversight and evaluation of environmental audits, including environmental monitoring and compliance assessments, conducted pursuant to this section.

"(2) The Administrator shall provide for random tests of the accuracy and reliability of data measurements, assessments, and analysis conducted by firms or organizations certified to conduct environmental audits pursuant to this section.

"(3) In a case where the Administrator identifies a pattern of substantial and repeated inaccuracy in the data, measurements, assessments, and analysis related to environment audits by a firm or organization certified pursuant to this section, the Administrator may, based on a statement of the evidence for such action and opportunity for response by the firm or organization, revoke the certification of such firm or organization for a period of up to five years.

"(4) In any case where a firm or organization has had certification pursuant to this section revoked and has been recertified, and the Administrator identifies a pattern of substantial and repeated inaccuracy in data, measurements, and analysis related to environmental audits, the Administrator may, based on a statement of the evidence for such action and opportunity for response by the firm or organization, permanently bar such firm or organization from conducting environmental audits or related activities pursuant to this section.

"(g) REPORT TO CONGRESS.—The Administrator shall, within twelve months following the date of enactment of this section, and biennially thereafter, report to Congress on the development and implementation of audits and the certification of auditors pursuant to this section and shall make recommendations for needed improvements to such programs and activities.

"(h) PERMIT MODIFICATION.—Within twelve months of the submission of an environmental audit of a facility pursuant to this section, the Administrator, or in the case of an audit of a facility in a State with authority to administer the program pursuant to section 402 the State, shall modify any permit issued pursuant to section 402 for such facility based on the information provided and measures recommended in the audit report.

UNITED STATES-MEXICO BORDER WATER QUALITY

SEC. 26. Title V of the Federal Water Pollution Control Act is amended by adding at the end thereof the following new section:

"UNITED STATES-MEXICO BORDER WATER QUALITY

"SEC. 521. (a) IN GENERAL.—The Administrator is authorized, in cooperation with the Department of State, the International Boundary and Water Commission, and the affected States, to negotiate with representatives of the Government of Mexico to establish a program to prevent pollution, monitor water quality, and improve water quality in the regions along the border between the United States and Mexico.

"(b) MONITORING.—The Administrator shall determine which water bodies in the region are not in compliance with designated uses and shall make such determinations based on reports prepared under Section 305(b), data available from the International Boundary and Water Commission, and other appropriate authorities. The Administrator shall determine the sources of pollutants causing impairment of the water quality of water bodies determined to be in noncompliance with designated uses, and the amount of each such pollutant discharged.

"(c) ASSESSMENT OF SEWAGE TREATMENT NEEDS.—The Administrator, in cooperation with the appropriate Federal agencies, the International Boundary and Water Commission, and affected States, shall assess the need for sewage treatment works to serve the population in the border region, the degree to which such needs will be met through funds allotted to States under section 205 and through section 510, and determined by priority lists under section 216 of this Act, and any obstacles which prevent such needs from being met.

"(d) REPORT TO CONGRESS.—Not later than three years after the date of enactment of this section and biennially thereafter, the Administrator shall submit a report to Congress concerning determinations and findings pursuant to this section along with recommendations specifying the methods and resources available, or potentially available, to water quality problems.

"(e) FUNDING AND PERSONNEL.—The Administrator may, where appropriate, make available, subject to the appropriations, such funds, personnel, and equipment as may be necessary to implement the provisions of this section.".

AUTHORIZATIONS

SEC. 27. (a) GENERAL AUTHORIZATIONS.—Amend section 517 of the Federal Water Pollution Control Act (33 U.S.C. 1376) by striking "and" after "1985," and striking the period at the end thereof and inserting in lieu thereof the following ", and $250,000,000 for each fiscal year 1991–1998.".

(b) CLEAN WATER FUND.—Amend section 517 of the Federal Water Pollution Control Act (33 U.S.C. 1376) by inserting "(a)" after the title and adding at the end thereof the following new subsection:

"(b) CLEAN WATER FUND.—(1) There is hereby established a Clean Water Fund to support the implementation of specified water pollution control programs authorized pursuant to this Act.

"(2) Funds appropriated to the Clean Water Fund shall be used to—

"(A) capitalize State water pollution control revolving loan funds established pursuant to title VI of this Act;

"(B) support implementation of nonpoint source pollution control programs authorized pursuant to section 319 and section 208(j) of this Act: *Provided*, That of the sums allotted to support such program in a fiscal year pursuant to paragraph (3), one quarter shall be reserved for implementation of programs pursuant to section 208(j);

"(C) **RESERVED**;

"(D) support grants for development and implementation of programs for the elimination of combined sewer overflows pursuant to section 406 of this Act;

"(E) support grants to States pursuant to section 106 of this Act; and

"(F) support special programs authorized pursuant to sections 112, 117, 118, 119, 120, 314, 320, 321, and 518 of this Act: *Provided*, That of sums allotted to support such programs not less than 25 per centum shall be reserved for grants pursuant to section 314: *Provided further*, That of sums, reserved to support section 314, 5 per centum shall be reserved for grants pursuant to section 120; not less than 20 per centum for grants pursuant to section 118; not less than 15 per centum shall be reserved for grants pursuant to section 320: *Provided further*, That of such sums reserved for grants pursuant to section 320, 10 per centum shall be reserved for grants pursuant to section 119; and not less than 10 per centum shall be reserved for implementation of sections 112, 117, 321, and 518.

"(3) Of such sums as are appropriated pursuant to paragraph (4) in a fiscal year, the Administrator shall allot to—

"(A) State revolving loan funds pursuant to subparagraph (2)(A), 82 per centum in fiscal year 1993, 35 per centum in fiscal year 1994, 33 per centum in fiscal year 1995, and 31 per centum in fiscal year 1996: Provided; that in no case shall the total of sums appropriated pursuant to this subparagraph or other authorizations for Title VI of this Act exceed the total of sums authorized in section 607 of this Act;

"(B) nonpoint pollution control programs pursuant to paragraph (2)(B), 20 per centum in fiscal year 1994–1996 and 30 per centum in fiscal years 1997 and 1998;

"(C) programs pursuant to subparagraph (2)(C), 16 per centum in fiscal years 1994–1996 and 26 per centum in fiscal years 1997 and 1998;

"(D) combined sewer overflow elimination programs pursuant to paragraph (2)(D), 11 per centum in fiscal year 1994, 13 per centum in fiscal year 1995, 15 per centum in fiscal year 1996, and 26 per centum in fiscal years 1997 and 1998;

"(E) to State water pollution control grants pursuant to paragraph (2)(E), 8 per centum in fiscal years 1993–1998; and

"(F) to special programs pursuant to paragraph (2)(F), 10 per centum in fiscal years 1993–1998.

"(4) There is authorized to be appropriated to support the Clean Water Fund established in paragraph (1) $2,300,000,000 in fiscal year 1993, $2,400,000,000 in fiscal year 1994, $2,500,000,000 in fiscal year 1995, $2,600,000,000 in fiscal year 1996, $2,700,000,000 in fiscal year 1997 and $2,800,000,000 in fiscal year 1998: Provided; that nothing in this paragraph shall authorize appropriations to support Title VI of this Act in excess of a total of sums authorized in section 607 of this Act and nothing in this Act shall authorize appropriations to support Title VI of this Act in fiscal years subsequent to 1996.

(c) TECHNICAL CORRECTIONS.—(1) Section 119(e)(2) of the Federal Water Pollution Control Act (33 U.S.C. 1269(e)(2)) is amended by deleting "1996" and inserting in lieu thereof "1992".

(2) Section 120(i) of the Federal Water Pollution Control Act (33 U.S.C. 1270(i)) is amended by deleting", 1992, 1993, 1994, and 1995" and inserting in lieu thereof "and 1992".

STATE REVOLVING LOAN FUNDS

SEC. 28. (a) ELIGIBILITY.—(1) Section 601(a) of the Federal Water Pollution Control Act (33 U.S.C. 1381(a)) is amended by deleting paragraph (1) and inserting in lieu thereof the following: "(1) to any municipality, intermunicipal, interstate, or State agency for constructing publicly owned treatment works (as defined in section 212 of this Act), including costs associated with obtaining necessary land, easements, and rights of way directly related to such treatment works.".

(2) Section 603(c) of the Federal Water Pollution Control Act (33 U.S.C. 1383(c)) is amended by inserting after the first sentence: "Assistance provided under clause (1)

may include costs associated with obtaining necessary land, easements and rights of way directly related to a publicly owned treatment works if not already owned by such treatment works and may not be provided in amounts greater than the assessment value of such land, easement, or right of way.".

(b) SPECIFIC REQUIREMENTS.—Section 602(b)(6) of the Federal Water Pollution Control Act (33 U.S.C. 1382(b)(6)) is amended by striking "1995" and inserting "1998" in lieu thereof, and by striking "201(g)(1),".

(c) ADMINISTRATIVE COST.—Section 603(d)(7) of the Federal Water Pollution Control Act (33 U.S.C. 1383(d)) is amended by deleting "all grant awards to such fund under this title" and inserting in lieu thereof the following: "the value of total capitalization grants received under this title and funds deposited by the State from State monies: *Provided*, That such funds shall not be available to carry out activities specified in section 205(g)(2) of this Act.".

(d) GRANTS TO CERTAIN STATES.—(1) Section 603 of the Federal Water Pollution Control Act (33 U.S.C. 1383) is amended by adding at the end thereof the following new subsection:

"(i) ASSISTANCE TO CERTAIN STATES.—(1) Sums authorized to be appropriated as capitalization grants under this title to American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, the Trust Territory of Palau (or its successor entity), the Virgin Islands, and the District of Columbia may be used for construction grants under title II of this Act at the request of the chief executive of each of these named entities.

"(2) In making a request pursuant to this paragraph, the chief executive shall submit an estimate of the total cost and amount of funds necessary for the construction of needed publicly owned treatment facilities in such entity and the necessity for using Federal capitalization grants under this title as construction grants in lieu of water pollution control revolving loan funds.

"(3) Treatment works assisted under this paragraph shall meet the requirements of this Act in the same manner as treatment works assisted under title II of this Act.".

(2) CONFORMING AMENDMENT.—Public Law 101-144 is amended under the heading "Construction Grants" by deleting the colon after "Carolina" and the remainder of that sentence through "entities".

(e) ALLOTMENT OF FUNDS.—Section 604 of the Federal Water Pollution Control Act (33 U.S.C. 1384) is amended by deleting subsection (a) and inserting in lieu thereof the following:

"(a) FORMULA.—(1) Sums authorized to be appropriated to carry out this section for each of fiscal years 1989 through 1996 shall be allotted by the Administrator in accordance with section 205(c)(2) of this Act.

"(2) Prior to making allotments among the States under this subsection, the Administrator shall reserve 25 per centum from sums appropriated pursuant to section 517(b)(3) for each fiscal year beginning after September 30, 1992. Funds reserved under this paragraph shall be available for incentive capitalization grants under subsection (d)(1) of this section.".

(f) INCENTIVE CAPITALIZATION GRANTS.—(1) Section 604 of the Federal Water Pollution Control Act (33 U.S.C. 1384) is amended by adding at the end thereof the following:

"(d) INCENTIVE CAPITALIZATION GRANTS.—(1) In any year after fiscal year 1992 in which a State deposits in a water pollution control revolving fund from State moneys an amount equal to sums deposited under section 602(b)(2) of this Act in fiscal year 1991, the Administrator shall make an incentive capitalization grant award to such State.

"(2) The amount of any incentive capitalization grant award to a State shall be determined based on the proportionate share of such State in the last allotment of sums under section 604(a).

"(3) A State shall deposit an incentive capitalization grant award in a water pollution control revolving fund established by the State in accordance with this title.

"(4) Beginning in fiscal year 1994, any funds reserved by the Administrator for the previous fiscal year under subsection (a) that have not been allotted as incentive capitalization grant awards shall be distributed by the Administrator among all States that have received such awards during the previous fiscal year. Such reallotment shall be determined based on the proportionate share of such State in the last allotment of sums under section 604(a).

(2) Section 602(b)(2) of the Federal Water Pollution Control Act (33 U.S.C. 1382(b)(2)) is amended by deleting "of the total amount of all capitalization grants which will be made to the State with funds to be made available under this title" and inserting in lieu thereof the following: "of the total amount of all capitalization grants which will be made to the State with funds allotted under section 604(a)(1)".

(g) CONFORMING AMENDMENTS.—(1) Section 205(c) of the Federal Water Pollution Control Act (33 U.S.C. 1285(c)) is amended by striking out "and" after "1989," and inserting after "1990" the following: ", 1991-1996".

(2) Section 205(m) of the Federal Water Pollution Control Act (33 U.S.C. 1285(m)) is amended by adding at the end thereof the following:

"(4) REALLOTTED FUNDS.—Beginning in fiscal year 1992, upon request of the Governor of a State, the Administrator shall make available to the State for deposit, as capitalization grants in a water pollution control revolving fund established by such State under title VI, any sums made available to such State by reallotment under subsection (d).".

(h) PLANNING FUNDS.—Section 604(b) of the Federal Water Pollution Control Act (33 U.S.C. 1384(b)) is amended to read as follows:

"(b) RESERVATION OF FUNDS FOR PLANNING.—Each State may reserve each fiscal year through fiscal year 1996 an amount up to 1 per centum of the funds allotted to such State under this section for such fiscal year or $100,000.00, whichever amount is the greater, to carry out planning under paragraph 205(j)(2) of this Act.".

(i) INNOVATIVE PROJECTS.—(1) Section 603(d) of the Federal Water Pollution Control Act (33 U.S.C. 1383(d)) is amended by deleting "and" at the end of paragraph (1)(C), inserting "and" at the end of paragraph (1)(D), and inserting the following at the end of paragraph (1)—

"(E) in the case of financial assistance for publicly owned treatment works utilizing treatment processes and technologies which, in the judgement of the Administrator, are innovative, such loans are made at or below market interest rates, including interest free loans, at terms not to exceed forty years: *Provided*, That no more than 5 per centum of the capitalized value of a water pollution control revolving fund of a State may be used to provide assistance under such terms;".

(2) USE OF UNOBLIGATED FUNDS.—Section 604(c) of the Federal Water Pollution Control Act (33 U.S.C. 1384(c)) is amended by deleting paragraph (2) and inserting in lieu thereof the following:

"(2) USE OF UNOBLIGATED FUNDS.—The amount of any allotment not obligated by the State by the last day of the two-year period of availability established by paragraph (1) shall be deposited in an unobligated funds account in the United States Treasury. From sums in such account, the Administrator is authorized to make a grant to fund all of the costs of a modification or replacement of any processes and technologies funded under this title utilizing innovative or alternative processes and technologies. The Administrator may make such a grant based upon a finding that such processes and technologies have not met design performance specifications unless such failure is attributable to negligence on the part of any person and if such failure has significantly increased capital or operation and maintenance expenditures. Sums deposited in an unobligated funds account shall remain available until expended.".

(j) REPAYMENT REQUIREMENTS.—Section 603(d) of the Federal Water Pollution Control Act (33 USC 1383(d)) is amended by deleting "1 year" in clause (1)(B) and inserting in lieu thereof "3 years" and deleting "after project completion" and inserting in lieu thereof "following the commencement of such payments".

(k) LOAN PRINCIPAL.—Section 603(d) of the Federal Water Pollution Control Act (33 U.S.C. 1383(d)) is amended by inserting after "1985" in paragraph (2) the following: ", or to reduce the principal of such debt obligations to not less than 85 per centum where such debt obligations were incurred after May 15, 1991, and where the State has determined that the municipality, intermunicipality, or interstate agency would not otherwise be able to afford to undertake a project with assistance under this title".

(l) MISCELLANEOUS TITLE II AMENDMENTS.—(1) Section 212 of the Federal Water Pollution Control Act (33 U.S.C. 1292) is amended by adding at the end thereof the following—

"(4) The term 'existing community' as used in this Act means a municipality created by or pursuant to State law as of May 15, 1991.".

(2) Section 218(c) of the Federal Water Pollution Control Act (33 U.S.C. 1298(c)) is amended by striking "$10,000,000" and inserting in lieu thereof "$20,000,000".

WATER POLLUTION PREVENTION AND CONTROL ACT SECTION-BY-SECTION SUMMARY

Section 1 is the short title of the bill, to be cited as "Water Pollution Prevention and Control Act of 1991."

Section 2 presents Congressional findings on water pollution problems that adversely affects the Nation's waters and the need for enhanced programs in the Clean Water Act.

Section 3 addresses the need for improved water quality research programs. It refocuses current research programs on priority problems, establishes a National Water Quality Research Committee to advise EPA on major water quality research needs, and authorizes $80 million annually through FY 1998 to fund water quality research.

Section 4 authorizes programs to demonstrate new or significantly improved water pollution control practices, methods, technologies, or processes. Projects assisted will be those which advance the control of point and nonpoint sources of water pollution, sewage sludge management, and pollution prevention.

Section 5 authorizes grants for comprehensive State water quality management programs. Minimum State program activities

are identified. Twenty-five percent of funds authorized will be reserved for distribution by EPA to support innovative State pollution control and prevention activities.

Section 6 establishes programs for training operators of municipal and industrial wastewater treatment works and other water quality control facilities and for certifying the proficiency of treatment plant operators.

Section 7 modifies provisions of the Act concerning effluent limitations applicable to existing and new industrial sources that treat their own wastes and discharge directly to surface waters. EPA is to publish updated industrial source control regulations no less often than 7 years after promulgation and requires that new and revised guidelines provide for pollutant reductions to attain the best available technology that is economically achievable.

This section specifies that regulations for existing and new dischargers are to be published simultaneously, when EPA issues new or revised standards, and are to provide equivalent stringency of control. Industrial sources are to pay fees to support EPA's administrative costs in developing regulations for particular industry categories. An Advisory Committee is established to assist EPA in developing standards and guidelines for industrial and municipal waste dischargers.

Section 8 strengthens water quality standards provisions of the law. It directs EPA to prepare a plan and schedule for publishing water quality criteria for conventional, nonconventional, and toxic pollutants necessary to assure protection of human health and ecosystems, including sediments. States are to adopt use designations for all rivers, streams, lakes, estuarine regions, and waters of the contiguous zone in the State, as well as enforceable water and sediment quality standards consistent with EPA criteria for the same waterbodies. EPA will promulgate standards if a State fails to do so within specified periods of time.

This section also revises elements to be included in a State's continuing planning process for water pollution control. Procedures for developing total maximum daily loads of pollutants in waterbodies that have not attained water and sediment quality standards are revised. Existing policy to prevent degradation of water quality is clarified. States are to designate outstanding national resource waters including waters of national parks and wildlife refuges and related areas of ecological importance and assure that the quality of such waters is protected and maintained.

Section 9 expands the existing process for enhanced pollution control programs in priority waterbodies that have not attained water quality standards. The process involves development of individual control strategies for control of discharges and expansion of related pollution control authorities, including authority for consideration of biological criteria.

Section 10 directs States to carry out comprehensive monitoring programs as the primary means of assessing water quality. A Water Quality Monitoring Council is established to coordinate Federal and State programs.

Section 11 expands the existing authority for EPA to prohibit the discharge of pollutants which are highly toxic or bioaccumulative. The process for listing toxic pollutants is clarified.

Section 12 strengthens programs to control pollutants that are discharged by industry to sewers for treatment by publicly owned sewage treatment works. Under section 307 of the Act, these sources are required to pretreat wastes that would interfere with the treatment works or sludge produced by the treatment works. EPA is directed to publish pretreatment standards for industrial categories for which regulations to control direct discharges have been issued.

This section clarifies elements in EPA regulations for general and categorical pretreatment standards that apply to these indirect dischargers (such as monitoring and reporting) and requires that large treatment works (those with approved pretreatment programs) establish local limits on discharges by industrial sources that are not subject to EPA industry-specific standards. These local limit requirements are to be as stringent as national pretreatment standards.

Section 13 contains a number of amendments of enforcement provisions of the Act. The amendments specify that enforcement actions may be brought for past, as well as current, violations; permit courts to order that penalties be used for beneficial water quality projects or to restore damaged natural resources; require public notification of significant noncompliance by discharges; and withhold funds from States that fail to adopt minimum administrative civil penalties.

Section 14 directs sewage treatment facilities serving populations of more than 50,000 persons to develop specific programs to prevent the introduction of nonindustrial toxic pollutants into the treatment works. These influent interdiction programs will give priority to sources, that contribute toxic pollutants resulting in water quality standard violations in local receiving waters.

Section 15 builds upon existing nonpoint source pollution management programs in section 319 of the Act. It directs EPA to publish guidelines specifying minimum elements of State nonpoint pollution management programs, including the identification of economically achievable management measures to control pollution inputs from categories of nonpoint sources. States are to update their section 319 nonpoint source management plans to reflect the EPA quidelines, or Federal funds will be withheld.

New authority is provided to assure that Federal agencies implement nonpoint pollution management measures on lands that they manage. EPA is to assure that commercial fertilizes used within critical watershed areas are guided by site specific soil tests. Finally, the agricultural Rural Clean Water Program provided for in the Act is revised and reauthorized.

Section 16 establishes a new section 321 and authorizes EPA to support management conferences for major river systems of national significance. Management conferences are to assess the overall condition of river systems and develop conservation and management plans to protect these resources. This new provision is similar to the National Estuary Program in section 320 of the Act.

Section 17 contains various modifications to section 402 concerning discharge permits. Section 402 permits are to incorporate pollution prevention concepts, authority for permit revision is clarified, dischargers with other permits in violations would be unable to obtain permits for new discharges, and planning of new facilities and issuance of a permit would be coordinated.

Section 18 revises and clarifies existing authority for consideration of biological criteria in issuing of discharge permits. The EPA is provided the discretion to consider biological criteria in issuing permits for discharges to water other than marine waters.

Section 19 clarifies procedures for resolving interstate disputes over the issuance of a permit or discharges of pollutants that violate an adjacent State's water quality requirement.

Section 20 requires States to inventory overflows from combined storm water and sanitary sewers (CSOs). Municipalities with CSOs are to develop and implement CSO elimination programs as expeditiously as practicable but in no case more than 7 years after program approval by EPA (or, no more than 5 years, in the case of problem waterbodies. Control programs must be adequate to prevent overflows resulting from a one-year, six-hour storm event. Title VI of the Act is amended to make CSO elimination prorgams eligible for funding under a State's water quality revolving loan fund.

Section 21 requires States to collect fees from industrial and municipal point source dischargers to cover the cost of issuing discharge permits. Fees are to be adequate to recover 60 percent of the costs of administering the State's water quality program.

Section 22 updates worker protection provisions of the Act to protect employees from retaliation when they refuse to obey an illegal order or one that would be dangerous to public health or the environment.

Section 23 prescribes reports required of EPA and includes a requirement for an expanded needs assessment of costs to provide water quality infrastructure.

Section 24 modifies section 518 of the Act to increase funds available to Indian tribes for wastewater treatment works construction and nonpoint source pollution management. Planning assistance funds for Indian tribes are authorized.

Section 25 requires environmental audits of facilities which discharge to water and are subject to Toxic Release Inventory provisions of section 313 of SARA to determine compliance with discharge permits. EPA rules will specify audit schedules and priorities of facilities subject to auditing. EPA is to certify environmental auditors.

Section 26 authorizes the United States to work with the government of Mexico to establish a program for water quality improvement and pollution prevention in the U.S.-Mexico border region. EPA is directed to assess water quality in the region and report to Congress on water quality protection issues and sewage treatment needs on both the U.S. and Mexico sides of the border.

Section 27 establishes a Clean Water Fund to implement the Act and authorizes funds to be appropriated from it. Authorized amounts are $2.3 billion in FY 1993, $2.4 billion in FY 1994, $2.5 billion in FY 1995, $2.6 billion in FY 1996, $2.7 billion in FY 1997, and $2.8 billion in FY 1998. This section specifies as percentages of the Fund to support—

Capitalization of State revolving funds under title VI;

Nonpoint source management programs;

Small community environmental assistance;

Combined sewer overflow elimination;

State water quality management grants; and

Other special programs such as clean lakes, the National Estuary Program, Chesapeake Bay, and Great Lakes.

Section 28 provides various operational amendments to title VI, State water pollution control revolving funds, including that the purchase of necessary lands and easements shall be an eligible use of the SRF. Allotment of funds under the current formula is continued through FY 1996, but EPA is authorized to award incentive capitalization

grants to States that maintain State matching fund contributions at FY 1991 levels. Loan repayments of 40 years are allowed in the case of innovative wastewater treatment projects (20 years is the normal repayment period).•

• Mr. CHAFEE. Mr. President, I am pleased to join with Senator BAUCUS as a sponsor of the Water Pollution Prevention and Control Act of 1991. With the introduction of this bill, we begin the process of amending the Clean Water Act for the third time since the basic foundation was laid in 1972.

There is still work to be done. Although our efforts to control pollution from industrial point sources and municipal sewage treatment plants have met some success over the past 20 years, many significant problems remain. In particular, the problem of nonpoint pollution—that is, runoff from city streets and farmlands—continues to be a significant threat to the quality of our waters.

We last amended the Clean Water Act in 1987. The bill was called the Water Quality Act. It passed by overwhelming margins here in the Congress despite two Presidential vetoes. That legislation contained significant provisions. Perhaps most significant, it provided for the phaseout of the grant program for the construction of municipal sewage treatment plants.

Rather than make grants directly to local governments, we now make grants to States to capitalize revolving loan funds. We authorized $18 billion for the phaseout of construction grants and as seed money for the State revolving funds in 1987. The final year of authorization is to be 1994. Although we have not appropriated the full amount that was authorized, the transition to State loan programs has been accomplished. Every State now has a revolving fund.

I am pleased to say that the bill we are introducing today keeps the commitments made in 1987. This bill declares an end to the Federal role in financing sewage treatment plants. No additional funds are authorized for that purpose. We do assure that the full $18 billion authorized in 1987 will get to the States, despite the lag we have experienced in appropriations. But we are not going beyond $18 billion.

The construction grant program has reflected a major Federal effort to improve the quality of our Nation's waters. At the time I became chairman of the Environmental Protection Subcommittee in 1981, the Federal Government was spending more than $5 billion per year on construction grants. In total, the national Government has invested more than $60 billion in local treatment plants. Even under the phaseout that is currently being implemented, appropriations for State revolving loan funds are approximately $2 billion this year. But the spending rate declines rapidly between now and 1994.

Now that the end of sewage treatment grants is finally in sight, we face important questions. What is the future role of the Federal Government in protecting water quality? This bill provides some answers. The problems it addresses, both with a continuing financial commitment of approximately $2 billion per year and with new programmatic initiatives, include nonpoint source pollution, combined sewer overflows, and small community assistance. The bill also contains funds for the protection of important estuaries, rivers, and lakes.

But the future of Federal clean water spending is only one of the important themes in this legislation. This bill also includes significant pollution prevention initiatives for industrial dischargers. It provides new funds to operate State programs through the imposition of fees for NPDES permits. It expands and strengthens the role of State water quality standards. And it focuses on nonpoint source pollution as the principal source of water pollution today. I will touch on each of those themes briefly, Mr. President.

POLLUTION PREVENTION

It is fair to say that some of the success we have achieved in cleaning up our surface waters has come at the expense of other environmental resources—like ground water and air quality. Frequently, an industrial discharger, required to stop polluting the river or lake, builds a surface impoundment or an injection well, that simply shifts the pollution to the water in aquifers under ground. There are other pollution control technologies, like air-stripping, that take the pollutants out of the water and put them into the air.

In the jargon of environmental regulation, this is called cross-media pollution—shifting the problem from one environmental resource to another. The technology standards of the Clean Water Act, the effluent guidelines that apply to direct dischargers and the pretreatment standards that apply to indirect dischargers, have been the cause of significant cross-media pollution. This bill amends EPA's authority to issue effluent guidelines and pretreatment standards to correct that problem in three steps.

First, in writing an industrial standard, EPA is to rely on toxic use and waste reduction measures to the maximum extent practicable. Toxic use reduction means not using a harmful substance in the production process, if it can be avoided. This is not only good for water quality, it also protects workers at the plant from exposure, it protects the community from accidental releases of these substances, and it assures that no pollutants will be shifted to the air or the ground water as a part of the water pollution control effort. The bill says that EPA should prohibit or limit the use of toxic substances or the generation of toxic wastes in the production process wherever that can be done.

Second, the bill directs EPA to limit releases to other environmental media. Under current law an effluent guideline or pretreatment standard is a performance standard meaning that the plant owner is free to meet the discharge limitation in any way he or she chooses. If that is a surface impoundment that percolates some of the toxics to ground water and evaporates the rest to air, that's OK under the current Clean Water Act. But not under this bill. New effluent guidelines and pretreatment standards will require that these toxics be contained and disposed, to the extent generated at all, in ways that will prevent environmental release.

The third step in this pollution prevention effort is authority for EPA to completely ban a particular water pollution control technology, like air-stripping, where EPA finds that it causes more environmental harm than the benefit it provides.

Mr. President, the Congress has already committed the Nation to pollution prevention as an environmental protection strategy. Last year, we passed the Pollution Prevention Act which built on the toxic release reporting requirements of the 1986 superfund amendments. The legislation we are introducing today will take another big step by assuring that industrial water pollution control requirements under the Clean Water Act will reflect a pollution prevention and toxic use reduction strategy in the future.

STATE RESOURCES

Another major theme in this legislation is adequate resources to carry out programs. The 1987 Water Quality Act contained many important initiatives on nonpoint pollution, control of toxic pollutants, and enforcement of permits and other requirements. But we have yet to see the full promise of the 1987 law because EPA and the States are starved for resources to carry out the act. Appropriations for the water programs of EPA have not been substantially increased to reflect the new responsibilities.

And States have actually lost ground as the construction grants program is phased out. The old grant program allowed States to use a portion of the Federal aid as administrative overhead to run their programs. That source of support to the States is not included in the revolving loan fund capitalization grants.

A recent EPA report indicated that States have a large and growing gap between their responsibilities and their resources. That study, conducted jointly with the State water pollution control administrators, indicated a short-

fall of more than $200 million in 1992 in State program funds.

A partial solution to that problem is readily available and supported by ample precedent. The clean air legislation which we passed last year contained a new requirement for operating permits for each stationary source emitting pollutants to the air. Each source is to pay a fee at the time it receives its permit. The fee is paid to the State which uses the revenue to pay for its costs in reviewing the permit application and in conducting other air quality activities like monitoring and enforcement to assure that the State program is successful.

We have included a comparable provision for water quality programs in the bill we are introducing today. Each source operating under an NPDES permit, and there are approximately 65,000 sources with water permits, will pay an annual fee to the State agency. We expect these fees to raise $300 million per year or about 60 percent of the cost of the water quality programs at the State level. For small sources, the fee will be about $2,500 per year. Major industrial sources, like chemical plants and paper mills and oil refineries, and very large municipal sewage treatment plants will pay substantially more. No fee is imposed for permits issued under section 404.

WATER QUALITY STANDARDS

A fourth theme in this legislation relates to the role of State water quality standards in protecting the wildlife, recreational, and public health values of our Nation's waters. The Clean Water Act has two major facets. One is the technology-based standards which apply to point source dischargers. Under current law, every industrial source is to control toxic pollutants in its effluent to a level reflecting best available control technology. Every municipal waste water treatment plant is to treat to a level called secondary treatment. These are technology standards established by EPA which apply across the country.

The second facet of the Clean Water Act protection program is more local. It is based on a series of water quality standards developed by the State. Actually, the standard-setting process begins with EPA which develops scientific assessments of various pollutants and publishes the assessments in papers called criteria documents. The next step is for the States to designate a use for each waterbody. Some waters may be used only for agricultural or industrial purposes. Some may be used for recreation like swimming. Some may be sources of drinking water. Others support unique aquatic organisms which require special conditions. A basic goal of the act is for all waters to be fishable and swimmable. That means water quality is to be adequate to support the indigenous population of aquatic life and to support recreation and human consumption of fish or shellfish which may be taken from the water.

Under current law, States are to set specific water quality standards for each of the waters in the State depending on the designated use. These standards are to cover a large range of pollutants including nutrient loadings, temperature, and the 126 toxic pollutants. The actual quality of the waters are then compared to these standards, and where waters are impaired or not meeting standards, States are to impose additional requirements in the permits for point sources and to take steps under their nonpoint pollution control programs for diffuse sources to assure that designated uses are met.

That is the theory of the Clean Water Act. Unfortunately, it has not worked that well in practice. There are a variety of reasons for the failure. EPA's criteria documents have focused almost exclusively on the toxic and conventional pollutants which might be discharged by point sources. Very little science has been developed to understand the nonpoint problems. EPA's criteria are also almost exclusively devoted to water chemistry. They have not focused on sediment quality or habitat loss or the physical characteristics of the waterbody that may impair, just as surely as a toxic discharge, its use.

The States have failed to translate EPA's scientific criteria into site-specific standards that apply to a particular waterbody. Even where States have developed standards, their use in water quality protection programs is limited. The actual quality of more than half the river and stream miles and a significant portion of the lake and estuary areas have not been assessed by State monitoring. Methods to translate water quality standards into permit limits or best management practices for nonpoint sources are not well-developed and are expensive where they have been used. Mixing zones and other mechanisms have been used to avoid the bite of State water quality standards in some cases.

The 1987 Water Quality Act began the effort to fortify the aspects of the Clean Water Act that depend on State water quality standards. It included a requirement that States adopt standards for each pollutant for which EPA has issued a criteria document. We are still a considerable distance from full compliance with that requirement. And the 1987 amendments added a new section 304(l) calling for each State to list those waterbodies not meeting State water quality standards. The States have done only a partial assessment, in most States using only a handful of standards, and nevertheless the list produced by this exercise identified more than 17,000 waterbodies nationwide that are not meeting water quality standards.

The bill we are introducing today builds on the beginning made in 1987. It requires EPA to update existing criteria, to develop criteria for sediment quality and other parameters, to assure that criteria fully protect uses like subsistence or recreational fishing, and to designate uses and establish standards for marine waters.

States are asked to set standards for the full range of pollutants, to update the 304(l) process to identify impaired waters and to take specific steps to correct the pollution problems which are causing impairment. If States fail to set standards, the criteria which EPA has established will automatically apply to waters in that State.

NONPOINT SOURCE POLLUTION

A final theme in this legislation is the control of nonpoint source pollution.

The major source of water pollution in the United States today is agricultural runoff. Much of that is from the storage and use of animal wastes.

Every 2 years EPA compiles an inventory on the quality of the Nation's waters. It's an assessment of the rivers, streams, lakes, and estaries that are not meeting uses because of pollution. The inventory also identifies the source of pollution causing the problem for each waterbody.

The 1988 report indicates that nonprofit pollution is the source of the problem for 76 percent of the impaired lake acres, 65 percent of the impaired river and stream miles, and 45 percent of the impaired estuary square miles. There are various sources of nonpoint pollution including urban runoff, forestry practices, construction activities, mining, and so on. But the EPA inventory indicates that agricultural runoff is the nonpoint source responsible for 50 to 70 percent of the nonpoint pollution which is causing water quality impairment. By way of comparison, the next largest source is urban runoff at 5 to 15 percent.

If we are to make further progress in cleaning up the Nation's waters it is clear that we need to do more to control sources of agricultural pollution.

The 1987 Water Quality Act initiated a new effort. Under that legislation, States were to identify waters adversely affected by nonpoint pollution, the specific sources causing the problem, and the best management practices [BMP's] that would allow water quality standards to be met. State programs to encourage the use of identified BMP's could take a variety of forms including regulations, demonstrations, education, and technical assistance. The legislation promised $400 million in Federal grants over 4 years to support new State programs.

Results under the 1987 amendments have been meager, at best. A very few States have developed good programs. But good programs are the exception, not the rule.

Part of the failure is here in the Congress. For the first 2 years we failed to make any appropriation to support this new program. Rather than $400 million over 4 years, we have supplied only $86 million and that only recently.

Part of the failure is in the structure of section 319 of the act which establishes this new program. The expectations set in that legislation are not high expectations. The authority provided to EPA and the States is not adequate to do the job. The solutions are not targeted to the problem. The law doesn't recognize the great gap between a Federal program designed by EPA and the needs and interests of the family farmers who must implement the measures that will protect water quality.

There have been recent legislative developments which give hope. Last year in the budget reconciliation measure, the Congress added new nonpoint authorities for coastal areas. As part of the reauthorization of the coastal zone management program, amendments were made to section 319 of the Clean Water Act. Under that legislation, EPA is about to issue a menu of nonpoint source pollution control measures that can be applied to various sources. And States are required to develop enforceable programs to apply these BMP's to nonpoint sources in coastal areas. If States fail to implement the EPA guidance, they lose a portion of their Federal grants.

The legislation we are introducing today builds on the coastal zone amendments adopted in 1990. It would apply essentially the same scheme across the entire United States. The bill also provides substantial new funds for State nonpoint programs, reauthorizes the Rural Clean Water Program and includes provisions to regulate the application of commercial fertilizer.

But I believe that more needs to be done. It seems to me that we still do not have a formula here that will be successful for the individual farmer. One avenue I am exploring is a linkage between the nonpoint pollution control requirements of the Clean Water Act and the farm program that we enacted in the 1990 farm bill. The farm program authorizes county soil conservation service officials to assist farmers in the development of water quality management plans. It also provides financial support for the implementation of those plans. To the extent we could use that infrastructure to meet our objectives for nonpoint pollution control, we would have a better prospect of success.

In addition, I believe that we need to focus directly on the animal waste problem. Commercial fertilizer is a significant source of ground water pollution and may cause runoff problems in some areas, but the principal threat is animal waste. It is not simply the nutrients, but also the biological agents in animal wastes, that cause pollution problems. As this legislation is considered over the next few months, it is my hope that we will strengthen the nonpoint section so that it incorporates the planning infrastructure of the farm program and so that it focuses on the most serious nonpoint problems.

OTHER PROVISIONS

Mr. President, there are several other provisions of the bill which I would mention briefly. One is the modification to the so-called domestic sewage exclusion that exists under the Solid Waste Disposal Act or RCRA, as it is called. Wastes dischraged by an industry into a sewer line connected to a publicly owned treatment works enjoy a special status under RCRA. When any waste is mixed with domestic sewage—that is, sanitary wastes from residences—it is not considered a solid waste under RCRA.

That means it is also not a hazardous waste. This is a major loophole in the hazardous waste regulatory system which has been developed in this country. Sewage is not a waste and anything mixed with it is not a hazardous waste either. Many industries take advantage of this exemption to avoid the cradle-to-grave regulatory program for hazardous waste which is imposed by subtitle C of RCRA. In fact, some studies show that more material that would otherwise be a hazardous waste is discharged to sewers than the actual amount of hazardous waste that is managed under subtitle C of RCRA.

This bill partially closes that loophole. It says that mixture of industrial wastes with domestic sewage will not exempt a discharge from RCRA, unless that discharge is governed by a pretreatment standard under the Clean Water Act. This will not affect the POTW accepting the waste, only the industrial discharger. Stated simply, there is to be no exemption from RCRA unless a national pretreatment standard reflecting best available technology or a local limit equivalent to RCRA treatment requirements is applied to the discharge.

A second item involves amendments to section 304(m) of the act. The 1987 Water Quality Act required EPA to develop a plan for the promulgation and revision of industrial effluent guidelines. EPA did publish a plan, but it was woefully inadequate. EPA was sued by an environmental group for various alleged failures in the plan and recently a district court awarded a summary judgment to the environmental group in the case. This means the court will supervise the development of an explicit schedule for the promulgation and revision of effluent guidelines. It would be our intention to add that schedule to the statutory language in section 304(m) after it is developed and a place in this bill is reserved for that purpose.

A third item is the provision on interstate dispute resolution. These disputes arise when a permitted source in one State causes violation of water quality standards in a downstream State. The bill includes amendments giving EPA authority to resolve these disputes. Much of the language is taken from a clean water bill which the Senate passed in 1985. That Senate provision was subsequently dropped in the conference with the House on the 1987 Water Quality Act. In this bill, some additional langauge has been added to that original Senate provision. The new language provides balance to the provision to assure that the downstream State does not use the dispute resolution authority in a discriminatory way against facilities in neighboring States. Our recent experience with the solid waste wars between the States suggested this additional protection.

During the last reauthorization of the Clean Water Act in 1987, amendments were made to the act's enforcement provisions significantly strengthening the ability of EPA, States and citizens to bring violators into compliance with the act and to impose penalties for such violations. On the whole, it appears that these provisions have been successful in improving accountability by the regulated community. However, it has come to our attention that additional improvements could be made in five general areas.

First, as a result of a decision by the U.S. Supreme Court in the case of *Chesapeake Bay Foundation* v. *Gwaltney of Smithfield, Ltd.*, 484 U.S. 49 (1987), citizens are precluded from bringing enforcement actions for wholly past violations of the Clean Water Act. In Gwaltney, despite the defendant's repeated violations of conditions in his NPDES permit between 1981 and 1984, the suit, seeking civil penalties and an injunction, was dismissed because it had been filed 1 month after the defendant's last reported violation had occurred. It is important to note that the citizens, as required by law, notified the defendant, the EPA, and the State water authorities of their intention to sue for the violations well in advance of actually filing suit.

Nevertheless, the court found that, once the defendant came into compliance with the act, the operative language of the statute providing authority for citizens to sue any person "* * * alleged to be in violation" of the conditions of a permit, precluded the citizens' from filing suit and recovering for past damages caused by the defendant's repeated violations.

It was not the intention of Congress to allow a person responsible for violating effluent limits to escape accountability for his actions. Such a policy would only encourage the worst of the repeat offenders to continue violating permit limits until the point when

they received notice, as required by law, of an impending citizens suit. Where damage caused by repeated violation of the Clean Water Act occurs, even where the violation is wholly past, the responsible person should be held accountable.

The bill we are introducing today addresses this problem by clarifying that citizens may bring suit against any person "who is alleged to have violated (if there is evidence that the alleged violation has been repeated) * * * any effleunt standard or limitation under this act * * *." This amendment is identical to the amendment agreed to by the Clean Air Act conferees and enacted into law last year as part of the Clean Air Act Amendments. The amendment effectively overrules Gwaltney but does so in a manner that will protect those who discover a single violation and promptly correct it before it is repeated.

Second, the bill provides courts with the authority to direct that civil penalties be used for beneficial projects to restore or otherwise improve the water quality, wildlife or habitat damaged as a result of a defendant's violation of the act. Civil penalties will go to the treasury or to improving the environment as deemed appropriate by the judge. It also permits courts to order a defendant to undertake actions to restore natural resources destroyed as a result of the violation.

The use of civil penalties to restore damaged resources through the funding of beneficial use projects is a policy that was proposed and passed as part of the clean Air Act Amendments last Congress.

Third, the bill revises section 504, the emergency powers provision of the act, in three ways so that the scope of the section conforms to other environmental statutes. The amendment clarifies that the Administrator has the authority to use emergency powers in situations where sources may present and imminent and substantial endangerment to public health, welfare or the environment. Currently, the authority is limited to situations where human health or the economic livelihood of a person is in danger. As in other statutes, such as section 7003 of the Resource Conservation and Recovery Act [RCRA], this amendment permits EPA to take action before the damage is done and provides the authority to protect against environmental damage in addition to health and economic livelihood.

Our amendments to section 504 also permit the Administrator to seek court enforcement of any order issued under this section where a violator willfully violates or fails or refuses to comply with such order. Again, this amendment is in accord with similar authority provided in RCRA as well as in section 1431 of the Safe Drinking Water Act.

It is our hope that the changes we are proposing to this section will encourage the Agency to more readily use this authority when an imminent and substantial endangerment situation arises.

Fourth, the amendments provide the public with information about violations of the act. Not only will the Administrator be required to make the data in the Agency's permit compliance system accessible to the public, but notice of significant violations by major pollution discharge sources will be published in local newspapers at least quarterly.

This amendment is based on the community-right-to-know law which has been extremely successful in encouraging major generators of toxic substances to reduce their dependence on these substances. Like the disclosure provisions in the community-right-to-know law, this provision is also based on the idea that citizens have a right to know when significant threats to their health or environment are present in their communities. This amendment seeks to provide the public with the basic tools to educate themselves about potential threats which may exist in their areas.

Finally, the bill requires States to adopt an administrative penalty policy in accordance with the Federal administrative penalty policy as a condition of plan approval under section 402 of the act. In 1987, we provided EPA and the Secretary of the Army with new authority to assess administrative penalties for violations of the act. This authority has proven to be instrumental in assuring the timely, effective resolution of hundreds of violations of the act.

Currently, a few States have already adopted similar administrative penalty policies. This amendment seeks to move the remaining States in the same direction.

Transboundary water pollution issues are addressed in the United States/Mexico border section of the Water Pollution and Prevention Control Act of 1991. Section 26 establishes a program to monitor and improve water quality in the regions along the international border between the United States and Mexico. The program is modeled after section 815 of the Clean Air Act, and involves a cooperative interagency and binational effort.

The monitoring program will be coordinated by the Administrator of the U.S. Environmental Protection Agency [EPA]. Data assembled under the water quality inventory will determine which waterbodies are not in compliance with designated uses. Sources and amounts of pollutants will also be determined.

A needs assessment report will be submitted to Congress 3 years from the date of enactment of the legislation. The report will assess the need for sewage treatment works in the region, as well as the funds allotted to the States for such projects and priorities. The report will include recommendations specifying the resources available to meet the needs.

Finally, I would like to express concern about the provisions in the bill related to combined sewer overflows, also known as CSO's. CSO's occur in sewer systems that also handle excess water generated during storm events or snow melts. These combined systems, found mostly in the upper eastern, upper midwest and upper far west regions of the country, represented state of the art sanitary sewer system technology when built around the turn of the century. However, today many of these systems spew a foul mixture of raw sewage and untreated toxic pollutants from industrial sources and road surfaces each time it rains.

CSO's are responsible for hundreds of beach and shellfish closings each year. Unsafe levels of bacteria in swimming waters and the bioaccumulation of toxic substances in the organisms that live in the CSO receiving waters, cost the tourism and fishing industries thousands of dollars each year, while offending our senses and degrading the integrity of much of our Nation's water resources.

In Rhode Island, millions of gallons of raw sewage can flow into the Seekonk River during a storm event and the remedy is expected to cost up to $150 million.

Until recently, CSO's had not been a high priority to either Federal or State efforts to improve the quality of our waters. Instead, attention and resources were directed toward contruction of new water treatment plants and installing secondary treatment in existing plants. While there is no question that these efforts were necessary and successful, it is time to turn some or our attention to controlling CSO's.

Unfortunately, controlling CSO's is, as many things are, easier said than done. The Environmental Protection Agency has estimated that the cost of eliminating CSO's could be as much as $100 billion. At at time when the Nation is facing a potential tab of $1 trillion for the S&L bailout, as well as demands to improve our educational, health, and housing infrastructure to name a few, we must be sensitive to finding a balanced, safe approach to controlling CSO's.

To require the blanket elimination of all CSO's in the event of a 1-year, 6-hour storm, does not take into account the legitimate constraints on local resources or the great variability associated with each combined sewer system. Depending on the consistutents in the overflow, the quality and use of the receiving waters and the particular geology, climate and hydrology of the CSO area, total elimination may be unnecessary and certainly will be costly.

I am looking foward to our upcoming hearings on this bill, particularly on this provision. I think we will need to hear from and listen closely to State and local officials about the unique nature of many of these systems in our efforts to fashion a Federal solution to this problem which is flexible, affordable, and protective.

Mr. President, I urge my colleagues to carefully review the provisions of this bill. We will have extensive hearings in the Environment and Public Works Committee on this legislation. We begin next week on Tuesday, when the Administrator of the Environmental Protection Agency, Bill Reilly, will testify before the committee. The House has already begun its hearings and there is every reason to believe that this Congress will enact a reauthorization of the clean water program. So, Members should put this bill on their agenda and let us know of their needs and interests. Thank you, Mr. President.•

• Mr. LAUTENBERG. Mr. President, I am pleased to join in introducing the Water Pollution Prevention and Control Act. This bill sends a clear signal that we intend to continue our fight to restore and maintain the integrity of our Nation's waters.

Mr. President, we have made tremendous progress over the last 20 years in cleaning up our waters. We no longer hear stories about rivers catching on fire, fish are returning to our Nation's rivers and estuaries, and we have significantly reduced the amount of raw sewage we discharge into our waterways.

Yet significant problems still remain. We have inadequately addressed urban and agricultural runoff. EPA has found 76 different toxic pollutants in urban stormwater, and pesticides and herbicides are found all too often in our waterways. Agricultural and urban runoff are the primary causes of our Nation's waterways failing to achieve water quality standards.

We have yet to control discharges from combined sewers. Whenever it rains, we face the prospect of discharges of raw sewage, garbage, runoff, and toxic chemicals bypassing existing treatment systems and being discharged into our waterways. Approximately 40 million people live in cities with combined sewer overflows [CSO's]. Over half of these CSO's are located in marine and estuarine areas. In the Northeastern United States in 1989, over 250,000 acres of shellfish waters are affected by these raw sewage flows. And billions are lost every year because of marine and Great Lakes beach closures due to CSO's.

CSO's cause these and other serious water quality problems because of high bacteria levels, oxygen depletion of waterways, discharges of toxic organic compounds and heavy metals, the smothering of sensitive fish and wildlife breeding grounds with sediment and the discharge of garbage which floats in our waters and washes up on our Nation's beaches.

We have not made adequate progress in reducing pollution from industrial sources, particularly into our Nation's sewers. The 1988 toxic release inventory estimated that over 570 million pounds of toxics were discharged to public sewers by manufacturing industries. And another 254 million pounds of toxics are washed down the drain into public sewers by the hazardous waste treatment industry. It's not surprising that in 1989, the GAO concluded that existing pretreatment programs were being poorly implemented.

Despite billions of Federal dollars invested in sewage treatment facilities, we still have over $83 billion on remaining sewage treatment needs. My State of New Jersey alone has $4.4 billion in needs.

Some figures from EPA's latest national water quality inventory dramatically illustrate the continued effort we need to make to clean up our Nation's waters. Thirty-five percent of rivers and streams, 45 percent of our lakes, and 30 percent of our estuaries which have been assessed throughout the country either are failing to achieve water quality levels designed to allow the specified uses of these waters or are threatened with failing to achieve those uses. States issued 586 advisories and established 135 fishing bans in 1988. Over 36 million fish were killed by pollution in almost 1,000 incidences, and 224 beach closures were reported in 18 States.

States identified 17,000 water bodies and stream segments as being impaired under the toxic hotspot identification effort required by the 1987 Clean Water Act amendments.

These figures make clear that we have a long way to go in achieving the goal of attaining fishable and swimmable waters as established in the Clean Water Act.

Now the administration's approach to this problem has been to dump the problem on our States. The administration has failed to request the authorized level of funding to adequately capitalize State revolving loan programs. Despite congressional efforts to provide the authorized amount, the Federal Government has provided over $2 billion less than the amount promised to States to capitalize these funds. Yet, the administration wants to end funding for what will be inadequately capitalized State revolving loan funds.

And the administration has failed request adequate funding for nonpoint source programs although it acknowledges the serious problem caused by nonpoint source pollution. This year, the administration actually proposed to cut nonpoint funding in half.

The bill I join in introducing today rejects the administration's approach. It would authorize $18 billion for clean water programs between fiscal year 1993 and fiscal year 1989. It would provide the funding promised to States to capitalize their revolving loan programs. We would significantly increase funding to address nonpoint pollution. We would provide States with funding to take the lead in implementing our water pollution control efforts. And we provide funding to address the significant problems caused by combined sewer overflows. A preliminary estimate shows that this will mean over half a billion dollars in funding for New Jersey.

I have some reservations about the way the bill authorizes funds for different programs but gives States no discretion in moving funding between programs to address the highest priority State needs. Among New Jersey's greatest needs are sewage treatment construction, correction of combined sewer overflows, and addressing urban runoff. Rural States may have greater needs to address the problems of small communities and agricultural runoff. I intend to explore whether we should be giving States more discretion to spend Federal funds on their highest priority needs.

Mr. President, in addition to the funding provisions, the Water Pollution Prevention and Control Act also includes a number of regulatory changes to strengthen our ability to protect our Nation's water resources. I'm particularly proud that a number of these provisions were first raised in coastal protection bills introduced by Senator MITCHELL and myself.

These include provisions regarding monitoring coastal waters for floatables and other pollutants, correction of combined sewer overflows, strengthening existing pretreatment and agricultural runoff programs, expansion of water and sediment quality standards, additional measures which would be implemented to protect polluted water bodies, extension of the criteria to consider the bioligical effects of discharges from ocean waters, where the criteria now apply, to other waters which are polluted, and requiring that dischargers show they have a need to discharge rather than adopting pollution prevention measures. Senator MITCHELL and I are today reintroducing the Coastal Protection Act. The bill also includes a new program to coordinate efforts to protect our Nation's rivers. Both the Hudson and Delaware Rivers would be covered by this new program.

The Environment Committee will be reviewing these regulatory provisions closely to determine which are critical to attaining our clean water goals.

Mr. President, today, we begin the process of strengthening the Clean Water Act. I look forward to working with Senator BAUCUS and other colleagues in the months ahead as they

act to restore and maintain the integrity of our Nation's waters.●

● Mr. JEFFORDS. Today, Mr. President, several of my colleagues are introducing a bill to reauthorize the Clean Water Act. I support many of the provisions of this bill. There are also a few provisions that I have some concerns about. I am not going to speak specifically today about my areas of concern.

Instead, I would like to revisit clean water as it was viewed over 100 years ago. To gain some additional perspective on how far we've come, I asked my staff to get a few articles on the subject from the last century. I truly found the articles both informative and amusing.

In the 1800's, water quality was judged by its use for drinking. Thus, many of these quotes would be equally applicable to a discussion of the Safe Drinking Water Act. In an 1854 address to the Institution of Civil Engineers in London by James Simpson, Mr. Simpson stated:

Attention has been more recently directed to the necessity of improving the drainage and sewerage of cities and towns; and much impatience has been manifested by the public, that these measures have not progressed more rapidly. It must, however, be borne in mind, that drainage works of magnitude and the sewerage of towns, inevitably cause great interference with private property, and that, in almost all cases, the works are very costly, and after deciding on the system to be followed, considerable time is required for their execution. It may, however, be generally stated, that although somewhat impeded by unsuccessful attempts, the necessity for improved sewerage and drainage is now so strongly enforced on the general and local authorities, that it is evident, those who have not moved in the matter must, ere long, adopt active measures for the introduction of improved systems.

It seems Mr. Simpson understood that the public wanted better waste management, but that achieving this goal could be costly and time consuming.

An 1862 text: The Rudiments of Civil Engineering published in London spends a fair amount of time describing what good water is. Hard versus soft water was apparently a bit of a controversy in this time.

Notwithstanding all that has been said in the controversy respecting hard and soft waters, there is still very great uncertainty as to the precise qualities required in those to be distributed in towns; and the public cannot be too frequently advised to hesitate before it adopts implicitly the opinions of men who, though neither engineers nor physiologists, have lately assumed to dictate upon the subject.

This seems like relatively sound advice.

Furthermore, the authors go on to say:

The most efficient method of ascertaining the real qualities of a water supply is, to observe the effects it produces upon the organised life resorting to it, especially upon the human beings using it. Organised life is, in fact, a far more delicate test than any chemical agents can ever be; and it is eventually affected by impurities too minute to be ascertained by the grosser appliances of science.

Could this be the first proposal for biomonitoring?

Another 1865 English civil engineering text, A Manual of Civil Engineering, states, the drainage waters of cultivated and populous districts, and above all, those of towns and their neighbourhood, are to be avoided, as containing organic matter in the act of decomposition, and being therefore unwholesome, and sometimes highly dangerous. This sounds like a beginning of the understanding of nonpoint pollution and stormwater runoff. The authors, however, were somewhat lacking in their recommended testing procedures:

The taste and smell of a person accustomed to drink pure water and breathe pure air may in general be relied upon for the detection of the presence of impurities in water, though not of their nature or amount; but in persons who have for some time habitually drunk impure water and breathed a foul atmosphere those senses become blunted.

An 1867 paper by Edward Byrne on treating polluted water by filtration stirred some debate. One individual expressed doubt about the ability to remove pollutants in this manner by saying: Though some few conceived it possible, by others it was considered impossible, to deprive water of its organic matter without substituting something else in its place. He need hardly say, that when anything was taken out of solution, as a rule, something else had to be supplied to fill up, as it were, the space previously occuppied by the substance taken out. I wonder if our understanding of treatment processes today will stand up to the test of time.

Another individual's discussion of this paper, however, seems very reminiscent of the debates of today. Organic matter in the 1860's was a general term used to describe contaminants in water.

Organic matter was first called by one name, and then by another, and every new name was supposed to indicate a new evil to be overcome. * * * he (Mr. Bryne) considered it to be the duty of the engineer to supply the public with water in as pure and unobjectionable a state as possible; but, however pure, it would be impossible to supply it in such a state that the modern chemist could not, if he pleased, find some fault in it.

This sounds much like our debates of today on how clean is clean.

To this latter comment, an individual replied,

If the practice of the engineer was not so exact as that of the experimental philosopher, and the minute analysis of the chemist appeared unnecessarily precise to the engineer, who dealt with larger figures and general results, it was well that even ideal perfection should sometimes be held up to the view of the practical man, like the stringent conditions of a specification, which might not always be followed to the letter, but which were maintained as a standard of excellence.

Could this be forerunner of a maximum contaminant level goal?

Another member of the audience commented that—

The Commissioners on the Pollution of Rivers recommended that every town should be compelled to utilise its own sewage, by the process of irrigation on grass lands, which would produce profitable crops, and would to a great extent deodorise and improve the condition of the water.

So implemented, these Commissioners were, in effect, seeking a zero discharge policy.

More parallels to today can be found in an 1871 address to the Institution of Civil Engineers by Arthur Jacob and the resulting discussion. Mr. Jacob began his address by discussing several innovative sewage treatment processes, including one which used a mixture of the following compounds: alum, blood, clay, magnesia, manganese, burnt clay, sodium chloride, charcoal, and limestone. It was reported that any 6 of these 10 compounds could be omitted. This innovative process was deemed a failure, however, and the alternative process of sewage irrigation—land treatment—was recommended. Innovative treatment processes have given many of today's communities problems as well.

Runoff from sewage irrigation sites was deemed to be of minor concern since it followed that any sewage that may be carried away unpurified is so largely diluted as to be innocuous. The solution to pollution is dilution?

The NIMBY or Not In My Backyard phenomenon can also be seen in this discussion as the author states—

* * * It is well to avoid the direction in which building operations are likely to develop (in siting a sewage irrigation system); and further, experience teaches that, if corporations hope to succeed in acquiring land for their sewage, they will act wisely in avoiding collision with influential landed proprietors. The opposition likely to originate with the owners of property does not necessarily arise out of apprehension that the health of the neighborhood is likely to be seriously affected; they feel, not unnaturally, that whether the evil is substantial or sentimental, the value of their property is likely to be prejudiced in the estimation of the public.

Last, I would like to give a few quotes from an 1882 paper by Charles Folkard on detecting sewage contamination of water supplies. Mr. Folkard states,

As far as the examination of mineral substances is concerned, analytical chemistry is in a very advanced state. Indeed, it may be a matter of opinion as to whether any improvement is required for practical purposes.

The analysis for organic compounds was lacking, however.

It is much to be regretted that this uncertainty should exist, and it can only be hoped that in a short time a bright light (possibly

by the aid of electricity) will illumine this almost untrodden ground of research.

Background levels of contamination were also a concern.

Common salt is abundant in urine, but so it is in many soils, and therefore is generally found in water; and as it is impossible to distinguish between that derived from the land and the same substance contained in sewage the fact of its presence or absence in a sample water is not of much importance. * * * No definite impression is conveyed to the mind by the statement that there are in a sample of water so many parts per 100,000 or nitrogen, derived from animal and vegetable detritus. A standard of contamination therefore becomes desirable, * * *.

The author further stated that—

The only safe test of the wholesomeness of a given water is by tracing it to its source, and ascertaining that no objectionable impurities gain access to it. This will at once condemn all rivers flowing through a populous country; and if it be considered that a river is the natural drain of a district into which everything soluble or suspendible in water ultimately finds its way, it will not be a matter of wonder that this should be the case. No Conservance Board can keep pollution out of a river; it must receive all the rain falling within the limits of its watershed (excepting, of course, that which is evaporated), together with the overflowings of cesspools and the sewage of towns within the same area. It is part of the great circulatory system of the earth which it is vain for man to attempt to control. * * * Putting, however, all this aside, those who are practically acquainted with the subject are perfectly aware that no sewerage system yet carried out (even though its cost be reckoned by millions sterling) can cope with stormwater.

One of the audience responded that he felt the issue of stormwater was important.

It was immaterial to the inhabitants of the lower towns on a river whether these overflows (stormwater overflows) were theoretically necessary or not. * * * There could be no doubt that the upper towns would feel it a great hardship to be obliged to spend two or three times as much on the sewerage system from this cause, and in view of the partial and imperfect nature of the remedy this extra outlay would not be justified.

The same issue of cost seems to control the debate about combined sewer overflows yet today.

Many took issue with Mr. Folkard's paper. One gentleman stated,

At present, if engineers were to take the dictum of some chemists, it was quite clear that there was no water-supply fit for use. * * * Indeed, if the water-supply of the country were in such a lamentable condition, the wonder was that there was any one living to describe the state of things.

This sounds somewhat like the pronouncements of doom we hear today.

I could go on. As I mentioned at the beginning, these articles are informative and humorous. In this last article, for example, one person tried to debate whether anyone would drink cold water by choice. Thus, the definition of good water is in the eye of the beholder.

As we move this bill through committee, through the Senate, and conference with the House, we will hear many similar debates, many similar concerns. Even after over 100 years, however, our waters are not clean. In moving ahead toward cleaner water, let us learn from the past and try to improve upon this bill so as to reach our goal of the future: clean water.●

By Mr. CHAFEE (by request):

S. 1082. A bill to amend the Solid Waste Disposal Act to prohibit the export from and import into the United States of hazardous and additional waste except in compliance with the requirements of this bill; to the Committee on Environment and Public Works.

HAZARDOUS AND ADDITIONAL WASTE EXPORT AND IMPORT ACT

● Mr. CHAFEE. Mr. President, I rise today to introduce on behalf of the Bush administration the Hazardous and Additional Waste Export and Import Act of 1991. This legislation would make changes in the Resource Conservation and Recovery Act [RCRA] necessary to implement the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal, which the President is expected to send to the Senate for ratification in the very near future.

Mr. President, this is important legislation. By making our law consistent with the requirements of the Basel Convention, it would ensure that hazardous and other waste covered by the Convention are disposed of in an environmentally sound manner, regardless of where disposal ultimately occurs.

The Convention and, in turn, the legislation prohibit the export and import of hazardous and some nonhazardous wastes—termed "additional wastes" in the bill—unless the United States has entered into a bilateral agreement with the receiving or sending country on how the wastes will be managed. This ban would not apply to certain materials, such as waste, paper, glass or plastics, when they are exported or imported solely for recycling purposes. Once a bilateral agreement exists, exports and imports of waste may proceed if the receiving and any transit countries have received notice of and provided consent to the shipment.

The United States signed the Basel Convention on March 22, 1989. Since that time, 53 other countries have added their signatures.

The next step in the process is ratification of the Convention. To date, 10 countries have done so. Before the United States can follow suit, though, implementing legislation must be enacted.

Mr. President, that is why prompt consideration of the legislation I introduce today is so important. Ratification of the Convention will allow the United States to play an active role early on in developing protocols and minimize unnecessary disruption in existing exporting and importing relationships.

Congress attempted to address the serious problem of the export of hazardous waste in RCRA during consideration of the Hazardous and Solid Waste Amendments of 1984. At that time, we required that receiving countries be notified of and give consent to shipments of hazardous waste.

It is clear that, after several years of experience under the hazardous waste export provisions of RCRA, the law needs to be strengthened to ensure that any waste exported from this country be disposed of in a manner sufficiently protective of human health and the environment. In addition, imports of waste into this country must be subject to the same requirements. The Basel Convention and the implementing legislation are important improvements in those provisions designed to meet those objectives.

The Committee on Environment and Public Works, on which I serve, will be holding a hearing on this legislation within the next several weeks, as part of its consideration of legislation to reauthorize RCRA. I look forward to hearing the testimony of interested parties on this legislation at that time.

Mr. President, I ask unanimous consent to insert in the RECORD the text of the "Hazardous and Additional Waste Export and Import Act of 1991" and a section-by-section analysis of the bill.

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

S. 1082

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

SECTION 1. SHORT TITLE; STATEMENT OF PURPOSE; TABLE OF CONTENTS.

(a) This Act may be cited as the "Hazardous and Additional Waste Export and Import Act of 1991."

(b) The purpose of this Act is to implement the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal, done at Basel, Switzerland, March 22, 1989.

(c) TABLE OF CONTENTS—

The table of contents of this Act is as follows:

Sec. 1. Short Title; Statement of Purpose; Table of Contents.
Sec. 2. International Shipments of Hazardous and Additional Waste.
"Subtitle K—Exports and Imports of Hazardous and Additional Waste
Sec. 12001. Definitions.
Sec. 12002. Prohibition of Hazardous and Additional Waste Exports and Imports.
Sec. 12003. Exceptions to Prohibition.
Sec. 12004. Requirements for Exports.
Sec. 12005. Requirements for Imports.
Sec. 12006. Imports of Waste Generated or Managed by or on Behalf of the United States.
Sec. 12007. Requirements for Transit Through the United States.

Sec. 12008. Authorities of the President.
Sec. 12009. Antarctic Treaty Area.
Sec. 12010. Reporting.
Sec. 12011. Fees.
Sec. 12012. Federal Enforcement.
Sec. 12013. Effective Date.
Sec. 3. Objectives and National Policy.
Sec. 4. Retention of Existing Authority.
Sec. 5. Conforming Amendments.

SEC. 2. INTERNATIONAL SHIPMENTS OF HAZARDOUS AND ADDITIONAL WASTE.

The Solid Waste Disposal Act, as amended (42 U.S.C. 6901 *et seq.*), is further amended by adding the following new subtitle at the end thereof:

"Subtitle K—Exports and Imports of Hazardous and Additional Waste.

"SEC. 12001. DEFINITIONS.

"For purposes of this subtitle—

(1) "Additional waste" shall include—

(A) municipal solid waste;

(B) municipal incinerator ash;

(C) infectious waste;

(D) waste provided special status domestically under sections 3001(b)(2) and 3001(b)(3) of this title, if such waste exhibits a characteristic of hazardous waste identified under section 3001;

(E) all waste which meets the regulatory definition of hazardous waste under this title, but which has been provided regulatory exemptions from any or all hazardous waste regulations domestically; and,

(F) any waste identified in regulations promulgated by the President as necessary to implement the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal and any amendments thereto;

(2) "Export" shall include any attempt to export;

(3) "Exporter" shall include any person who attempts to export;

(4) "Hazardous waste" means any waste which is identified or listed either presently or in the future under section 3001 of this title;

(5) "Import" shall include any attempt to import; and

(6) "Importer" shall include any person who attempts to import.

"SEC. 12002. PROHIBITION OF HAZARDOUS AND ADDITIONAL WASTE EXPORTS AND IMPORTS.

"(a) It shall be unlawful for any person to export from or import into the United States any hazardous or additional waste as defined in section 12001, except as provided in section 12003 and section 12006.

"(b) For purposes of this subtitle, "export" and "import" do not include—

(1) any transport for the purpose of disposal or disposal of hazardous or additional waste pursuant to or in compliance with a permit issued under the Marine Protection, Research, and Sanctuaries Act (33 U.S.C. 1401 *et seq.*);

(2) any discharge of hazardous or additional waste subject to regulation or standard under the Act to Prevent Pollution from Ships (33 U.S.C. 1901 *et seq.*); and,

(3) any transboundary movement of hazardous or additional waste generated or managed exclusively—

(A) by United States Government activities or facilities located abroad, or

(B) on board United States sovereign immune vessels or state aircraft,

into an area under the national jurisdiction of the United States for further use, recycling, or disposal, provided that such waste is not unloaded before reaching an area under the national jurisdiction of the United States.

"(c) In accordance with sections 12001 and 12002 (a) and (b), the President shall promulgate regulations defining "export" and "import" for purposes of this subtitle and shall include actions involved in transboundary movements of hazardous or additional waste, including transit though countries prior to arrival of the waste at its ultimate destination. Movement through the territorial seas of a country consistent with international navigational rights and freedoms shall not, by itself, imply that such country is a transit country under this subtitle.

"(d)(1) The following waste, when exported or imported for the purpose of recycling, is excluded from the provisions of this subtitle, except for the provisions of section 12009—

(A) scrap metal;

(B) waste paper, scrap textiles, waste glass, and waste plastic, when separated from municipal solid waste; and,

(C) any other solid waste separated from municipal solid waste if the President, after notice and comment, determines that there is no evidence that the excluded solid waste would have significant adverse effects on health and the environment.

(2) Any person may petition the President for a determination under subparagraph (1)(C). Within twelve months of receipt of such a petition, or as soon as practicable thereafter, the President shall publish in the Federal Register a decision to grant or deny the petition.

(e) The following materials are excluded from the provisions of this subtitle, except for the provisions of section 12009—

(1) source, special nuclear, or byproduct material as defined by the Atomic Energy Act of 1954, as amended (68 Stat. 923), that is excluded from the definition of solid waste found in section 1004(27) of this title;

(2) spent nuclear fuel, as defined in the Nuclear Waste Policy Act of 1982, as amended (96 Stat. 2201); and,

(3) hazardous or additional waste when mixed with materials listed in paragraphs (1) or (2) that, as a result of being radioactive, are subject to other international control systems, including international instruments, applying specifically to radioactive materials.

"SEC. 12003. EXCEPTIONS TO PROHIBITION.

"(a) The prohibition of section 12002 shall not apply to exports or imports of hazardous or additional waste made pursuant to and in compliance with—

(1) any bilateral or regional agreement regarding waste export and import between the United States and the government of an exporting or importing country which is in effect on the date of enactment of this subtitle (including any amendment, renewal, or extension of such an agreement prior to the effective date of regulations promulgated under this subtitle) and,

(2) the provisions of section 3017 and any regulations promulgated pursuant thereto.

"(b) The prohibition of section 12002 shall not apply to exports or imports of hazardous or additional waste made pursuant to and in compliance with—

(1)(A) any agreement described in paragraph (a)(1) that is amended, renewed, or extended after the effective date of regulations promulgated under this subtitle, provided that any such amendment, renewal, or agreement is compatible with the environmentally sound management of such hazardous or additional waste, or

(B) a bilateral or regional agreement regarding waste export or import that the United States, in the sole discretion of the President, has entered into with the government of an exporting or importing country or competent regional economic integration organization after the date of enactment of this subtitle, provided that any such agreement requires—

(i) environmentally sound management of the hazardous or additional waste, and

(ii) compliance with any applicable Federal laws and the regulations of any applicable State program authorized under this title; and,

(2) the provisions of section 12004 (for exports), section 12005 (for imports) and any regulations promulgated to implement any agreements described in paragraph (1) and this subtitle.

"(c) Notwithstanding the provisions of subsections (a) and (b), it shall be unlawful to—

(1) export hazardous or additional waste pursuant to subsection (a) if the exporter knows or has reason to know that such waste will not be managed in an environmentally sound manner and in accordance with the laws of the importing and transit countries;

(2) import hazardous or additional waste pursuant to subsection (a) if the importer knows or has reason to know that such waste will not be managed in accordance with applicable Federal laws or the requirements of any applicable State program authorized under this title;

(3) export hazardous or additional waste pursuant to subsection (b) if the exporter knows or has reason to know that such waste will not be managed as specified in the contract required by subsection 12004(d) or the notification and consent required by subsections 12004(a) and (b); or,

(4) import hazardous or additional waste pursuant to subsection (b) if the importer knows or has reason to know that such waste will not be manged as specified in the contract required by subsection 12005(b) or the notification and consent required by subsection 12005(a).

"SEC. 12004. REQUIREMENTS FOR EXPORTS.

"Exports of any hazardous or additional waste made pursuant to subsection 12003(b) shall be subject to the requirements of this section and any regulations promulgated to implement this subtitle.

"(a) The exporter shall provide written notice of the proposed export to the President to forward through the Secretary of State to the government of the importing country. Such notice shall be sufficient for the government of the importing country to make an informed decision, and the consent of the government of the importing country must be obtained prior to export from the United States.

"(b) The exporter shall provide written notice of the proposed export to the President to forward through the Secretary of State to the government of any transit country. Such notice shall be sufficient for the government of the transit country to make an informed decision, and consent of the government of the transit country must be obtained prior to export from the United States.

"(c) To the extent required by section 3002 of this title and by the Pollution Prevention Act of 1990 (P.L. 101-508), generators of hazardous or additional waste who export such waste must make efforts to minimize the generation of such waste and document such efforts.

"(d) A written contract between the exporter and the importer must exist prior to commencing the export. Such contract must specify how the hazardous or additional waste will be managed in an environmentally sound manner. A copy of such con-

tract shall be provided to the President as part of notification of intent to export.

"(e) Within 60 calendar days of receiving information from any source indicating that a shipment of hazardous or additional waste has not been delivered to the facility designated in the notification or managed as specified in the notification, consent, and contract, the exporters and generators of such waste shall either—

(1) accept legal and financial responsibility for—

(A) arranging for the acceptance of the hazardous or additional waste by an alternative facility and delivering the hazardous or additional waste to that facility in compliance with all requirements of this subtitle, or

(B) returning the hazardous or additional waste to the United States in compliance with the requirements of this subtitle, any other applicable Federal laws, and the requirements of any applicable State program authorized under this title, or

(2) notify the President, within 20 days of receipt of such information, that they have declined to accept responsibility because they believe the information is unreliable or invalid.

"(f) Upon receipt of the notice specified in subsection (e)(2) of this section the President may—

(1) request the exporter or generator to obtain more information, reconsider acceptance of responsibility, and notify the President of the new decision, or

(2) after either a first or second decision to decline responsibility, use the enforcement authorities in section 12008(d) to perform the actions specified in subsection (e)(1) of this section and to recover costs.

"(f) The exporter shall ensure that—

(1) all signatures required for movement documents are obtained, and

(2) all required movement documents accompany the hazardous or additional waste to the importing facility.

"(h) The exporter shall comply with any financial responsibility requirements promulgated by the President. The guarantee, and other financial responsibility requirements of the importing and transit countries.

"(i) The President may, subject to the written consent of the importing and transit countries, allow the exporter to use a general notification and consent procedure where hazardous or additional waste having the same physical and chemical characteristics are shipped regularly to the same disposer via—

(1) the same customs office of exit of the United States;

(2) the same customs office of entry of the importing country; and

(3) the same customs offices of entry and exit of any transit countries.

Such general notification and consent may cover multiple shipments of hazardous or additional waste during a maximum period of twelve months.

"SEC. 12005. REQUIREMENTS FOR IMPORTS.

"Imports of any hazardous or additional waste into the United States made pursuant to subsection 12003(b) shall be subject to the requirements of this section, any regulations promulgated to implement the requirements of this subtitle, all other applicable Federal laws, and the requirements of any applicable State program authorized under this title.

"(a) Prior to importing hazardous or additional waste into the United States, the importer must provide to the President a written notice, which the importer has obtained through the Secretary of State from the government of the exporting country, that the exporting country has notified the United States of the proposed export and seeks the consent of the United States to the import of the specified waste. Prior to importing the waste into the United States, the importer must obtain the written consent of the President to the import of such waste. The importer may not participate in the import until the President's written consent to the import has been obtained.

"(b) A written contract between the importer and the exporter must exist prior to import into the United States. Such contract must exist prior to import into the United States. Such contract must specify how such waste will be managed in accordance with applicable Federal laws and the requirements of any applicable State program authorized under this title. A copy of such contract shall be provided to the President prior to the issuance of the President's consent to the import.

"(c) If the importer fails to deliver the hazardous or additional waste to the facility designated in the notification, consent, and contract, the importer shall be legally and financially responsible for—

(1) delivering such waste to an alternative facility in compliance with all requirements of this subtitle, with applicable Federal laws, and with the requirements of any applicable State program authorized under this title, or

(2) returning such waste to the exporting country in compliance with all requirements of this subtitle.

"(d) The importer shall ensure that—

(1) all signatures required for movement documents are obtained, and

(2) all required movement documents accompany the hazardous or additional waste to the importing facility.

"(e) The importer shall comply with any financial responsibility requirements promulgated by the President. The importer shall also comply with the bonding, insurance, guarantee, and other financial responsibility requirements of the exporting and transit countries.

"(f) The President may, subject to the written consent of the exporting and transit countries, allow the importer to use a general notification and consent procedure where hazardous or additional waste having the same physical and chemical characteristics are shipped regularly to the same disposer via—

(1) the same customs office of exit of the exporting country;

(2) the same customs office of entry of the United States; and,

(3) the same customs offices of entry and exit of any transit countries.

Such general notification and consent may cover multiple shipments of hazardous or additional waste during a maximum period of twelve months.

"SEC. 12006. IMPORTS OF WASTE GENERATED OR MANAGED BY OR ON BEHALF OF THE UNITED STATES.

"(a) Consistent with the environmentally sound management of hazardous or additional waste generated or managed by or on behalf of the United States Government, the President may determine the procedures by which all such waste or individual shipments of such waste may be managed abroad or imported into the United States.

(b) The President may exempt an individual shipment of waste by any department, agency, or instrumentality in the Executive Branch from compliance with the requirements of this subtitle if he determines it to be in the paramount interest of the United States to do so. The President shall report each January to the Congress all exemptions from the requirements of this subtitle granted during the preceding calendar year, together with his reason for granting each such esxemption.

"SEC. 12007. REQUIREMENTS FOR TRANSIT THROUGH THE UNITED STATES.

"All imports of hazardous or additional waste into the United States solely for purposes of transit through the United States to another country shall be subject to this section.

"(a) No person may import hazardous or additional waste into the United States for transit through the United States to another country without the prior written consent of the President. No person may participate in the transit of such waste until the President's written consent has been obtained.

"(b) Prior to importing hazardous or additional waste into the United States for transit purposes, the person responsible for the transit shall provide to the President—

(1) a written notice, which such person has obtained through the Secretary of State from the government of the exporting country, in which the government of the exporting country notifies the United States of the proposed export and requests the consent of the United States to the transit of the specified waste through the United States;

(2) copies of the consent to transit of any other transit countries for the specified waste; and

(3) a copy of the consent to import of the country in which final disposal of the specified waste will occur.

"(c) Upon completion of the transit, the person responsible for the transit shall provide to the President notice that the transit has been completed.

"SEC. 12008. AUTHORITIES OF THE PRESIDENT.

"(a) *Authority to promulgate regulations.*

"(1) Not later than 18 months after the date of enactment of this subtitle, the President shall promulgate any regulations necessary to implement and enforce the requirements of this subtitle, including the requirements applicable to bilateral or regional agreements referred to in this subtitle. Such regulations may include, but are not limited to, provisions for: notification, tracking, manifesting, packaging, labelling, reporting, recordkeeping, financial responsibility, transportation, enforcement and any other information required to be included in contracts. As part of these regulations, the President shall define the criteria to be used by the United States in determining whether a hazardous or additional waste to be exported from the United States will be managed in an environmentally sound manner, as required to fulfill the United States' obligations under the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal.

"(2) Such regulations shall include provisions applicable to bilateral or regional agreements on environmentally sound recycling of hazardous and additional waste. In promulgating such provisions, the President shall take into account the need to promote environmentally sound recycling of hazardous and additional waste and the importance of international trade in recyclable materials.

"(3) Regulations promulgated pursuant to paragraphs (1) and (2) shall be effective 60 days after the date of promulgation, unless the President determines that a greater period of time is necessary to allow regulated persons to come into compliance.

"(4) The President, at any time, may revise such regulations as he deems appropriate.

"(5) Notwithstanding any other provisions of law, regulations promulgated pursuant to paragraphs (1) and (2) may be promulgated in interim final form without prior opportunity for public comment. The President shall provide an opportunity for public comment on the interim final regulations and, thereafter, shall promulgate such regulations in final form within 18 months of the date such regulations were issued in interim final form.

"(6) In exercising any authority under this subtitle, the President shall not, for purposes of 29 U.S.C. 653(b)(1), be deemed to be exercising statutory authority to prescribe or enforce standards or requlations affecting occupational safety and health.

"(b) *Authority to prohibit exports and imports.* As required to fulfill the United States' obligations under the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal, the President may issue an order prohibiting by particular source, shipment, or class—

(1) exports of hazardous or additional waste from the United States where he has reason to believe the waste to be exported would not be managed in an environmentally sound manner notwithstanding the consent of the importing country or other entity or the existence of a bilateral or regional agreement between the United States and the importing country;

(2) imports of hazardous or additional waste into the United States where he has reason to believe such imports or the subsequent management of such waste would be in violation of applicable Federal laws or the applicable requirements of any State program authorized under this title;

(3) exports from or imports into the United States of hazardous or additional waste where the President has reason to believe that the shipment(s) involved may not proceed in accordance with—

(A) the contract specified in subsection 12004(d) or subsection 12005(b), or

(B) any requirements of the bilateral or regional agreements between the countries; or

(4) exports from or imports into the United States of hazardous or additional waste where such exports or imports would otherwise be inconsistent with the international obligations of the United States.

Such orders shall be immediately effective. However, the President shall conduct a hearing if, within thirty days of issuance of the order, any person or persons named therein or affected by the order submits written notification requesting a hearing. Following the hearing, the President may modify or reissue the order. The proscribed exports or imports may not proceed during the pendency of any administrative hearing or judicial proceeding challenging an order issued by the President pursuant to this subsection. Judicial review of such orders shall be limited to the administrative record.

"(c) EMERGENCY ORDERS.—Notwithstanding any other authorities provided by this subtitle, the President may issue an emergency order to prohibit the export or import of hazardous or additional waste by particular source, shipment, or class from or to a specific country for a period not to exceed 45 days—

(1) when the President has reason to believe that the export or import may present an imminent and substantial endangerment to health or the environment within or outside the United States, or

(2) where there is a request to the President by the government of an importing or exporting country for emergency action in support of that country's enforcement efforts related to the export or import of hazardous or additional waste.

There shall be no judicial review of such emergency order except in the context of an action brought by the President to enforce such order. The President shall have the authority to extend the emergency order after notice and opportunity for a hearing for a period not to exceed an additional 90 calendar days, except that in the case of an imminent and substantial endangerment, the order shall be effective until the President determines that the endangerment is no longer imminent. Any extension of the initial emergency order shall be subject to judicial review, and such review shall be limited to the administrative record.

"(d) AUTHORITY TO CONTROL HAZARDOUS AND ADDITIONAL WASTE EXPORTS THAT ARE NOT DELIVERED.—Within 60 calendar days from the date that the President, relying on information received, notifies any exporter or generator of hazardous or additional waste that a shipment has not been delivered to the importing facility and managed as specified in the notification, consent or contract, the President may elect to perform the actions required by subsection 1200(e) if the exporters or generators have not completed alternative disposition. If the President elects to perform these actions, he shall provide notice to the appropriate exporters or generators. The exporters or generators shall be liable for all costs incurred by the President in arranging for or conducting such disposition, including any liability resulting from the treatment, storage, or disposal of the wastes, and, including but not limited to, costs of arranging for or conducting transportation, storage, and disposal of the waste, as well as attorneys' fees incurred by the United States in seeking recovery of its costs. The United States may recover all such costs and fees from the exporters or generators in the United States District Court for the district in which the cost was incurred, or in which any of the exporters or generators reside or have their principal place of business, or in the District of Columbia.

"(e) AUTHORITY TO DESIGNATE PORTS.—The President may be regulation limit or restrict to specifically designated ports in the United States shipments of—

(1) particular hazardous or additional waste for export or import, or

(2) all hazardous or additional waste for export or import.

"SEC. 12009. ANTARCTIC TREATY AREA.

"(a) Notwithstanding any other provisions of law, it shall be unlawful for any person to export hazardous or additional waste for treatment, incineration, storage, disposal, or recycling to any location south of 60 degrees south latitude.

"(b) Nothing in this section shall be construed as contravening or superseding—

(1) any obligations under any international treaty, convention, or agreement if such treaty, convention, or agreement is in force with respect to the United States on the date of enactment of this subtitle, and if it is compatible with the environmentally sound management of hazardous or additional waste, or

"(2) the provisions of any statute which implements any such treaty, convention, or agreement.

SEC. 12010. REPORTING.

"Beginning in the calendar year following the effective date of regulations promulgated pursuant to this subtitle, all persons who export or import hazardous or additional waste under this subtitle shall report no later than March 1 of each calendar year to the President summarizing the types, quantities, frequency, routes, ultimate destination, and any known disposition of all such hazardous and additional waste exported, imported, or for which notice of export or import was provided during the preceding calendar year, and any such information that the President may require by regulation.

SEC. 12011. FEES.

The President shall promulgate and revise regulations establishing fees to be paid by persons who export or import any hazardous or additional waste. These fees may be used to recover all reasonable costs incurred by the President in carrying out the requirements of this subtitle. Any fees collected under this section shall be deposited in miscellaneous receipts of the United States Treasury.

SEC. 12012. FEDERAL ENFORCEMENT.

"(a)(1) COMPLIANCE ORDERS.—Whenever, on the basis of any information, the President determines that any person has violated, or is in violation of, any requirement or prohibition or order in effect under this subtitle or section 3017 (including any requirement or prohibition in effect under regulations promulgated under this subtitle or under section 3017), the President may—

(A) issue an order assessing a civil penalty for any past or current violation; or

(B) issue an order requiring compliance immediately or within a specified time period.

"(2) CIVIL ACTIONS.—Any order issued pursuant to this subsection shall state with reasonable specificity the nature of the violation. In addition, the President may commence a civil action in the United States District Court in the district in which the violation occurred or in the district in which the defendent resides or maintains a principal place of business or in the District of Columbia, for appropriate relief, including a temporary or permanent injunction, assessment of penalties, recovery of costs incurred by the United States for disposition of waste, and recovery of attorney's fees incurred by the United States in prosecuting violations of this subtitle or in seeking recovery of costs.

"(3) NOTICE TO STATES.—In the case of a violation of any requirements of this subtitle where such violation occurs in a State which is authorized to carry out a waste program under this title, the President, or the Attorney General as the case may be, shall give notice to the State in which such violation has occurred prior to issuing an order or commencing a civil action under this section

"(4) ORDERS AND JUDGMENTS ASSESSING PENALTIES.—Any penalty assessed in an administrative order, or a judgment of the District Court under this subsection shall not exceed $25,000 per day plus attorney's fees for each day of noncompliance with a requirement or prohibition in effect under this subtitle. In assessing such a penalty, the President or the court as appropriate, shall take into consideration (in addition to such other factors as justice may require (in addition to such other factors as justice may require) the size of the business, the economic impact of the penalty on the business, the violator's full compliance history and good faith efforts to comply, the duration of the violation as established by any credible evidence, payment by the violator of penalties previously

assessed for the same violation, the economic benefit of noncompliance, and the seriousness of the violation.

"(5) PUBLIC HEARING.—Any order issued under this subsection shall become final unless, not later than 30 days after the order is served, any person or persons named there in submit(s) written notification to the President requesting a hearing. Upon such request, the President shall conduct a public hearing. In connection with any proceeding under this subsection, the President may issue subpoenas for the attendance and testimony of witnesses and the production of relevant papers, books, and documents, and may promulgate rules for discovery and other procedures for hearings.

"(6) VIOLATION OF COMPLIANCE ORDERS.—If a violator fails to take corrective action within the time specified in a compliance order issued under this subsection, the President may assess a civil penalty of not more than $25,000 per day plus attorney's fees for each day of continued noncompliance with the order, in addition to any penalties assessed in the order.

"(b) CIVIL ENFORCEMENT OF EMERGENCY ORDERS.—Upon receipt of evidence that an export or import may present an imminent and substantial endangerment to health or the environment within or outside the United States, or upon receipt of a request by the government of an importing or exporting country for emergency action in support of that country's enforcement efforts related to the export or import of hazardous or additional wastes, the President may bring suit on behalf of the United States in the appropriate United States district court to—

"(1) immediately restrain any person causing or contributing to the alleged endangerment;

"(2) enforce the order; or,

"(3) take such other action as may be necessary.

"(c) CRIMINAL VIOLATIONS AND PENALTIES.

"(1) VIOLATIONS OF THIS SUBTITLE.—Any person who—

"(A) knowingly omits material information or makes any false material statement or representation in any application, label, manifest, record, report, notification, or other document filed, maintained, or used for purposes of compliance with this subtitle or any regulations promulgated under the authority of this subtitle, or with bilateral or regional agreements for the export or import of hazardous or additional waste;

"(B) knowingly destroys, alters, conceals, or fails to file any report or other document required to be maintained or filed for purposes of compliance with this subtitle or with regulations promulgated under authority of this subtitle, or with bilateral or regional agreements for the export or import of hazardous or additional waste;

"(C) knowingly exports or imports a hazardous or additional waste—

"(i) in the absence of a bilateral or regional agreement with the government of an exporting or receiving country;

"(ii) where there exists a bilateral or regional agreement pursuant to this subtitle or section 3017 and the export or import is not in conformity with that agreement, applicable provisions of this subtitle or section 3017, and with any applicable regulations; or

"(iii) from or to a country for which the President has prohibited the export or import of hazardous or additional waste;

"(D) knowingly transports or causes the transport of a hazardous or additional waste through the land, territory, or internal waters of a transit country without first notifying and receiving the consent of the transit country in violation of this subtitle; or

"(E) knowingly violates any material requirements [not otherwise encompassed by subparagraphs (A) through (D)] of this subtitle, of section 3017, or any regulations promulgated under this subtitle or section 3017, or of any order issued under this subtitle;

shall, upon conviction, be subject to a fine pursuant to Title 18 United States Code for each day of violation, or imprisonment for a term not to exceed 2 years (for violations of subparagraphs (C) and (D) a term not to exceed 5 years), or both. If the conviction is for a violation committed after a first conviction of such person under this paragraph, the maximum punishment under this paragraph shall be doubled with respect to both fine and imprisonment.

"(2) KNOWING ENDANGERMENT.—Any person who knowingly transports, treats, or stores for purposes of export or import, or who knowingly exports or imports any hazardous or additional waste in violation of paragraph (1), (2), (3), (4), (5), or (6) of section 3008(d) of this title, as amended, section 3017 of this title, as amended, or subparagraphs (1) (A) through (E) of this subsection, and who knows at that time that he thereby places another person in imminent danger of death or serious bodily injury, shall, upon conviction, be subject to a fine pursuant to Title 18 United States Code, or imprisonment for not more than 15 years, or both. Any person who is an organization shall, upon conviction of violating this paragraph, be subject to a fine of not more than $1,000,000. If the conviction is for a violation committed after a first conviction of such person under this paragraph, the maximum punishment under this paragraph shall be doubled with respect to both fine and imprisonment.

"(3) SPECIAL RULES.—For the purposes of paragraph (2) of this subsection—

"(A) A person's state of mind is knowing with respect to—

"(i) his conduct, if he is aware of the nature of his conduct;

"(ii) an existing circumstance, if he is aware or believes that the circumstance exists; or

"(iii) a result of this conduct, if he is aware or believes that his conduct is substantially certain to cause danger of death or serious bodily injury.

"(B) In determining whether a defendant who is a natural person knew that his conduct placed another person in imminent danger of death or serious bodily injury—

"(i) the person is responsible only for actual awareness or actual belief that he possessed; and

"(ii) knowledge possessed by a person other than the defendant but not by the defendant himself may not be attributed to the defendant.

Provided, That in proving the defendant's possession of actual knowledge, circumstantial evidence may be used, including evidence that the defendant took affirmative steps to shield himself from relevant information.

"(C) It is an affirmative defense to a prosecution that the conduct charged was consented to by the person endangered and that the danger and conduct charged were reasonably foreseeable hazards of—

"(i) an occupation, a business, or a profession; or

"(ii) medical treatment or medical or scientific experimentation conducted by professionally approved methods, and such other person had been made aware of the risks involved prior to giving consent.

The defendant may establish an affirmative defense under this subparagraph by a preponderance of the evidence.

"(D) All general defenses, affirmative defenses, and bars to prosecution that may apply with respect to other Federal criminal offenses may apply under paragraph (2).

"(E) The term "organization" means a legal entity, other than a government, established or organized for any purpose, and such term includes a corporation, company, association, firm, partnership, joint stock company, foundation, institution, trust, society, union, or any other association of persons.

"(F) The term "serious bodily injury" means—

"(i) bodily injury which involves a substantial risk of death;

"(ii) unconsciousness;

"(iii) extreme physical pain;

"(iv) protracted and obvious disfigurement; or

"(v) protracted loss or impairment of the function of a bodily member, organ, or mental faculty.

"(d) FORFEITURE.—

"(1) Any property, real or personal, used or maintained, or traceable to property used or maintained, in violation of any of the provisions of this subtitle shall be subject to forfeiture.

"(2) For purposes of this section, the provisions of the customs laws relating to the seizure, summary, and judicial forfeiture, condemnation of property for violation of the customs laws, the disposition of such property or the proceeds from the sale thereof, the remission or mitigation of such forfeitures, and the compromise of claims (19 U.S.C. 1602 et. seq.), insofar as they are applicable and not inconsistent with the provisions of this subtitle, shall apply to seizures and forfeitures incurred, or alleged to have been incurred, under this section, except that such duties as are imposed upon the customs officer or any other person with respect to the seizure and forfeiture of property under the customs laws shall be performed with respect to seizures and forfeitures of property under this section by such officers, agents, or other persons as may be authorized by the President. No forfeiture, remission, or mitigation of any forfeiture shall occur without the consent of the President.

"(e) FINANCIAL RESPONSIBILITY AND SUSPENSION.—Any order or judgment issued under this section may include—

"(1) a requirement that any person named in the order or judgment arrange for and take financial responsibility for—

"(A) the return of a waste to the United States in compliance with the requirements of this subtitle, any other applicable Federal laws, and the requirements of any appolicable State program authorized under this title, or

"(B) the delivery of a waste to some alternative country for environmentally sound management in compliance with the requirements of this subtitle and subject to the approval of the President; and

"(2) a suspension, prohibition, or injunction against any person from participating, directly or indirectly, in any manner or capacity, in any transaction involving hazardous or additional waste that is exported or to be exported from, or imported or to be imported into, the United States.

"(f) RESPONSIBILITY FOR ILLEGAL EXPORTS AND IMPORTS.—

"(1) In addition to any sanction or other relief authorized by this subtitle, any person who—

(A) exports a hazardous or additional waste from the United States in a manner which—

(i) is not in compliance with the pertinent bilateral or regional agreement,

(ii) is not in compliance with the provisions of this subtitle or regulations promulgated pursuant to this subtitle,

(iii) is not in compliance with the provisions of all applicable Federal laws and the applicable requirements of any State program authorized under this title, or

(iv) fails in any material manner to conform to the notice and other documentation required by the President and the consent of the government of the importing country and any transit countries; or

(B) obtains or attempts to obtain the consent of the government of an importing or transit country through falsification, misrepresentation or fraud;

must arrange for and take financial responsibility for the return to the United States of the hazardous or additional waste (including any waste seized pursuant to this subtitle) to the maximum extent practicable or otherwise arrange for and take financial responsibility for alternative environmentally sound management of the hazardous or additional waste. Any return or alternative management of hazardous or additional waste pursuant to this paragraph shall be in compliance with Federal laws, including this subtitle and any regulations promulgated thereto, as well as the requirements of any applicable State program authorized under this title. The United States may elect to perform the actions specified in this paragraph if the exporter has not arranged for the acceptance of the hazardous or additional waste by an alternative facility and has not delivered the hazardous or additional waste to that facility within 60 calendar days from the date that the United States receives valid information indicating that an illegal export has occurred. The exporter shall be liable to the United States for all costs incurred in arranging for such management and in seeking recovery of costs, including attorney's fees.

"(2) In addition to any sanction or other relief authorized by this subtitle, any person who—

(A) imports a hazardous or additional waste into the United States in a manner which—

(i) is not in compliance with the pertinent bilateral or regional agreement,

(ii) is not in compliance with the provisions of this subtitle or regulations promulgated pursuant to this subtitle,

(iii) is not in compliance with the provisions of all applicable Federal laws and the applicable requirements of any State program authorized under this title, or

(iv) fails in any material manner to conform to the notice, consent, or other documentation required or provided by the President; or

(B) obtains or attempts to obtain the consent of the United States or the government of a transit country through falsification, misrepresentation, or fraud;

must arrange for and take financial responsibility for the return to the exporting country of the hazardous or additional wate (including any waste seized pursuant to this subtitle) to the maximum extent practicable or otherwise arrange for and take financial responsibility for alternative environmentally sound management of the hazardous or additional waste in the United States. Any return or alternative management of hazardous or additional waste pursuant to this paragraph shall be in compliance with all applicable Federal laws, including this subtitle, and any regulations promulgated thereto, as well as the requirements of any applicable State program authorized under this title. The United States may elect to perform the actions specified in this paragraph if the importer has not arranged for the acceptance of the hazardous or additional waste by an alternative facility and has not delivered the hazardous or additional waste to that facility within 60 calendar days from the date that the United States receives valid information indicating that an illegal import has occurred. The importer shall be liable to the United States for all costs incurred in arranging for such disposition, and in seeking recovery of such costs, including attorney's fees.

"SEC. 12013. EFFECTIVE DATE.

"Except as otherwise provided, the provisions of this subtitle shall take effect on the date of enactment.".

SEC. 3. OBJECTIVES AND NATIONAL POLICY.

Section 1003(a) of the Solid Waste Disposal Act (42 U.S.C. 6902(a)) is amended—

(1) by striking out "and" at the end of paragraph (10);

(2) by striking out the period at the end of paragraph (11) and inserting in lieu thereof "; and"; and

(3) by adding at the end, the following new paragraph—

"(12) assuring that the export from and import into the United States of hazardous and additional waste is undertaken in compliance with the provisions of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal."

SEC. 4. RETENTION OF EXISTING AUTHORITY.

Section 3017 of the Solid Waste Disposal Act, as amended (42 U.S.C. 6938), and all regulations promulgated pursuant to that section, will remain effective for hazardous waste exported or imported under subsection 12003(a) of the Solid Waste Disposal Act, as amended. Section 3017 of the Solid Waste Disposal Act, as amended, and regulations promulgated pursuant to that section will only remain effective for hazardous waste exported or imported under subsection 12003(b) of the Solid Waste Disposal Act, as amended, until the effective date of regulations promulgated pursuant to this Act.

SEC. 5. CONFORMING AMENDMENTS.

(a) The table of contents of the Solid Waste Disposal Act is amended to add the following new items after the items relating to subtitle J—

"Subtitle K—Exports and Imports of Hazardous and Additional Waste.

"Sec. 12001. Definitions.
"Sec. 12002. Prohibition of Hazardous and Additional Waste Exports and Imports.
"Sec. 12003. Exceptions to Prohibition.
"Sec. 12004. Requirements for Exports.
"Sec. 12005. Requirements for Imports.
"Sec. 12006. Imports of Waste Generated or Managed by or on behalf of the United States.
"Sec. 12007. Requirements for Transit Through the United States.
"Sec. 12008. Authorities of the President.
"Sec. 12009. Antarctic Treaty Area.
"Sec. 12010. Reporting.
"Sec. 12011. Fees.
"Sec. 12012. Federal Enforcement.
"Sec. 12013. Effective Date.

(b) Section 3008 of the Solid Waste Disposal Act (42 U.S.C. 6928) is amended by—

(1) deleting section 3008(d)(6) and renumbering section 3008(d)(7) as 3008(d)(6); and

(2) deleting "or exports" from section 3008(e).

(c) Section 3017 of the Solid Waste Disposal Act (42 U.S.C. 6928) is amended by—

(1) inserting "or additional wastes identified under subtitle K" in section 3017(a) after "any hazardous waste identified or listed under this subchapter";

(2) deleting "hazardous" in section 3017(a)(1)(B);

(3) inserting at the end of section 3017(b), the following—

"Regulations promulgated pursuant to this section are hereby made immediately applicable to additional wastes when identified in subtitle K.";

(4) inserting "or additional waste identified under subtitle K" in section 3017(c) after the phrase "a hazardous waste identifed or listed under this subchapter,";

(5) deleting the word "hazardous" from the phrase "before such hazardous waste is scheduled" in section 3017(c);

(6) deleting "hazardous" and inserting "such" in section 3017(c)(2);

(7) deleting "hazardous" in section 3017(c)(5);

(8) inserting "or additional" in section 3017(d)(2) before the first appearance of "hazardous," and deleting "hazardous" the second time it appears in section 3017(d)(2);

(9) deleting "hazardous" and inserting "such" in section 3017(d)(4);

(10) deleting section 3017(f) and renumbering section 3017(g) as 3017(f) and section 3017(h) as 3017(g);

(11) inserting "or additional wastes identified under subtitle K" in section 3017(g) after "under section 6921 of this title" and deleting the second occurrence of "hazardous"; and,

(12) inserting "or subtitle K" after "section 6922 or 6923" in section 3017(h).

(d) Section 3 of the Marine Protection, Research, and Sanctuaries Act (33 U.S.C. 1402(c)), is amended by inserting "or material which derives from the normal operation of a vessel discharging the material, the discharge of which is subject to the International Convention for the Prevention of Pollution from Ships, 1973, and annexes and protocols thereto or any other international agreements to which the United States is a party" after the phrase "meaning of section 1322 of this title".

(e) Section 101(b) of the Marine Protection, Research, and Sanctuaries Act (33 U.S.C. 1411(b)), is amended as follows:

(1) by inserting the words "jurisdiction of the" after the phrase "no person shall dump any material transported from a location outside the"; and,

(2) by striking the entire paragraph (2) and inserting in lieu thereof "into the Exclusive Economic Zone of the United States.".

(f) Section 102 of the Marine Protection, Research, and Sanctuaries Act (33 U.S.C. 1412), is amended by adding the following new subsection to the end thereof—

"(f) No permit may be issued under this Title for dumping, or transportation for purposes of dumping material into ocean waters within the area south of 60 degrees south latitude."

SECTION-BY-SECTION ANALYSIS—THE HAZARDOUS AND ADDITIONAL WASTE EXPORT AND IMPORT ACT OF 1991

The purpose of this Act is to implement the Basel Convention on the Control of Transboundary Movements of Hazardous Waste and Their Disposal (hereafter referred to as "the Basel Convention"). The Act amends the Solid Waste Disposal Act (here-

after referred to as "SWDA") to prohibit the export from or import into the United States of waste subject to the Basel Convention, unless there is a bilateral or regional agreement with the receiving or exporting country.

Section 1. Short Title; Statement of Purpose; Table of Contents.

Sec. 2. International Shipments of Solid Waste. This section creates a new subtitle K of the Solid Waste Disposal Act on exports and imports of hazardous and additional waste.

Sec. 12001. Definitions. In order to be consistent with the Basel Convention, this section defines two waste categories: "hazardous waste," defined as any waste identified or listed under section 3001 of SWDA; and "additional waste," defined to include other categories of waste which are also covered under the Basel Convention. Also consistent with the requirements of the Basel Convention, this section defines "additional waste" to include municipal waste and ash from the incineration of municipal waste.

Other definitions are consistent with those in the Basel Convention.

Sec. 12002. Prohibition of Hazardous and Additional Waste Exports and Imports. This section prohibits exports or imports of hazardous or additional waste except for (1) the exports or imports pursuant to a bilateral or regional agreement, or (2) the transboundary movement of United States government waste under certain conditions. The section exempts the following from the blanket prohibition:

(1) certain specified waste exported or imported for purposes of recycling;

(2) waste shipments regulated by the Marine Protection, Research, and Sanctuaries Act, and the Act to Prevent Pollution from Ships;

(3) any transboundary movement of waste generated or managed exclusively by United States government activities and facilities located abroad or on board United States sovereign immune vessels, provided that such waste is not unloaded before reaching the United States;

(4) radioactive materials excluded from the definition of solid waste under SWDA;

(5) spent nuclear fuel as defined by the Nuclear Waste Policy Act; and

(6) hazardous or additional waste when mixed with spent nuclear fuel or radioactive materials that are excluded from the definition of solid waste under SDWA and subject to other international control systems.

The provisions pertaining to bilateral and regional agreements, as well as the specified exemptions, are consistent with the requirements of the Basel Convention and with other international instruments governing waste disposal.

Sec. 12003. Exceptions to Prohibition. This section describes the three situations in which exports or imports pursuant to a bilateral agreement will be lawful:

(1) exports and imports made pursuant to a bilateral or regional agreement in effect on the date of enactment of the Act and the exporter or importer complies with the requirements of section 3017 of SWDA; Note: Exports and imports made pursuant to an existing agreement that is amended, renewed or extended before the implementing regulations of the Act are promulgated will also be lawful if the exporter or importer complies with the requirements of section 3017 of SWDA;

(2) exports and imports made pursuant to a bilateral or regional agreement in effect on the date of enactment of the Act, but amended, renewed, or extended after the implementing regulations are promulgated, if the amendment, renewal, or extension is compatible with environmentally sound management of the waste and the exporter or importer complies with the procedural requirements of the Act (see section 12004, 12005); and

(3) exports and imports made pursuant to a bilateral or regional agreement entered into after the date of enactment of the Act if the agreement requires environmentally sound management of the waste and compliance with any applicable Federal laws and State programs and the exporter or importer complies with the procedural requirements of the Act (See Section 12004 and 12005).

Notwithstanding these exceptions, it will be unlawful for a person to export or import any hazardous or additional waste when that person knows the waste will not be managed in an environmentally sound manner or in accordance with applicable laws of the importing country, transit country, the United States, or the requirements of any State program authorized under the SWDA.

Sec. 12004. Requirements for Exports. This section requires the exporter to:

(1) provide written notice of, and obtain consent of, the importing and transit countries before participating in the export;

(2) document efforts to minimize waste;

(3) enter into a written contract with the importer specifying environmentally sound management;

(4) accept, or notify EPA if it declines to accept, legal and financial responsibility for environmentally sound management of undelivered waste. If the exporter declines responsibility, then EPA may enforce appropriate management and cost recovery;

(5) comply with the financial responsibility requirements of the United States, the importing country, and transit country; and

(6) ensure that the "movement documents," with required signatures, accompany the export.

The President may authorize general notification and consent procedures for use during a twelve month period, for multiple shipments of the same type of waste to the same disposer via the same customs offices.

Sec. 12005. Requirements for Imports. This section requires the importer to:

(1) provide written notice from the exporting country and obtain written consent from the President before participating in the import of the waste;

(2) enter into a written contract with the exporter specifying waste management in accordance with applicable Federal law and State programs;

(3) accept legal and financial responsibility for lawful management of the waste;

(4) comply with United States and exporting/transit country's financial responsibility requirements; and

(5) ensure "movement documents," with required signatures, accompany the import.

The President may authorize general notification and consent procedures for use during a twelve month period for multiple shipments of the same type of waste to the same disposer via the same customs office.

Sec. 12006. Import of Waste Generated or Managed by or on Behalf of the United States. This section addresses the President's authority over the imports of hazardous and additional waste generated or managed by or on behalf of any department, agency, or instrumentality of the United States government. Consistent with the instrumentally sound management of this government waste, the President may:

(1) determine the procedures for managing abroad and importing such waste into the United States, and

(2) waive the requirements of the Act for individual shipments of such waste if he determines that the waiver is in the paramount interest of the United States.

Sec. 12007. Requirements for Transit Through the United States. This section requires persons responsible for importing waste into the United States, solely for purposes of transit through the United States to another country, to:

(1) provide written notice from the exporting country and obtain written consent from the President for such transit;

(2) provide copies of transit and importing countries' consent; and

(3) provide notice that transit has been completed.

Sec. 12008. Authorities of the President. This section authorizes the President to:

(1) promulgate regulations within eighteen months to implement and enforce the requirements of the Act, including regulations defining criteria for determining "environmentally sound management" and regulations applicable to bilateral or regional agreements on environmentally sound recycling;

(2) prohibit exports and imports, by particular source, shipment, or class, where the waste would not be managed in accordance with the requiremnts of the Basel Convention. Specifically, exports and imports may be prohibited where the waste would not be managed:

(a) in an environmentally sound manner by the importing country;

(b) in accordance with applicable State or Federal law;

(c) in accordance with contractual specifications or the requirements of bilateral or regional agreements; or

(d) in accordance with United States' international obligations.

(3) issue emergency orders to prohibit export or import of hazardous waste by particular source, shipment, or class from or to a specific country;

(4) control undelivered exports by ensuring the delivery of the waste to a designated or alternative facility or the return of the waste to the United States; and

(5) designate ports by limiting or restricting all or particular shipments of waste to those ports.

Note: The judicial review provisions of section 7006 of SWDA apply to all regulations promulgated pursuant to the Act.

Sec. 12009. Antarctic Treaty Area. This section prohibits the export of hazardous or additional waste to the Antarctic Treaty Area for treatment, incineration, storage, disposal, or recycling.

Sec. 12010. Reporting. This section requires all persons who export or import hazardous or additional waste to report to EPA each year summarizing the nature of the waste disposition.

Sec. 12011. Fees. This section directs the President to promulgate and revise regulations establishing fees for exporters or importers of hazardous or additional waste in order to recover the costs of carrying out the requirements of the Act. All fees collected are deposited in miscellaneous receipts of the United States Treasury.

Sec. 12012. Federal Enforcement. This section authorizes the President to commence civil and criminal enforcement actions against persons who have violated the requirements of the Act. This include authority to:

(1) issue compliance orders and orders assessing civil penalties for past or current violations and to set dollar limits on penalties;

(2) seek civil enforcement of emergency orders;

(3) enforce criminal orders and penalties for knowing violations of specified requirements of the Act. This subsection includes a knowing endangerment provision that generally parallels current law;

(4) subject to forfeiture property (real or personal) used or maintained in violation of the Act;

(5) impose financial responsibility requirements for the return of waste to the United States or to an alternative country, or for environmentally sound management, and to suspend any person from participating in any export or import of waste from or into the United States; and

(6) require all persons who are responsible for illegal exports and imports to take financial responsibility for the waste's return or accept liability to the United States for all costs incurred in fulfilling the responsibilities of the exporter or importer.

Sec. 12013. Effective Date. The provisions of the Act take effect on the date of enactment, except as otherwise provided.

Sec. 3. Objective and National Policy. This section establishes a national policy which assures that hazardous and additional waste exported from or imported to the United States is exported or imported in compliance with the provisions of the Basel Convention.

Sec. 4. Retention of Existing Authority. This section ensures that section 3017 of SWDA and all regulations promulgated pursuant to that section remain effective for hazardous waste exported or imported under section 12003(a) of the Act. Section 3017 of SWDA and its regulations will remain effective until the effective date of regulations issued pursuant to the Act.

Sec. 5. Conforming Amendments. This section makes several technical and conforming amendments to sections 3008 and 3017 of SWDA, and to sections 3, 101, and 102 of the Marine, Protection, Research, and Sanctuaries Act.●

By Mr. LEAHY:

S.J. Res. 147. A resolution designating October 16, 1991, and October 16, 1992, as "World Food Day"; to the Committee on the Judiciary.

WORLD FOOD DAY

Mr. LEAHY. Mr. President, I am pleased to introduce a joint resolution designating October 16 of 1991 and 1992 as "World Food Day." The purpose of this day is to increase global awareness of poverty and hunger, and to stimulate national and international action in the fight to feed the world.

I first introduced such a resolution in 1981. This year, nearly 450 private voluntary organizations and thousands of community leaders are participating in the planning of World Food Day observances. This day also serves as a focal point for year-round hunger programs.

The member nations of the Food and Agriculture Organization of the United Nations unanimously designated October 16 of each year as World Food Day to increase public awareness of world hunger problems.

Hunger and malnutrition remain daily facts of life for hundreds of millions of people in this country and throughout the world. The children of the world suffer the most serious effects of hunger and malnutrition, with millions of children dying each year from hunger-related illness and disease. Many other children suffer permanent physical or mental impairment because of vitamin or protein deficiencies.

The people of the United States have a long tradition of demonstrating humanitarian concern for the hungry and malnourished people of the world. The enormous food production capacity of the United States is a valuable tool in efforts to resolve the world hunger problem and maintain world peace.

By bringing the plight of hunger to national and international attention, World Food Day helps to search for and bring about solutions to end hunger in developing countries.

I urge every Senator to cosponsor this important resolution.

I ask unanimous consent that the text of the joint resolution be printed in the RECORD, following my statement.

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

S.J. RES. 147

Whereas hunger and malnutrition remain daily facts of life for hundreds of millions of people throughout the world;

Whereas the children of the world suffer the most serious effects of hunger and malnutrition, with millions of children dying each year from hunger-related illness and disease, and many others suffering permanent physical or mental impairment because of vitamin or protein deficiencies;

Whereas the United States and the people of the United States have a long tradition of demonstrating humanitarian concern for the hungry and malnourished people of the world;

Whereas there is growing concern in the United States and around the world for environmental protection and the dangers posed to future food security from misuse and overuse of precious natural resources of land, air, and water and the subsequent degradation of the biosphere;

Whereas efforts to resolve the world hunger problem are critical to the maintenance of world peace and, therefore, to the security of the United States;

Whereas the United States plays a major role in the development and implementation of interregional food and agricultural trade standards and practices and recognizing the positive role that food trade can play in enhancing human nutrition and in the alleviation of hunger;

Whereas the United States, as the largest producer and trader of food in the world, has a key role to play in assisting countries and people to improve their ability to feed themselves;

Whereas progress has been made in reducing the incidence of hunger and malnutrition in the United States, and yet certain groups, notably children, the elderly, the homeless, Native Americans, and migrant workers, remain vulnerable to malnutrition and related diseases;

Whereas the Congress is acutely aware of the paradox of enormous surplus production capacity in the United States despite the desperate need for food by people throughout the world;

Whereas the United States and other countries should develop and continually evaluate national policies concerning food and nutrition to achieve the well-being and protection of all people and particularly those most vulnerable to malnutrition and related diseases;

Whereas the Congress is aware of and fully supportive of the 1992 World Conference on Environment and Development and the forthcoming International Conference on Nutrition, and the influence the decisions of these conferences may have on sustainable agricultural development and human well-being;

Whereas private enterprise and the primacy of the independent family farmer have been basic to the development of an agricultural economy in the United States and have made the United States capable of meeting the food needs of most of the people of the United States;

Whereas conservation of natural resources is necessary for the United States to remain the largest producer of food in the world and to continue to aid hungry and malnourished people of the world;

Whereas participation by private voluntary organizations and businesses, working with national governments and the international community, is essential in the search for ways to increase food production in developing countries and improve food distribution to hungry and malnourished people;

Whereas the member nations of the Food and Agriculture Organization of the United Nations unanimously designated October 16 of each year as World Food Day because of the need to increase public awareness of world hunger problems;

Whereas past observances of World Food Day have been supported by proclamations by the Congress, the President, the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, and the territories and possessions of the United States, and by programs of the Department of Agriculture, other Federal departments and agencies, and the governments and peoples of more than 140 other nations;

Whereas nearly 450 private voluntary organizations and thousands of community leaders are participating in the planning of World Food Day observances in 1991, and a growing number of these organizations and leaders are using such day as a focal point for year-round programs; and

Whereas the people of the United States can express their concern for the plight of hungry and malnourished people throughout the world by fasting and donating food and money for such people: Now, therefore, be it

Resolved by the Senate and the House of Representatives of the United States of America in Congress assembled, That October 16, 1991, and October 16, 1992, are each designated as "World Food Day," and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe World Food Day with appropriate ceremonies and activities, including worship services, fasting, education endeavors, and the establishment of year-round food and health programs and policies.

ADDITIONAL COSPONSORS

S. 10

At the request of Mr. DOLE, the name of the Senator from Florida [Mr. GRAHAM] was added as a cosponsor of S. 10, a bill to amend title II of the Social Security Act to phase out the earnings test over a 5-year period for individuals who have attained retirement age, and for other purposes.

S. 173

At the request of Mr. HOLLINGS, the name of the Senator from North Carolina [Mr. SANFORD] was added as a cosponsor of S. 173, a bill to permit the Bell Telephone Co. to conduct research on, design, and manufacture telecommunications equipment, and for other purposes.

S. 316

At the request of Mr. CRAIG, the name of the Senator from Texas [Mr. GRAMM] was added as a cosponsor of S. 316, a bill to provide for treatment of Federal pay in the same manner as non-Federal pay with respect to garnishment and similar legal process.

S. 387

At the request of Mr. MACK, the name of the Senator from North Dakota [Mr. CONRAD] was added as a cosponsor of S. 387, a bill to amend title XVIII of the Social Security Act to provide an additional payment under part A of the Medicare Program for the operating costs of inpatient hospital services of hospitals with a high proportion of patients who are Medicare beneficiaries.

S. 448

At the request of Mr. SYMMS, the name of the Senator from Wisconsin [Mr. KASTEN] was added as a cosponsor of S. 448, a bill to amend the Internal Revenue Code of 1986 to allow tax-exempt organizations to establish cash and deferred pension arrangements for their employees.

S. 474

At the request of Mr. DECONCINI, the name of the Senator from Colorado [Mr. WIRTH] was added as a cosponsor of S. 474, a bill to prohibit sports gambling under State law.

S. 505

At the request of Mr. HARKIN, the name of the Senator from Arkansas [Mr. BUMPERS] was added as a cosponsor of S. 505, a bill to change the name of the Centers for Disease Control to the Centers for Disease Prevention and Control, and for other purposes.

S. 506

At the request of Mr. HARKIN, the name of the Senator from Arkansas [Mr. BUMPERS] was added as a cosponsor of S. 506, a bill to amend title XVIII of the Social Security Act to require hospitals receiving Medicare payments for graduate medical education programs to incorporate training in disease prevention and health promotion, and to prohibit reductions in payment rates for direct and indirect medical education costs.

S. 507

At the request of Mr. HARKIN, the name of the Senator from Arkansas [Mr. BUMPERS] was added as a cosponsor of S. 507, a bill to amend the Public Health Service Act to expand the scope of educational efforts concerning lead poisoning prevention, and for other purposes.

S. 508

At the request of Mr. HARKIN, the name of the Senator from Arkansas [Mr. BUMPERS] was added as a cosponsor of S. 508, a bill to amend title XVIII of the Social Security Act to provide for coverage of screening mammography where payment is not otherwise available for such screening for women over 49 years of age regardless of eligibility for benefits under such title, and for other purposes.

S. 521

At the request of Mr. DANFORTH, the name of the Senator from South Dakota [Mr. PRESSLER] was added as a cosponsor of S. 521, a bill to amend section 315 of the Communications Act of 1934 with respect to the purchase and use of broadcasting time by candidates for public office, and for other purposes.

S. 535

At the request of Mr. PACKWOOD, the name of the Senator from Oregon [Mr. HATFIELD] was added as a cosponsor of S. 535, a bill to amend section 303 of Public Law 96-451 to authorize the Secretary of the Interior to expend funds from the Reforestation Trust Fund for the reforestation of certain lands in the State of Oregon, and for other purposes.

S. 591

At the request of Mr. BRYAN, the name of the Senator from Tennessee [Mr. GORE] was added as a cosponsor of S. 591, a bill to require airbags for certain newly manufactured vehicles.

S. 614

At the request of Mr. DASCHLE, the name of the Senator from Hawaii [Mr. AKAKA] was added as a cosponsor of S. 614, a bill to amend title XVIII of the Social Security Act to provide coverage under such title for certain chiropractic services authorized to be performed under State law, and for other purposes.

S. 642

At the request of Mr. COATS, the name of the Senator from Washington [Mr. GORTON] was added as a cosponsor of S. 642, a bill to amend the Internal Revenue Code of 1986 to increase the personal exemption for dependents of a taxpayer.

S. 643

At the request of Mr. COATS, the name of the Senator from Washington [Mr. GORTON] was added as a cosponsor of S. 643, a bill to amend the Internal Revenue Code of 1986 to increase the personal exemption for dependent children of a taxpayer who are 6 years old or younger.

S. 649

At the request of Mr. BREAUX, the names of the Senator from Indiana [Mr. COATS], the Senator from Maryland [Ms. MIKULSKI], the Senator from Washington [Mr. GORTON], and the Senator from Florida [Mr. MACK] were added as cosponsors of S. 649, a bill to amend the Internal Revenue Code of 1986 to repeal the luxury tax on boats.

S. 651

At the request of Mr. GARN, the name of the Senator from Mississippi [Mr. LOTT] was added as a cosponsor of S. 651, a bill to improve the administration of the Federal Deposit Insurance Corporation, and to make technical amendments to the Federal Deposit Insurance Act, the Federal Home Loan Bank Act, and the National Bank Act.

S. 701

At the request of Mr. COATS, the name of the Senator from Washington [Mr. GORTON] was added as a cosponsor of S. 701, a bill to amend the Internal Revenue Code of 1986 to increase the amount of the exemption for dependent children under age 18 to $3,500, and for other purposes.

S. 765

At the request of Mr. BREAUX, the name of the Senator from New Hampshire [Mr. SMITH] was added as a cosponsor of S. 765, a bill to amend the Internal Revenue Code of 1986 to exclude the imposition of employer Social Security taxes on cash tips.

S. 838

At the request of Mr. DODD, the name of the Senator from Hawaii [Mr. AKAKA] was added as a cosponsor of S. 838, a bill to amend the Child Abuse Prevention and Treatment Act to revise and extend programs under such act, and for other purposes.

S. 843

At the request of Mr. BREAUX, the name of the Senator from Florida [Mr. MACK] was added as a cosponsor of S. 843, a bill to amend title 46, United States Code, to repeal the requirement that the Secretary of Transportation collect a fee or charge for recreational vessels.

S. 878

At the request of Mr. DODD, the name of the Senator from New York [Mr. D'AMATO] was added as a cosponsor of S. 878, a bill to assist in implementing the plan of action adopted by the World Summit for Children, and for other purposes.

S. 884

At the request of Mr. PACKWOOD, the name of the Senator from Colorado [Mr. WIRTH] was added as a cosponsor of S. 884, a bill to require the President to impose economic sanctions against countries that fail to eliminate large-scale driftnet fishing.

S. 1009

At the request of Mr. COATS, the name of the Senator from Washington [Mr. GORTON] was added as a cosponsor of S. 1009, a bill to amend the Internal Revenue Code of 1986 to increase the amount of the exemption for dependent children under age 18 to $4,000, and for other purposes.

S. 1046

At the request of Mr. BIDEN, the names of the Senator from Rhode Island [Mr. PELL], the Senator from California [Mr. CRANSTON], the Senator from Colorado [Mr. WIRTH], the Senator from Oregon [Mr. HATFIELD], the Senator from Iowa [Mr. GRASSLEY], and the Senator from Maryland [Ms. MIKULSKI] were added as cosponsors of S. 1046, a bill to provide for the establishment of an international arms suppliers regime to limit the transfer of armaments to nations in the Middle East.

SENATE JOINT RESOLUTION 40

At the request of Mr. THURMOND, the names of the Senator from North Dakota [Mr. BURDICK] and the Senator from Ohio [Mr. METZENBAUM] were added as cosponsors of Senate Joint Resolution 40, a joint resolution to designate the period commencing September 8, 1991, and ending on September 14, 1991, as "National Historically Black Colleges Week."

SENATE JOINT RESOLUTION 43

At the request of Mr. SPECTER, the names of the Senator from Utah [Mr. GARN], the Senator from Utah [Mr. HATCH], the Senator from Ohio [Mr. GLENN], and the Senator from Oregon [Mr. PACKWOOD] were added as cosponsors of Senate Joint Resolution 43, a joint resolution to authorize and request the President to designate May 1991 as "National Physical Fitness and Sports Month."

SENATE JOINT RESOLUTION 49

At the request of Mr. SARBANES, the names of the Senator from South Dakota [Mr. PRESSLER], the Senator from Indiana [Mr. COATS], and the Senator from Georgia [Mr. NUNN] were added as cosponsors of Senate Joint Resolution 49, a joint resolution to designate 1991 as the "Year of Public Health" and to recognize the 75th anniversary of the founding of the Johns Hopkins School of Public Health.

SENATE JOINT RESOLUTION 72

At the request of Mr. SPECTER, the names of the Senator from Ohio [Mr. GLENN], the Senator from Vermont [Mr. JEFFORDS], and the Senator from Oregon [Mr. PACKWOOD] were added as cosponsors of Senate Joint Resolution 72, a joint resolution to designate the week of September 15, 1991, through September 21, 1991, as "National Rehabilitation Week."

SENATE JOINT RESOLUTION 73

At the request of Mr. SPECTER, the names of the Senator from Vermont [Mr. JEFFORDS] and the Senator from South Carolina [Mr. THURMOND] were added as cosponsors of Senate Joint Resolution 73, a joint resolution designating October 1991 as "National Domestic Violence Awareness Month."

SENATE JOINT RESOLUTION 82

At the request of Mr. SPECTER, the names of the Senator from South Carolina [Mr. THURMOND] and the Senator from Connecticut [Mr. DODD] were added as cosponsors of Senate Joint Resolution 82, a joint resolution to designate the week beginning May 19, 1991, as "National Police Athletic League Week."

SENATE JOINT RESOLUTION 89

At the request of Mr. DECONCINI, the names of the Senator from Ohio [Mr. METZENBAUM], the Senator from Colorado [Mr. WIRTH], the Senator from Connecticut [Mr. LIEBERMAN], the Senator from Nevada [Mr. REID], and the Senator from Pennsylvania [Mr. SPECTER] were added as cosponsors of Senate Joint Resolution 89, a joint resolution expanding United States support for the Baltic States.

SENATE RESOLUTION 117

At the request of Mr. DOLE, the names of the Senator from Wyoming [Mr. SIMPSON], the Senator from Mississippi [Mr. COCHRAN], the Senator from Montana [Mr. BAUCUS], the Senator from Kansas [Mrs. KASSEBAUM], the Senator from Nebraska [Mr. KERREY], the Senator from Nebraska [Mr. EXON], the Senator from Idaho [Mr. CRAIG], the Senator from Vermont [Mr. JEFFORDS], the Senator from Minnesota [Mr. WELLSTONE], the Senator from New Mexico [Mr. DOMENICI], the Senator from North Dakota [Mr. BURDICK], the Senator from Alaska [Mr. MURKOWSKI], the Senator from South Dakota [Mr. DASCHLE], the Senator from Montana [Mr. BURNS], the Senator from Texas [Mr. BENTSEN], the Senator from Virginia [Mr. WARNER], the Senator from Michigan [Mr. LEVIN], the Senator from South Dakota [Mr. PRESSLER], the Senator from Missouri [Mr. BOND], the Senator from Washington [Mr. GORTON], and the Senator from Minnesota [Mr. DURENBERGER] were added as cosponsors of Senate Resolution 117, a resolution to express the sense of the Senate that the administration should expeditiously and prudently act upon the Soviet Union's request for agricultural export credit guarantees from the United States to facilitate the sale of food and feed products in accordance with the emergency needs of the Soviet people, provided certain conditions are met.

SENATE RESOLUTION 119

At the request of Mrs. KASSEBAUM, the name of the Senator from Iowa [Mr. HARKIN] was added as a cosponsor of Senate Resolution 119, a resolution to express the sense of the Senate that the United States should recognize the Government of the Republic of Lithuania.

SENATE RESOLUTION 121

At the request of Mr. DECONCINI, the names of the Senator from Illinois [Mr. SIMON] and the Senator from New York [Mr. D'AMATO] were added as cosponsors of Senate Resolution 121, a resolution supporting the breakthrough for peace in Angola, and for other purposes.

SENATE RESOLUTION 127—RELATIVE TO THE RELEASE OF CERTAIN DOCUMENTS

Mr. METZENBAUM (for Mr. MITCHELL) submitted the following resolution; which was considered and agreed to:

S. RES. 127

Whereas, Independent Counsel Lawrence E. Walsh has requested certain documents within the custody and control of the Select Committee on Intelligence to assist his office in the completion of its investigation;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by administrative or judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that documents, papers, and records under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistently with the privileges of the Senate: Now, therefore, be it

Resolved, That the Chairman and Vice Chairman of the Select Committee on Intelligence, acting jointly, are authorized to provide to the Independent Counsel, under appropriate security controls, documents in the custody and control of the Committee.

AMENDMENTS SUBMITTED

SENATE ELECTION ETHICS ACT

BOREN (AND OTHERS) AMENDMENT NO. 242

Mr. BOREN (for himself, Mr. MITCHELL, Mr. FORD, and Mr. BYRD) proposed an amendment to the bill (S. 3) to amend the Federal Election Campaign Act of 1971 to provide for a voluntary system of spending limits for Senate selection campaigns, and for other purposes, as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; AMENDMENT OF CAMPAIGN ACT; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Senate Election Ethics Act of 1991".

(b) AMENDMENT OF FECA.—When used in this Act, the term "FECA" means the Federal Election Campaign Act of 1971.

(c) TABLE OF CONTENTS.—

Sec. 1. Short title; amendment of FECA; table of contents.

TITLE I—SENATE ELECTION CAMPAIGN SPENDING LIMITS AND BENEFITS
Sec. 101. Senate spending limits and public benefits.
Sec. 102. Ban on activities of political action committees in Federal elections.
Sec. 103. Broadcast rates.
Sec. 104. Preferential rates for mail.
Sec. 105. Disclosure by noneligible candidates.
Sec. 106. Reporting requirements.
Sec. 107. Other definitions.
TITLE II—EXPENDITURES AND CONTRIBUTIONS
Subtitle A—Independent Expenditures
Sec. 201. Cooperative expenditures not treated as independent expenditures.
Sec. 202. Equal broadcast time.
Sec. 203. Attribution of communications.
Subtitle B—Expenditures
PART I—PERSONAL LOANS; CREDIT
Sec. 211. Personal contributions and loans.
Sec. 212. Extensions of credit.
PART II—PROVISIONS RELATING TO SOFT MONEY OF POLITICAL PARTIES
Sec. 215. Limitations on contributions to State political party committees.
Sec. 216. Provisions relating to national, State, and local party committees.
Sec. 217. Restrictions on fundraising by candidates and officeholders.
Sec. 218. Reporting requirements.
Subtitle C—Contributions
Sec. 221. Limits on contributions by certain political committees.
Sec. 222. Contributions through intermediaries and conduits.
Sec. 223. Contributions by dependents not of voting age.
Subtitle D—Reporting Requirements
Sec. 231. Reporting requirements.
TITLE III—FEDERAL ELECTION COMMISSION
Sec. 301. Use of candidates' names.
Sec. 302. Reporting requirements.
Sec. 303. Provisions relating to the general counsel of the commission.
Sec. 304. Retention of fees by the commission.
Sec. 305. Enforcement.
Sec. 306. Penalties.
Sec. 307. Random audits.
Sec. 308. Attribution of communications.
Sec. 309. Fraudulent solicitation of contributions.
TITLE IV—MISCELLANEOUS
Sec. 401. Restriction of control of certain types of political committees by incumbents in or candidates for Federal office.
Sec. 402. Polling data contributed to a senatorial candidate.
Sec. 403. Mass mailings.
Sec. 404. Extension of time period when franked mass mailings are prohibited.
TITLE V—EFFECTIVE DATES: AUTHORIZATIONS
Sec. 501. Effective date.
Sec. 502. Authorization of appropriations.
Sec. 503. Severability.

TITLE I—SENATE ELECTION CAMPAIGN SPENDING LIMITS AND BENEFITS

SEC. 101. SENATE SPENDING LIMITS AND PUBLIC BENEFITS.

(a) IN GENERAL.—FECA is amended by adding at the end thereof the following new title:

"TITLE V—SPENDING LIMITS AND PUBLIC BENEFITS FOR SENATE ELECTION CAMPAIGNS

"DEFINITIONS

"SEC. 501. For purposes of this title—

"(1) except as otherwise provided in this title, the definitions under section 301 shall apply for purposes of this title insofar as such definitions relate to elections to the office of United States Senator;

"(2) the term 'eligible candidate' means a candidate who is eligible under section 502 to receive benefits under this title;

"(3) the terms 'Senate Election Campaign Fund' and 'Fund' mean the Senate Election Campaign Fund established under section 506;

"(4) the term 'general election' means any election which will directly result in the election of a person to the office of United States Senator, but does not include an open primary election;

"(5) the term 'general election period' means, with respect to any candidate, the period beginning on the day after the date of the primary or runoff election for the specific office the candidate is seeking, whichever is later, and ending on the earlier of—

"(A) the date of such general election; or

"(B) the date on which the candidate withdraws from the campaign or otherwise ceases actively to seek election;

"(6) the term 'immediate family' means—

"(A) a candidate's spouse;

"(B) a child, stepchild, parent, grandparent, brother, half-brother, sister or half-sister of the candidate or the candidate's spouse; and

"(C) the spouse of any person described in subparagraph (B);

"(7) the term 'major party' has the meaning given such term in section 9002(6) of the Internal Revenue Code of 1986, except that if a candidate qualified under State law for the ballot in a general election in an open primary in which all the candidates for the office participated and which resulted in the candidate and at least one other candidate qualifying for the ballot in the general election, such candidate shall be treated as a candidate of a major party for purposes of this title;

"(8) the term 'primary election' means an election which may result in the selection of a candidate for the ballot in a general election for the office of United States Senator;

"(9) the term 'primary election period' means, with respect to any candidate, the period beginning on the day following the date of the last election for the specific office the candidate is seeking and ending on the earlier of—

"(A) the date of the first primary election for that office following the last general election for that office; or

"(B) the date on which the candidate withdraws from the election or otherwise ceases actively to seek election;

"(10) the term 'runoff election' means an election held after a primary election which is prescribed by applicable State law as the means for deciding which candidate will be on the ballot in the general election for the office of United States Senator;

"(11) the term 'runoff election period' means, with respect to any candidate, the period beginning on the day following the date of the last primary election for the specific office such candidate is seeking and ending on the date of the runoff election for such office;

"(12) the term 'voting age population' means the resident population, 18 years of age or older, as certified pursuant to section 315(e); and

"(13) the term 'expenditure' has the meaning given such term by section 301(9), except that in determining any expenditures made by, or on behalf of, a candidate or candidate's authorized committees, section 301(9)(B) shall be applied without regard to clause (ii) or (vi) thereof.

"CANDIDATES ELIGIBLE TO RECEIVE BENEFITS

"SEC. 502. (a) IN GENERAL.—For purposes of this title, a candidate is an eligible candidate if the candidate—

"(1) meets the primary and general election filing requirements of subsections (b) and (c);

"(2) meets the primary and runoff election expenditure limits of subsection (d); and

"(3) meets the threshold contribution requirements of subsection (e).

"(b) PRIMARY FILING REQUIREMENTS.—(1) The requirements of this subsection are met if the candidate files with the Secretary of the Senate a declaration that—

"(A) the candidate and the candidate's authorized committees—

"(i) will meet the primary and runoff election expenditure limits of subsection (d); and

"(ii) will only accept contributions for the primary and runoff elections which do not exceed such limits;

"(B) the candidate and the candidate's authorized committees will meet the general election expenditure limit under section 503(b); and

"(C) the candidate and the candidate's authorized committees will meet the limitation on expenditures from personal funds under section 503(a).

"(2) The declaration under paragraph (1) shall be filed not later than the date the candidate files as a candidate for the primary election.

"(c) GENERAL ELECTION FILING REQUIREMENT.—(1) The requirements of this subsection are met if the candidate files a certification with the Secretary of the Senate under penalty of perjury that—

"(A) the candidate and the candidate's authorized committees—

"(i) met the primary and runoff election expenditure limits under subsection (d); and

"(ii) did not accept contributions for the primary or runoff election in excess of the primary or runoff expenditure limit under subsection (d), whichever is applicable;

"(B) the candidate met the threshold contribution requirement under subsection (e), and that only allowable contributions were taken into account in meeting such requirement;

"(C) at least one other candidate has qualified for the same general election ballot under the law of the State involved;

"(D) such candidate and the authorized committees of such candidate—

"(i) except as otherwise provided by this title, will not make expenditures which exceed the general election expenditure limit under section 503(b);

"(ii) will not accept any contributions in violation of section 315;

"(iii) except as otherwise provided by this title, will not accept any contribution for the general election involved to the extent that such contribution would cause the aggregate amount of such contributions to exceed the sum of—

"(I) the amount of the general election expenditure limit under section 503(b), reduced by the amount of voter communication vouchers issued to the candidate; plus

"(II) the amount of contributions from State residents which may be taken into ac-

count under section 503(b)(4) in increasing the general election expenditure limit; plus

"(III) the amount which may be maintained in a legal and accounting compliance fund under section 503(c);

"(iv) will deposit all payments received under this title in an account insured by the Federal Deposit Insurance Corporation from which funds may be withdrawn by check or similar means of payment to third parties;

"(v) will furnish campaign records, evidence of contributions, and other appropriate information to the Commission; and

"(vi) will cooperate in the case of any audit and examination by the Commission under section 507; and

"(E) the candidate intends to make use of the benefits provided under section 504.

"(2) The declaration under paragraph (1) shall be filed not later than 7 days after the earlier of—

"(A) the date the candidate qualifies for the general election ballot under State law; or

"(B) if, under State law, a primary or runoff election to qualify for the general election ballot occurs after September 1, the date the candidate wins the primary or runoff election.

"(d) PRIMARY AND RUNOFF EXPENDITURE LIMITS.—(1) The requirements of this subsection are met if:

"(A) The candidate or the candidate's authorized committees did not make expenditures for the primary election in excess of the lesser of—

"(i) 67 percent of the general election expenditure limit under section 503(b); or

"(ii) $2,750,000.

"(B) The candidate and the candidate's authorized committees did not make expenditures for any runoff election in excess of 20 percent of the general election expenditure limit under section 503(b).

"(2) The limitations under subparagraphs (A) and (B) of paragraph (1) with respect to any candidate shall be increased by the aggregate amount of independent expenditures in opposition to, or on behalf of any opponent of, such candidate during the primary or runoff election period, whichever is applicable, which are required to be reported to the Commission with respect to such period under section 304A(b) (relating to independent expenditures in excess of $10,000).

"(3)(A) If the contributions received by the candidate or the candidate's authorized committees for the primary election or runoff election exceed the expenditures for either such election, such excess contributions shall be treated as contributions for the general election and expenditures for the general election may be made from such excess contributions.

"(B) Subparagraph (A) shall not apply to the extent that such treatment of excess contributions—

"(i) would result in the violation of any limitation under section 315; or

"(ii) would cause the aggregate contributions received for the general election to exceed the limits under subsection (c)(1)(D)(iii).

"(e) THRESHOLD CONTRIBUTION REQUIREMENTS.—(1) The requirements of this subsection are met if the candidate and the candidate's authorized committees have received allowable contributions during the applicable period in an amount at least equal to the lesser of—

"(1) 10 percent of the general election expenditure limit under section 503(b); or

"(2) $250,000.

"(2) For purposes of this section and section 504(b)—

"(A) The term 'allowable contributions' means contributions which are made as gifts of money by an individual pursuant to a written instrument identifying such individual as the contributor.

"(B) The term 'allowable contributions' shall not include—

"(i) contributions made directly or indirectly through an intermediary or conduit which are treated as made by such intermediary or conduit under section 315(a)(8)(B);

"(ii) contributions from any individual during the applicable period to the extent such contributions exceed $250; or

"(iii) contributions from individuals residing outside the candidate's State to the extent such contributions exceed 50 percent of the aggregate allowable contributions (without regard to this clause) received by the candidate during the applicable period.

Clauses (ii) and (iii) shall not apply for purposes of section 504(b).

"(3) For purposes of this subsection and section 504(b), the term 'applicable period' means—

"(A) the period beginning on January 1 of the calendar year preceding the calendar year of the general election involved and ending on—

"(i) the date on which the certification under subsection (c) is filed by the candidate; or

"(ii) for purposes of section 504(b), the date of such general election; or

"(B) in the case of a special election for the office of United States Senator, the period beginning on the date the vacancy in such office occurs and ending on the date of the general election involved.

"(f) INDEXING.—The $2,750,000 amount under subsection (d)(1) shall be increased as of the beginning of each calendar year based on the increase in the price index determined under section 315(c), except that for purposes of subsection (d), the base period shall be the calendar year in which the first general election after the date of the enactment of this title occurs.

"LIMITATIONS ON EXPENDITURES

"SEC. 503. (a) LIMITATION ON USE OF PERSONAL FUNDS.—The aggregate amount of expenditures which may be made during an election cycle by an eligible candidate or such candidate's authorized committees from the following sources shall not exceed $250,000:

"(1) The personal funds of the candidate and members of the candidate's immediate family.

"(2) Personal debt incurred by the candidate and members of the candidate's immediate family.

"(b) GENERAL ELECTION EXPENDITURE LIMIT.—(1) Except as otherwise provided in this title, the aggregate amount of expenditures for a general election by an eligible candidate and the candidate's authorized committees shall not exceed the lesser of—

"(A) $5,500,000; or

"(B) the greater of—

"(i) $950,000; or

"(ii) $400,000; plus

"(I) 30 cents multiplied by the voting age population not in excess of 4,000,000; and

"(II) 25 cents multiplied by the voting age population in excess of 4,000,000.

"(2) In the case of an eligible candidate in a State which has no more than 1 transmitter for a commercial Very High Frequency (VHF) television station licensed to operate in that State, paragraph (1)(B)(ii) shall be applied by substituting—

"(A) '80 cents' for '30 cents' in subclause (I); and

"(B) '70 cents' for '25 cents' in subclause (II).

"(3) The amount otherwise determined under paragraph (1) for any calendar year shall be increased by the same percentage as the percentage increase for such calendar year under section 502(f) (relating to indexing).

"(4)(A) The limitation under this subsection (without regard to this paragraph) shall be increased by the lesser of—

"(i) 25 percent of such limitation; or

"(ii) the amount of contributions described in subparagraph (B).

"(B) Contributions are described in this subsection if such contributions—

"(i) are made after the time contributions have been received in an amount at least equal to the threshold contribution requirement under section 502(e);

"(ii) are in amounts of $100 or less; and

"(iii) are made by an individual who was, at the time the contributions were made, a resident of the State in which the general election is held;

except that the total amount of contributions taken into account under subparagraph (A) with respect to any individual shall not exceed $100.

"(C) Except as otherwise expressly provided, any reference in any provision of law to the general election expenditure limit under this subsection shall be treated as a reference to such limit computed without regard to this paragraph.

"(c) LEGAL AND ACCOUNTING COMPLIANCE FUND.—(1) The limitation under subsection (b) shall not apply to qualified legal and accounting expenditures made by a candidate or the candidate's authorized committees or a Federal officeholder from a legal and accounting compliance fund meeting the requirements of paragraph (2).

"(2) A legal and accounting compliance fund meets the requirements of this paragraph if—

"(A) the only amounts transferred to the fund are amounts received in accordance with the limitations, prohibitions, and reporting requirements of this Act;

"(B) the aggregate amount transferred to, and expenditures made from, the fund do not exceed the sum of—

"(i) the lesser of—

"(I) 15 percent of the general election expenditure limit under subsection (b) for the general election for which the fund was established; or

"(II) $300,000; plus

"(ii) the amount determined under paragraph (4); and

"(C) no funds received by the candidate pursuant to section 504(a)(3) may be transferred to the fund.

"(3) For purposes of this subsection, the term 'qualified legal and accounting expenditures' means the following:

"(A) Any expenditures for costs of legal and accounting services provided in connection with—

"(i) any administrative or court proceeding initiated pursuant to this Act during the election cycle for such general election; or

"(ii) the preparation of any documents or reports required by this Act or the Commission.

"(B) Any expenditures for legal and accounting services provided after the general election for which the legal and accounting compliance fund was established to ensure compliance with this Act with respect to the election cycle for such general election.

"(C) Expenditures for the extraordinary costs of legal and accounting services provided in connection with the candidate's activities as a holder of Federal office other than costs for the purpose of influencing the election of such candidate to Federal office.

"(4)(A) If, after a general election, a candidate determines that the qualified legal and accounting expenditures will exceed the limitation under paragraph (2)(B), the candidate may petition the Commission by filing with the Secretary of the Senate a request for an increase in such limitation. The Commission shall authorize an increase in such limitation in the amount (if any) by which the Commission determines the qualified legal and accounting expenditures exceed such limitation. Such determination shall be subject to judicial review under section 509.

"(B) Except as provided in section 315, any contribution received or expenditure made pursuant to this paragraph shall not be taken into account for any contribution or expenditure limit applicable to the candidate under this title.

"(5)(A) A candidate shall terminate a legal and accounting compliance fund as of the earlier of—

"(i) the date of the first primary election for the office following the general election for such office for which such fund was established; or

"(ii) the date specified by the candidate.

"(B) Any amounts remaining in a legal and accounting compliance fund as of the date determined under subparagraph (A) shall be transferred—

"(i) to a legal and accounting compliance fund for the election cycle for the next general election;

"(ii) to an authorized committee of the candidate as contributions allocable to the election cycle for the next general election; or

"(iii) to the Senate Election Campaign Fund.

"(d) PAYMENT OF TAXES.—The limitation under subsection (b) shall not apply to any expenditure by the candidate or the candidate's authorized committees for Federal, State, or local taxes on earnings allocable to contributions received by such candidates or committees.

"BENEFITS ELIGIBLE CANDIDATE ENTITLED TO RECEIVE

"SEC. 504. (a) IN GENERAL.—An eligible candidate shall be entitled to—

"(1) the broadcast media rates provided under section 315(b)(3) of the Communications Act of 1934;

"(2) the mailing rates provided in section 3629 of title 39, United States Code;

"(3) payments from the Senate Election Campaign Fund in the amounts determined under subsection (b); and

"(4) voter communication vouchers in the amount determined under subsection (c).

"(b) AMOUNT OF PAYMENTS.—(1) For purposes of subsection (a)(3), except as provided in section 506(d), the amounts determined under this subsection are—

"(A) the independent expenditure amount; and

"(B) in the case of an eligible candidate who has an opponent in the general election who receives contributions, or makes (or obligates to make) expenditures, for such election in excess of the general election expenditure limit under section 503(b), the excess expenditure amount.

"(2) For purposes of paragraph (1), the independent expenditure amount is the total amount of independent expenditures made, or obligated to be made, during the general election period by 1 or more persons in opposition to, or on behalf of an opponent of, an eligible candidate which are required to be reported by such persons under section 304A(b) with respect to the general election period and are certified by the Commission under section 304A(e).

"(3) For purposes of paragraph (1), the excess expenditure amount is the amount determined as follows:

"(A) In the case of a major party candidate, an amount equal to the sum of—

"(i) if the excess described in paragraph (1)(B) is not greater than 133⅓ percent of the general election expenditure limit under section 503(b), an amount equal to two-thirds of such limit applicable to the eligible candidate for the election; plus

"(ii) if the excess described in paragraph (1)(B) equals or exceeds 133⅓ percent of the general election expenditure limit under section 503(b), an amount equal to one-third of such limit applicable to the eligible candidate for the election.

"(B) In the case of an eligible candidate who is not a major party candidate, an amount equal to the lesser of—

"(i) the allowable contributions of the eligible candidate during the applicable period in excess of the threshold contribution requirement under section 502(e); or

"(ii) 50 percent of the general election expenditure limit applicable to the eligible candidate under section 503(b).

"(c) VOTER COMMUNICATION VOUCHERS.—(1) The Secretary of the Treasury shall issue nontransferable voter communication vouchers to eligible candidates as provided under section 506(b).

"(2) The aggregate amount of voter communication vouchers issued to an eligible candidate under paragraph (1) shall be equal to 20 percent of the general election expenditure limit under section 503(b) (10 percent of such limit if such candidate is not a major party candidate).

"(3) Voter communication vouchers shall be used by an eligible candidate to purchase broadcast time during the general election period in the same manner as other broadcast time may be purchased by the candidate, except that each such broadcast shall be at least 1 but not more than 5 minutes in length.

"(d) WAIVER OF EXPENDITURE AND CONTRIBUTION LIMITS.—(1) An eligible candidate who receives payments under subsection (a)(3) which are allocable to the independent expenditure or excess expenditure amounts described in paragraphs (2) and (3) of subsection (b) may make expenditures from such payments to defray expenditures for the general election without regard to the general election expenditure limit under section 503(b).

"(2) An eligible candidate who receives benefits under this section may make expenditures for the general election without regard to clause (i) of section 502(c)(1)(D) or subsection (a) or (b) of section 503 if any one of the eligible candidate's opponents who is not an eligible candidate either raises aggregate contributions, or makes or becomes obligated to make aggregate expenditures, for the general election that exceed 133⅓ percent of the general election expenditure limit applicable to the eligible candidate under section 503(b).

"(3) A candidate who receives benefits under this section may receive contributions for the general election without regard to clause (iii) of section 502(c)(1)(D) if—

"(A) a major party candidate in the same general election is not an eligible candidate; or

"(B) any other candidate in the same general election who is not an eligible candidate raises aggregate contributions, or makes or becomes obligated to make aggregate expenditures, for the general election that exceed 75 percent of the general election expenditure limit applicable to such other candidate under section 503(b).

"(e) USE OF PAYMENTS FROM FUND.—Payments received by a candidate under subsection (a)(3) shall be used to defray expenditures incurred with respect to the general election period for the candidate. Such payments shall not be used—

"(1) except as provided in paragraph (4), to make any payments, directly or indirectly, to such candidate or to any member of the immediate family of such candidate;

"(2) to make any expenditure other than expenditures to further the general election of such candidate;

"(3) to make any expenditures which constitute a violation of any law of the United States or of the State in which the expenditure is made; or

"(4) subject to the provisions of section 315(i), to repay any loan to any person except to the extent the proceeds of such loan were used to further the general election of such candidate.

"CERTIFICATION BY COMMISSION

"SEC. 505. (a) IN GENERAL.—(1) The Commission shall certify to any candidate meeting the requirements of section 502 that such candidate is an eligible candidate entitled to benefits under this title. The Commission shall revoke such certification if it determines a candidate fails to continue to meet such requirements.

"(2) No later than 48 hours after an eligible candidate files a request with the Secretary of the Senate to receive benefits under section 506, the Commission shall certify to the Secretary of the Treasury whether such candidate is eligible for payments under this title from the Senate Election Campaign Fund or to receive voter communication vouchers and the amount of such payments or vouchers to which such candidate is entitled. The request referred to in the preceding sentence shall contain—

"(A) such information and be made in accordance with such procedures as the Commission may provide by regulation; and

"(B) a verification signed by the candidate and the treasurer of the principal campaign committee of such candidate stating that the information furnished in support of the request, to the best of their knowledge, is correct and fully satisfies the requirements of this title.

"(b) DETERMINATIONS BY COMMISSION.—All determinations (including certifications under subsection (a)) made by the Commission under this title shall be final and conclusive, except to the extent that they are subject to examination and audit by the Commission under section 507 and judicial review under section 509.

"PAYMENTS RELATING TO ELIGIBLE CANDIDATES

"SEC. 506. (a) ESTABLISHMENT OF CAMPAIGN FUND.—(1) There is hereby established on the books of the Treasury of the United States a special fund to be known as the 'Senate Election Campaign Fund'.

"(2) Amounts in the Fund shall, subject to the availability of appropriations, be available only for the purposes of—

"(A) providing benefits under this title; and

"(B) making expenditures in connection with the administration of the Fund.

"(3) The Secretary shall maintain such accounts in the Fund as may be required by this title or which the Secretary determines to be necessary to carry out the provisions of this title.

"(b) PAYMENTS UPON CERTIFICATION.—Upon receipt of a certification from the Commission under section 505, except as provided in subsection (d), the Secretary shall, subject to the availability of appropriations, promptly pay the amount certified by the Commission to the candidate out of the Senate Election Campaign Fund.

"(c) VOUCHERS.—(1) Upon receipt of a certification from the Commission under section 505, except as provided in subsection (d), the Secretary of the Treasury shall, subject to the availability of appropriations, issue to an eligible candidate the amount of voter communication vouchers specified in such certification.

"(2) Upon receipt of a voter communication voucher from a licensee providing broadcast time to an eligible candidate, the Secretary of the Treasury shall, subject to the availability of appropriations, pay to such licensee from the Senate Election Campaign Fund the face value of such voucher.

"(d) REDUCTIONS IN PAYMENTS IF FUNDS INSUFFICIENT.—(1) If, at the time of a certification by the Commission under section 505 for payment, or issuance or a voucher, to an eligible candidate, the Secretary determines that the monies in the Senate Election Campaign Fund are not, or may not be, sufficient to satisfy the full entitlement of all eligible candidates, the Secretary shall withhold from the amount of such payment or voucher such amount as the Secretary determines to be necessary to assure that each eligible candidate will receive the same pro rata share of such candidate's full entitlement.

"(2) Amounts and vouchers withheld under paragraph (1) shall be paid when the Secretary determines that there are sufficient monies in the Fund to pay all, or a portion thereof, to all eligible candidates from whom amounts have been withheld, except that if only a portion is to be paid, it shall be paid in such manner that each eligible candidate receives an equal pro rata share of such portion.

"(3)(A) Not later than December 31 of any calendar year preceding a calendar year in which there is a regularly scheduled general election, the Secretary, after consultation with the Commission, shall make an estimate of—

"(i) the amount of monies in the fund which will be available to make payments required by this title in the succeeding calendar year; and

"(ii) the amount of expenditures which will be required under this title in such calendar year.

"(B) If the Secretary determines that there will be insufficient monies in the fund to make the expenditures required by this title for any calendar year, the Secretary shall notify each candidate on January 1 of such calendar year (or, if later, the date on which an individual becomes a candidate) of the amount which the Secretary estimates will be the pro rata reduction in each eligible candidate's payments (including vouchers) under this subsection. Such notice shall be by registered mail.

"(C) The amount of the eligible candidate's contribution limit under section 502(c)(1)(D)(iii) shall be increased by the amount of the estimated pro rata reduction.

"(4) The Secretary shall notify the Commission and each eligible candidate by registered mail of any actual reduction in the amount of any payment by reason of this subsection. If the amount of the reduction exceeds the amount estimated under paragraph (3), the candidate's contribution limit under section 502(c)(1)(D)(iii) shall be increased by the amount of such excess.

"EXAMINATION AND AUDITS; REPAYMENTS; CIVIL PENALTIES

"SEC. 507. (a) EXAMINATION AND AUDITS.—(1) After each general election, the Commission shall conduct an examination and audit of the campaign accounts of 10 percent of all candidates for the office of United States Senator to determine, among other things, whether such candidates have complied with the expenditure limits and conditions of eligibility of this title, and other requirements of this Act. Such candidates shall be designated by the Commission through the use of an appropriate statistical method of random selection.

"(2) The Commission may conduct an examination and audit of the campaign accounts of any candidate in a general election for the office of United States Senator if the Commission determines that there exists reason to believe that such candidate may have violated any provision of this title.

"(b) EXCESS PAYMENTS; REVOCATION OF STATUS.—(1) If the Commission determines that payments or vouchers were made to an eligible candidate under this title in excess of the aggregate amounts to which such candidate was entitled, the Commission shall so notify such candidate, and such candidate shall pay to the Secretary an amount equal to the excess.

"(2) If the Commission revokes the certification of a candidate as an eligible candidate under section 505(a)(1), the Commission shall notify the candidate, and the candidate shall pay to the Secretary an amount equal to the payments and vouchers received under this title.

"(c) MISUSE OF BENEFITS.—If the Commission determines that any amount of any benefit made available to an eligible candidate under this title was not used as provided for in this title, the Commission shall so notify such candidate and such candidate shall pay to the Secretary the amount of such benefit.

"(d) EXCESS EXPENDITURES.—If the Commission determines that any eligible candidate who has received benefits under this title has made expenditures which in the aggregate exceed—

"(1) the primary or runoff expenditure limit under section 502(d); or

"(2) the general election expenditure limit under section 503(b),

the Commission shall so notify such candidate and such candidate shall pay to the Secretary an amount equal to the amount of the excess expenditures.

"(e) ASSESSMENT OF CIVIL PENALTIES.—If the Commission determines that a candidate has committed a violation described in subsection (c) or (d)—

"(1) in the case of a violation described in subsection (c), the Commission may assess a civil penalty against such candidate in an amount not greater than 200 percent of the amount involved, and

"(2) in the case of a violation described in subsection (b) where the expenditures exceeded the applicable limit by more than 5 percent, the Commission may assess a civil penalty against such candidate in an amount not greater than 300 percent of such excess.

"(f) UNEXPENDED FUNDS.—Any amount received by an eligible candidate under this title may be retained for a period not exceeding 120 days after the date of the general election for the liquidation of all obligations to pay expenditures for the general election incurred during the general election period. At the end of such 120-day period, any unexpended funds received under this title shall be promptly repaid to the Secretary.

"(g) LIMIT ON PERIOD FOR NOTIFICATION.—No notification shall be made by the Commission under this section with respect to an election more than three years after the date of such election.

"(h) DEPOSITS.—The Secretary shall deposit all payments received under this section into the Senate Election Campaign Fund.

"CRIMINAL PENALTIES

"SEC. 508. (a) VIOLATIONS.—(1) No person shall knowingly and willfully—

"(A) accept benefits under this title in excess of the aggregate benefits to which the candidate on whose behalf such benefits are accepted is entitled;

"(B) use such benefits for any purpose not provided for in this title; or

"(C) make expenditures in excess of—

"(i) the primary and runoff expenditure limits under section 502(d); or

"(ii) the general election expenditure limit under section 503(b).

"(2) Any person who violates the provisions of paragraph (1) shall be fined not more than $25,000, or imprisoned not more than 5 years, or both. Any officer, employee, or agent of any political committee who knowingly consents to any expenditure in violation of the provisions of paragraph (1) shall be fined not more than $25,000, or imprisoned not more than 5 years, or both.

"(b) USE OF BENEFITS.—(1) It is unlawful for any person who receives any benefit under this title, or to whom any portion of any such benefit is transferred, knowingly and willfully to use, or to authorize the use of, such benefit or such portion other than in the manner provided in this title.

"(2) Any person who violates the provisions of paragraph (1) shall be fined not more than $10,000, or imprisoned not more than 5 years, or both.

"(c) FALSE INFORMATION.—(1) It is unlawful for any person knowingly and willfully—

"(A) to furnish any false, fictitious, or fraudulent evidence, books, or information (including any certification, verification, notice, or report) to the Secretary of the Senate or to the Commission under this title, or to include in any evidence, books, or information so furnished any misrepresentation of a material fact, or to falsify or conceal any evidence, books, or information relevant to a certification by the Commission or an examination and audit by the Commission under this title; or

"(B) to fail to furnish to the Commission any records, books, or information requested by it for purposes of this title.

"(2) Any person who violates the provisions of paragraph (1) shall be fined not more than $10,000, or imprisoned not more than 5 years, or both.

"(d) KICKBACKS AND ILLEGAL PAYMENTS.—(1) It is unlawful for any person knowingly and willfully to give or to accept any kickback or any illegal payment in connection with any benefits received under this title by any eligible candidate or the authorized committees of such candidate.

"(2) Any person who violates the provisions of paragraph (1) shall be fined not more than $10,000, or imprisoned not more than 5 years, or both.

"(3) In addition to the penalty provided by paragraph (2), any person who accepts any kickback or illegal benefit in connection

with any benefits received by any candidate pursuant to the provisions of this title, or received by the authorized committees of such candidate, shall pay to the Secretary, for deposit into the Senate Election Campaign Fund, an amount equal to 125 percent of the kickback or benefit received.

"JUDICIAL REVIEW

"SEC. 509. (a) JUDICIAL REVIEW.—Any agency action by the Commission made under the provisions of this title shall be subject to review by the United States Court of Appeals for the District of Columbia Circuit upon petition filed in such court within thirty days after the agency action by the Commission for which review is sought. It shall be the duty of the Court of Appeals, ahead of all matters not filed under this title, to advance on the docket and expeditiously take action on all petitions filed pursuant to this title.

"(b) APPLICATION OF TITLE 5.—The provisions of chapter 7 of title 5, United States Code, shall apply to judicial review of any agency action by the Commission.

"(c) AGENCY ACTION.—For purposes of this section, the term 'agency action' has the meaning given such term by section 551(13) of title 5, United States Code.

"PARTICIPATION BY COMMISSION IN JUDICIAL PROCEEDINGS

"SEC. 510. (a) APPEARANCES.—The Commission is authorized to appear in and defend against any action instituted under this section and under section 509 either by attorneys employed in its office or by counsel whom it may appoint without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and whose compensation it may fix without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title.

"(b) INSTITUTION OF ACTIONS.—The Commission is authorized, through attorneys and counsel described in subsection (a), to institute actions in the district courts of the United States to seek recovery of any amounts determined under this title to be payable to the Secretary.

"(c) INJUNCTIVE RELIEF.—The Commission is authorized, through attorneys and counsel described in subsection (a), to petition the courts of the United States for such injunctive relief as is appropriate in order to implement any provision of this title.

"(d) APPEALS.—The Commission is authorized on behalf of the United States to appeal from, and to petition the Supreme Court for certiorari to review, judgments or decrees entered with respect to actions in which it appears pursuant to the authority provided in this section.

"REPORTS TO CONGRESS; REGULATIONS

"SEC. 511. (a) The Commission shall, as soon as practicable after each election, submit a full report to the Senate setting forth—

"(1) the expenditures (shown in such detail as the Commission determines appropriate) made by each eligible candidate and the authorized committees of such candidate;

"(2) the amounts certified by the Commission under section 505 as benefits available to each eligible candidate;

"(3) the amount of repayments, if any, required under section 507 or 506(d)(2), and the reasons for each repayment required; and

"(4) the balance in the Senate Election Campaign Fund, and the balance in any account maintained in the Fund.

Each report submitted pursuant to this section shall be printed as a Senate document.

"(b) RULES AND REGULATIONS.—The Commission is authorized to prescribe such rules and regulations, in accordance with the provisions of subsection (c), to conduct such examinations and investigations, and to require the keeping and submission of such books, records, and information, as it deems necessary to carry out the functions and duties imposed on it by this title.

"(c) STATEMENT TO SENATE.—Thirty days before prescribing any rules or regulation under subsection (b), the Commission shall transmit to the Senate a statement setting forth the proposed rule or regulation and containing a detailed explanation and justification of such rule or regulation."

(b) EFFECTIVE DATES.—(1) Except as provided in this subsection, the amendment made by subsection (a) shall apply to elections occurring after December 31, 1993.

(2) For purposes of any expenditure or contribution limit imposed by the amendment made by subsection (a)—

(A) no expenditure made before January 1, 1993, shall be taken into account, except that there shall be taken into account any such expenditure for goods or services to be provided after such date; and

(B) all cash, cash items, and Government securities on hand as of January 1, 1993, shall be taken into account in determining whether the contribution limit is met, except that there shall not be taken into account amounts used during the 60-day period beginning on January 1, 1993, to pay for expenditures which were incurred (but unpaid) before such date.

(c) EFFECT OF INVALIDITY ON OTHER PROVISIONS OF ACT.—(1) Except as provided in this subsection, if title V of the Federal Election Campaign Act of 1971 (as added by this section), or any part thereof, is held to be invalid, all provisions of, and amendments made by, this Act shall be treated as invalid.

(2) Paragraph (1) shall not apply by reason of section 504(a)(3) of the Federal Election Campaign Act of 1971 (providing payments to eligible candidates) having been held invalid.

(3) If section 504(d) (2) or (3) of the Federal Election Campaign Act of 1971 is held to be invalid because the expenditure limits under sections 502(c)(1)(D)(i) and 503 (a) and (b) of such Act, or the contribution limits under section 502(c)(1)(D) of such Act, do not apply—

(A) paragraph (1) shall not apply, and

(B) during any period any such section is not in effect, such limits shall be increased by 100 percent.

SEC. 102. BAN ON ACTIVITIES OF POLITICAL ACTION COMMITTEES IN FEDERAL ELECTIONS.

(a) IN GENERAL.—Title III of FECA (2 U.S.C. 301 et seq.) is amended by adding at the end thereof the following new section:

"BAN ON FEDERAL ELECTION ACTIVITIES BY POLITICAL ACTION COMMITTEES

"SEC. 324. (a) Notwithstanding any other provision of this Act, no person other than an individual or a political committee may make contributions, solicit or receive contributions, or make expenditures for the purpose of influencing an election for Federal office.

"(b) In the case of individuals who are executive or administrative personnel of an employer—

"(1) no contributions may be made by such individuals—

"(A) to any political committees established and maintained by any political party; or

"(B) to any candidate for election to the office of United States Senator or the candidate's authorized committees,

unless such contributions are not being made at the direction of, or otherwise controlled or influenced by, the employer; and

"(2) the aggregate amount of such contributions by all such individuals in any calendar year shall not exceed—

"(A) $20,000 in the case of such political committees; and

"(B) $5,000 in the case of any such candidate and the candidate's authorized committees."

(b) DEFINITION OF POLITICAL COMMITTEE.—(1) Paragraph (4) of section 301 of FECA (2 U.S.C. 431(4)) is amended to read as follows:

"(4) The term 'political committee' means—

"(A) the principal campaign committee of a candidate;

"(B) any national, State, or district committee of a political party, including any subordinate committee thereof; and

"(C) any local committee of a political party which—

"(i) receives contributions aggregating in excess of $5,000 during a calendar year;

"(ii) makes payments exempted from the definition of contribution or expenditure under paragraph (8) or (9) aggregating in excess of $5,000 during a calendar year; or

"(iii) makes contributions or expenditures aggregating in excess of $1,000 during a calendar year."

(2) Section 316(b)(2) of FECA (2 U.S.C. 441b(b)(2)) is amended by striking subparagraph (C).

(c) CANDIDATE'S COMMITTEES.—(1) Section 315(a) of FECA (2 U.S.C. 441a(a)) is amended by adding at the end thereof the following new paragraph:

"(9) For the purposes of the limitations provided by paragraphs (1) and (2), any political committee which is established or financed or maintained or controlled by any candidate or Federal officeholder shall be deemed to be an authorized committee of such candidate or officeholder."

(2) Section 302(e)(3) of FECA (2 U.S.C. 432) is amended to read as follows:

"(3) No political committee that supports or has supported more than one candidate may be designated as an authorized committee, except that—

"(A) a candidate for the office of President nominated by a political party may designate the national committee of such political party as the candidate's principal campaign committee, but only if that national committee maintains separate books of account with respect to its functions as a principal campaign committee; and

"(B) a candidate may designate a political committee established solely for the purpose of joint fundraising by such candidates as an authorized committee."

(d) RULES APPLICABLE WHEN BAN NOT IN EFFECT.—For purposes of the Federal Election Campaign Act of 1971, during any period beginning after the effective date in which the limitation under section 324 of such Act (as added by subsection (a)) is not in effect—

(1) the amendments made by subsections (a), (b), and (c) shall not be in effect;

(2) in the case of a candidate for election, or nomination for election, to the United States Senate (and such candidate's authorized committees), section 315(a)(2)(A) of FECA (2 U.S.C. 441a(a)(2)(A)) shall be applied by substituting "$1,000" for "$5,000"; and

(3) it shall be unlawful for a multicandidate political committee to make a contribution to a candidate for election, or

nomination for election, to the United States Senate (or an authorized committee) to the extent that the making of the contribution will cause the amount of contributions received by the candidate and the candidate's authorized committees from multicandidate political committees to exceed the lesser of—

(A) $825,000; or

(B) the greater of—

(i) $375,000; or

(ii) 20 percent of the sum of the general election spending limit under section 503(b) of FECA plus the primary election spending limit under section 502(d)(1)(A) of FECA (without regard to whether the candidate is an eligible candidate (as defined in section 501(2)) of FECA).

In the case of an election cycle in which there is a runoff election, the limit determined under paragraph (3) shall be increased by an amount equal to 20 percent of the runoff election expenditure limit under section 502(d)(1)(A) of FECA (without regard to whether the candidate is such an eligible candidate). The $825,000 and $375,000 amounts in paragraph (3) shall be increased as of the beginning of each calendar year based on the increase in the price index determined under section 315(c) of FECA, except that for purposes of paragraph (3), the base period shall be the calendar year in which the first general election after the date of the enactment of paragraph (3) occurs. A candidate or authorized committee that receives a contribution from a multicandidate political committee in excess of the amount allowed under paragraph (3) shall return the amount of such excess contribution to the contributor.

(e) RULE ENSURING PROHIBITION ON DIRECT CORPORATE AND LABOR SPENDING.—If section 316(a) of the Federal Election Campaign Act of 1971 is held to be invalid by reason of the amendments made by this section, then the amendments made by this section shall not apply to contributions by any political committee that is directly or indirectly established, administered, or supported by a connected organization which is a bank, corporation, or other organization described in such section 316(a).

(f) EFFECTIVE DATES.—(1) Except as provided in paragraph (2), the amendments made by this section shall apply to elections (and the election cycles relating thereto) occurring after December 31, 1992.

(2) In applying the amendments made by this section, there shall not be taken into account—

(A) contributions made or received on or before the date of the enactment of this Act; or

(B) contributions made to, or received by, a candidate after such date, to the extent such contributions are not greater than the excess (if any) of—

(i) such contributions received by any opponent of the candidate on or before such date, over

(ii) such contributions received by the candidate on or before such date.

SEC. 103. BROADCAST RATES.

(a) PROVISIONS RELATING TO LOWEST UNIT COST.—Section 315(b) of the Communications Act of 1934 (47 U.S.C. 315(b)) is amended by adding at the end thereof the following new paragraph:

"(2) The charges made for the use of any broadcasting station by any person who is an eligible candidate (as defined in section 501(2) of the Federal Election Campaign Act of 1971) for the United States Senate in connection with such candidate's campaign for nomination for election, or election, to such office shall not exceed—

"(A) during the forty-five days preceding the date of a primary or primary runoff election in which such person is a candidate, 100 percent, and during the general election period (as defined in section 501(5) of the Federal Election Campaign Act of 1971) in which such person is a candidate, 50 percent, of the lowest unit charge of the station, determined at the rate applicable to broadcasts of 30 seconds for the same time of day and day of week; and

"(B) at any other time, the charges made for comparable use of such station by other users thereof.

In the case of a primary or runoff election, a candidate who has filed the declaration under section 502(b) (and has not exceeded any limitations contained in such declaration) shall be treated as an eligible candidate for purposes of this paragraph."

(b) PREEMPTION RULES; ACCESS; VOUCHERS.—Section 315 of the Communications Act of 1934 (47 U.S.C. 315) is amended by redesignating subsections (c) and (d) as subsections (e) and (f) and by inserting after subsection (b) the following new subsections:

"(c)(1) In the case of a legally qualified candidate for Federal office (as defined in section 301(3) of the Federal Election Campaign Act of 1971), a licensee shall not preempt the use, during any period the rates under subsection (b)(1)(A) or (b)(2) are in effect, of a broadcasting station by such candidate who has purchased such use pursuant to subsection (b).

"(2) Paragraph (1) shall not apply if the program during which the candidate's broadcast was to air is unavoidably preempted.

"(d)(1) In the case of a legally qualified candidate for the United States Senate, a licensee shall provide broadcast time to such candidate without regard to the rates charged for such time.

"(2) No broadcast time purchased through the use of voter communications vouchers shall be required to be provided without at least 4 days advanced notice."

(c) CONFORMING AMENDMENT.—Section 315(b) of the Communications Act of 1934 is amended—

(1) by striking "The charges" and inserting:

"(1) Except as provided in paragraph (2), the charges"; and

(2) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively.

SEC. 104. PREFERENTIAL RATES FOR MAIL.

(a) REDUCED RATES.—Subchapter II of chapter 36 of title 39, United States Code, is amended by adding at the end the following:

"§ 3629. Reduced rates for certain Senate candidates

"(a) The rates of postage for matter mailed with respect to a campaign by an eligible candidate (as defined in section 501(2) of the Federal Election Campaign Act of 1971) shall be—

"(1) in the case of first-class mail matter, one-fourth of the rate currently in effect; and

"(2) in the case of third-class mail matter, 2 cents per piece less than mail matter mailed pursuant to paragraph (1).

"(b) Subsection (a) shall cease to apply to any candidate for any campaign when the total amount paid by such candidate for all mail matter at the rates provided by paragraphs (1) and (2) of subsection (a) exceeds 5 percent of the amount of the general election expenditure limit applicable to such candidate under section 503(b) of the Federal Election Campaign Act of 1971."

(b) AUTHORIZATION.—(1) Section 2401(c) of title 39, United States Code, is amended by striking "and 3626(a)–(h)" and inserting "3626(a)–(h), and 3629".

(2) Section 3627 of title 39, United States Code, is amended by striking "or 3626" and inserting "3626, or 3629".

(c) CONFORMING AMENDMENT.—The table of sections for chapter 36 of title 39, United States Code, is amended by inserting after the item relating to section 3628 the following new item:

"3629. Reduced rates for certain Senate candidates."

SEC. 105. DISCLOSURE BY NONELIGIBLE CANDIDATES.

Subparagraph (B) of section 318(a)(1) of FECA (2 U.S.C. 441d(a)(1)), as amended by section 308, is amended by adding at the end thereof the following:

"(iv) If a broadcast or other communication is paid for or authorized by a candidate in the general election for the office of United States Senator who is not an eligible candidate (as defined in section 501(2)), or the authorized committee of such candidate, such communication shall contain the following sentence: 'This candidate has not agreed to voluntary campaign spending limits.'."

SEC. 106. REPORTING REQUIREMENTS.

Title III of FECA is amended by adding after section 304 the following new section:

"REPORTING REQUIREMENTS FOR SENATE CANDIDATES

"SEC. 304A. (a) CANDIDATE OTHER THAN ELIGIBLE CANDIDATE.—(1) Each candidate for the office of United States Senator who does not file a certification with the Secretary of the Senate under section 502(c) shall file with the Secretary of the Senate a declaration as to whether such candidate intends to make expenditures for the general election in excess of the general election expenditure limit applicable to an eligible candidate under section 503(b). Such declaration shall be filed at the time provided in section 502(c)(2).

"(2) Any candidate for the United States Senate who qualifies for the ballot for a general election—

"(A) who is not an eligible candidate under section 502; and

"(B) who either raises aggregate contributions, or makes or obligates to make aggregate expenditures, for the general election which exceed 70 percent of the general election expenditure limit applicable to an eligible candidate under section 503(b),

shall file a report with the Secretary of the Senate within 24 hours after such contributions have been raised or such expenditures have been made or obligated to be made (or, if later, within 24 hours after the date of qualification for the general election ballot), setting forth the candidate's total contributions and total expenditures for such election as of such date. Thereafter, such candidate shall file additional reports (until such contributions or expenditures exceed 133⅓ percent of such limit) with the Secretary of the Senate within 24 hours after each time additional contributions are raised, or expenditures are made or are obligated to be made, which in the aggregate exceed an amount equal to 10 percent of such limit and after the total contributions or expenditures exceed 133⅓ percent of such limit.

"(3) The Commission—

"(A) shall, within 24 hours of receipt of a declaration or report under paragraph (1) or (2), notify each eligible candidate in the elec-

tion involved about such declaration or report; and

"(B) if an opposing candidate has raised aggregate contributions, or made or has obligated to make aggregate expenditures, in excess of the applicable general election expenditure limit under section 503(b), shall certify, pursuant to the provisions of subsection (e), such eligibility to the Secretary of the Treasury for payment of any amount to which such eligible candidate is entitled under section 504(a).

"(4) Notwithstanding the reporting requirements under this subsection, the Commission may make its own determination that a candidate in a general election who is not an eligible candidate has raised aggregate contributions, or made or has obligated to make aggregate expenditures, in the amounts which would require a report under paragraph (2). The Commission shall, within 24 hours after making each such determination, notify each eligible candidate in the general election involved about such determination, and shall, when such contributions or expenditures exceed the general election expenditure limit under section 503(b), certify (pursuant to the provisions of subsection (e)) to the Secretary of the Treasury such candidate's eligibility for payment of any amount under section 504(a).

"(b) INDEPENDENT EXPENDITURES.—(1)(A) Any person who makes, or obligates to make, independent expenditures during any general, primary, or runoff election period for the office of United States Senator in excess of $10,000 shall report to the Commission as provided in this subsection.

"(B) If 2 or more persons, in cooperation, consultation, or concert with each other, make, or obligate to make, independent expenditures during any general, primary, or runoff election period for the office of United States Senator in excess of $10,000, each such person shall report to the Commission as provided in this subsection with respect to the independent expenditures so made by all such persons.

"(2) Any person referred to in paragraph (1) shall report the amount of the independent expenditures made or obligated to be made not later than 24 hours after the aggregate amount of such expenditures incurred or obligated first exceeds $10,000. Thereafter, such person shall report independent expenditures not later than 24 hours after each time the additional aggregate amount of such expenditures incurred or obligated (and not yet reported under this paragraph) exceeds $10,000.

"(3) Each report under this subsection shall be filed with the Commission and the Secretary of State for the State of the election involved and shall contain—

"(A) the information required by subsection (b)(6)(B)(iii) of section 304; and

"(B) a statement under penalty of perjury by the person making the independent expenditures, or by the person incurring the obligation to make such expenditures, as the case may be, that identifies the candidate whom the independent expenditures are actually intended to help elect or defeat.

"(4)(A) A person may file a complaint with the Commission if such person believes the statement under paragraph (3)(B) is false or incorrect.

"(B) The Commission, not later than 3 days after the filing of a complaint under subparagraph (A), shall make a determination with respect to such complaint.

"(5) The Commission shall, within 24 hours of receipt of a report under this subsection, notify each eligible candidate (as defined in section 501(2)) in the election involved about such report.

"(6) The Commission may make its own determination that a person has made, or has incurred obligations to make, independent expenditures with respect to any election for the United States Senate which in the aggregate exceed the applicable amounts under paragraph (2). The Commission shall notify each eligible candidate in such election of such determination within 24 hours of making it.

"(7) At the same time as a candidate is notified under paragraph (5) or (6) with respect to expenditures during a general election period, the Commission shall, pursuant to subsection (e), certify to the Secretary of the Treasury eligibility to receive benefits under section 504(a).

"(c) REPORTS ON PERSONAL FUNDS.—(1) Any candidate for the United States Senate who during the election cycle expends more than $250,000 during the election cycle from his personal funds, the funds of his immediate family, and personal loans incurred by the candidate and the candidate's immediate family shall file a report with the Secretary of the Senate within 24 hours after such expenditures have been made or loans incurred.

"(2) The Commission within 24 hours after a report has been filed under paragraph (1) shall notify each eligible candidate in the election involved about each such report.

"(3) Notwithstanding the reporting requirements under this subsection, the Commission may make its own determination that a candidate for the United States Senate has made expenditures in excess of the amount under paragraph (1). The Commission within 24 hours after making such determination shall notify each eligible candidate in the general election involved about each such determination.

"(d) CANDIDATES FOR OTHER OFFICES.—(1) Each individual—

"(A) who becomes a candidate for the office of United States Senator;

"(B) who, during the election cycle for such office, held any other Federal, State, or local office or was a candidate for such other office; and

"(C) who expended any amount during such election cycle before becoming a candidate for the office of United States Senator which would have been treated as an expenditure if such individual had been such a candidate, including amounts for activities to promote the image or name recognition of such individual,

shall, within 7 days of becoming a candidate for the office of United States Senator, report to the Secretary of the Senate the amount and nature of such expenditures.

"(2) Paragraph (1) shall not apply to any expenditures in connection with a Federal, State, or local election which has been held before the individual becomes a candidate for the office of United States Senator.

"(3) The Commission shall, as soon as practicable, make a determination as to whether the amounts included in the report under paragraph (1) were made for purposes of influencing the election of the individual to the office of United States Senator.

"(e) CERTIFICATIONS.—Notwithstanding section 505(a), the certification required by this section shall be made by the Commission on the basis of reports filed in accordance with the provisions of this Act, or on the basis of such Commission's own investigation or determination.

"(f) COPIES OF REPORTS AND PUBLIC INSPECTION.—The Secretary of the Senate shall transmit a copy of any report or filing received under this section or of title V as soon as possible (but no later than 4 working hours of the Commission) after receipt of such report or filing, and shall make such report or filing available for public inspection and copying in the same manner as the Commission under section 311(a)(4), and shall preserve such reports and filings in the same manner as the Commission under section 311(a)(5).

"(g) DEFINITIONS.—For purposes of this section, any term used in this section which is used in title V shall have the same meaning as when used in title V."

SEC. 107. OTHER DEFINITIONS.

(a) ELECTION CYCLE DEFINED.—Section 301 of FECA (2 U.S.C. 431) is amended by adding at the end thereof the following:

"(20) The term 'election cycle' means—

"(A) in the case of a candidate or the authorized committees of a candidate, the term beginning on the day after the date of the most recent general election for the specific office or seat which such candidate seeks and ending on the date of the next general election for such office or seat; or

"(B) for all other persons, the term beginning on the first day following the date of the last general election and ending on the date of the next general election."

(b) IDENTIFICATION.—Section 301(13) of FECA (2 U.S.C. 431(13)) is amended by striking out "mailing address" and inserting in lieu thereof "permanent residence address".

TITLE II—EXPENDITURES AND CONTRIBUTIONS

Subtitle A—Independent Expenditures

SEC. 201. COOPERATIVE EXPENDITURES NOT TREATED AS INDEPENDENT EXPENDITURES.

(a) TREATMENT OF COOPERATIVE EXPENDITURES.—(1) Paragraph (17) of section 301 of FECA (2 U.S.C. 431(17)) is amended by adding at the end thereof the following new sentence: "The term 'independent expenditure' shall not include any cooperative expenditure."

(2) Paragraph (9) of section 301 of FECA (2 U.S.C. 431(9)) is amended by adding at the end thereof the following new subparagraph:

"(C) A cooperative expenditure shall be treated as an expenditure made by the candidate on whose behalf, or for whose benefit, the expenditure was made."

(3) Paragraph (8) of section 301 of FECA (2 U.S.C. 431(8)) is amended by adding at the end thereof the following new subparagraph:

"(C) A cooperative expenditure shall be treated as a contribution from the person making the expenditure to the candidate on whose behalf, or for whose benefit, the expenditure was made."

(b) COOPERATIVE EXPENDITURE DEFINED.—Section 301 of FECA (2 U.S.C. 431), as amended by section 107(a), is amended by adding at the end thereof the following new paragraph:

"(21)(A) The term 'cooperative expenditure' means any expenditure which is made—

"(i) with the cooperation of, or in consultation with, any candidate or any authorized committee or agent of such candidate; or

"(ii) in concert with, or at the request or suggestion of, any candidate or any authorized committee or agent of such candidate.

"(B) The term 'cooperative expenditure' includes an expenditure if—

"(i) there is any arrangement, coordination, or direction with respect to the expenditure between the candidate or the candidate's agent and the person making the expenditure;

"(ii) in the same election cycle, the person making the expenditure is or has been—

"(I) authorized to raise or expend funds on behalf of the candidate or the candidate's authorized committees; or

"(II) serving as a member, employee, or agent of the candidate's authorized committees in an executive or policy-making position; or

"(iii) the person making the expenditure has advised or counseled the candidate or the candidate's agents at any time on the candidate's plans, projects, or needs relating to the candidate's pursuit of nomination for election, or election, to Federal office, in the same election cycle, including any advice relating to the candidate's decision to seek Federal office;

"(iv) the person making the expenditure retains the professional services of any individual or other person also providing those services in the same election cycle to the candidate in connection with the candidate's pursuit of nomination for election, or election, to Federal office, including any services relating to the candidate's decision to seek Federal office;

"(v) the person making the expenditure has consulted at any time during the same election cycle about the candidate's plans, projects, or needs relating to the candidate's pursuit of nomination for election, or election, to Federal office, with—

"(I) any officer, director, employee or agent of a party committee that has made or intends to make expenditures or contributions, pursuant to subsections (a), (d), or (h) of section 315 in connection with the candidate's campaign; or

"(II) any person whose professional services have been retained by a political party committee that has made or intends to make expenditures or contributions pursuant to subsections (a), (d), or (h) of section 315 in connection with the candidate's campaign; or

"(vi) the expenditure is based on information provided to the person making the expenditure directly or indirectly by the candidate or the candidate's agents about the candidate's plans, projects, or needs, provided that the candidate or the candidate's agent is aware that the other person has made or is planning to make expenditures expressly advocating the candidate's election.

For purposes of this subparagraph, the person making the expenditure shall include any officer, director, employee, or agent of such person.

"(C) The term 'cooperative expenditure' includes an expenditure if such expenditure—

"(i) is made on behalf of, or for the benefit of, a candidate or authorized committee by a political committee that is established, administered, controlled, or financially supported, directly or indirectly, by a connected organization that is required to register, or pays for the services of a person who is required to register, under section 308 of the Federal Regulation of Lobbying Act (2 U.S.C. 267) or the Foreign Agents Registration Act of 1938 (22 U.S.C. 611 et seq.); or

"(ii) is made on behalf of, or for the benefit of, a candidate or authorized committee by a political committee that has made a contribution to the candidate or authorized committee."

SEC. 202. EQUAL BROADCAST TIME.

Section 315(a) of the Communications Act of 1934 (47 U.S.C. 315(a)) is amended to read as follows:

"(a)(1) If a licensee permits any person who is a legally qualified candidate for public office to use a broadcasting station other than any use required to be provided under paragraph (2), the licensee shall afford equal opportunities to all other such candidates for that office in the use of the broadcasting station.

"(2)(A) A person who reserves broadcast time the payment for which would constitute an independent expenditure within the meaning of section 301(17) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(17)) shall—

"(i) inform the licensee that payment for the broadcast time will constitute an independent expenditure;

"(ii) inform the licensee of the names of all candidates for the office to which the proposed broadcast relates; and

"(iii) provide the licensee a copy of the statement described in section 304A(b)(3)(B) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(d)(3)(B)).

"(B) A licensee who is informed as described in subparagraph (A) shall—

"(i) if any of the candidates described in subparagraph (A)(ii) has provided the licensee the name and address of a person to whom notification under this subparagraph is to be given—

"(I) notify such person of the proposed making of the independent expenditure; and

"(II) allow any such candidate (other than a candidate for whose benefit the independent expenditure is made) to purchase the same amount of broadcast time immediately after the broadcast time paid for by the independent expenditure; and

"(ii) in the case of an opponent of a candidate for whose benefit the independent expenditure is made who certifies to the licensee that the opponent is eligible to have the cost of response broadcast time paid out of the Federal Election Campaign Fund pursuant to section 504(a)(3) of the Federal Election Campaign Act of 1971, afford the opponent such broadcast time without requiring payment in advance and at the cost specified in subsection (b)."

"(3) A licensee shall have no power of censorship over the material broadcast under this section.

"(4) Except as provided in paragraph (2) and subsection (c) or (d), no obligation is imposed under this subsection upon any licensee to allow the use of its station by any candidate.

"(5)(A) Appearance by a legally qualified candidate on a—

"(i) bona fide newscast;

"(ii) bona fide news interview;

"(iii) bona fide news documentary (if the appearance of the candidate is incidental to the presentation of the subject or subjects covered by the news documentary); or

"(iv) on-the-spot coverage of bona fide news events (including political conventions and activities incidental thereto),

shall not be deemed to be use of a broadcasting station within the meaning of this subsection.

"(B) Nothing in subparagraph (A) shall be construed as relieving broadcasters, in connection with the presentation of newscasts, news interviews, news documentaries, and on-the-spot coverage of news events, from their obligation under this Act to operate in the public interest and to afford reasonable opportunity for the discussion of conflicting views on issues of public importance.

"(6)(A) A licensee that endorses a candidate for Federal office in an editorial shall, within the time stated in subparagraph (B), provide to all other candidates for election to the same office—

"(i) notice of the date and time of broadcast of the editorial;

"(ii) a taped or printed copy of the editorial; and

"(iii) a reasonable opportunity to broadcast a response using the licensee's facilities.

"(B) In the case of an editorial described in subparagraph (A) that—

"(i) is first broadcast 72 hours or more prior to the date of a primary, runoff, or general election, the notice and copy described in subparagraph (A) (i) and (ii) shall be provided not later than 24 hours after the time of the first broadcast of the editorial, and

"(ii) is first broadcast less than 72 hours before the date of an election, the notice and copy shall be provided at a time prior to the first broadcast that will be sufficient to enable candidates a reasonable opportunity to prepare and broadcast a response."

SEC. 203. ATTRIBUTION OF COMMUNICATIONS.

Section 318(a) of FECA (2 U.S.C. 441d(a)), as amended by section 308, is further amended by adding at the end thereof the following new paragraph:

"(3) A communication described in paragraph (1) that is paid for through an independent expenditure—

"(A) in the case of a television broadcast, shall include during the entire length of the communication a clearly readable video statement covering at least 25 percent of the viewing area of a television screen stating the information required in paragraph (1)(B) and, if the independent expenditure is made by a political committee, stating the name of its connected organization (if any) and the city and State in which such organization is located;

"(B) in the case of any audio broadcast (including a television broadcast), shall include an audio statement at the conclusion of the broadcast stating the information described in paragraph (1)(B) and, if the independent expenditure is made by a political committee, stating the name of its connected organization (if any) and the city and State in which such organization is located; and

"(C) in the case of a newspaper, magazine, outdoor advertising facility, mass mailing, or other type of general public political advertising, shall include a statement of—

"(i) the information required in paragraph (1)(B);

"(ii) the following sentence: "The cost of presenting this communication is not subject to any campaign contribution limits."; and

"(iii) the name of the person who paid for the communication including, in the case of a political committee, the names of its president and its treasurer, and the name of its connected organization (if any) and the city and State in which located."

Subtitle B—Expenditures

PART I—PERSONAL LOANS; CREDIT

SEC. 211. PERSONAL CONTRIBUTIONS AND LOANS.

Section 315 of FECA (2 U.S.C. 441a) is amended by inserting at the end thereof the following new subsection:

"(i) LIMITATIONS ON PAYMENTS TO CANDIDATES.—(1) If a candidate or a member of the candidate's immediate family made any loans to the candidate or to the candidate's authorized committees during any election cycle, no contributions after the date of the general election for such election cycle may be used to repay such loans.

"(2) No contribution by a candidate or member of the candidate's immediate family (as defined in section 501(6)) may be returned to the candidate or member other than as part of a pro rata distribution of excess contributions to all contributors."

SEC. 212. EXTENSIONS OF CREDIT.

Section 301(8)(A) of FECA (2 U.S.C. 431(8)(A)) is amended—

(1) by striking "or" at the end of clause (i);

(2) by striking the period at the end of clause (ii) and inserting "; or"; and

(3) by inserting at the end thereof the following new clause:

"(iii) with respect to a candidate for the office of United States Senator and the candidate's authorized committees, any extension of credit for goods or services relating to advertising on broadcasting stations, in newspapers or magazines, or by mass mailings (including mass mail fund solicitations), or relating to other similar types of general public political advertising, if such extension of credit is—

"(I) in an amount of more than $1,000; and

"(II) for a period greater than the period (not in excess of 60 days) for which credit is generally extended in the normal course of business after the date on which such goods or services are furnished (the date of the mailing in the case of advertising by a mass mailing)."

PART II—PROVISIONS RELATING TO SOFT MONEY OF POLITICAL PARTIES

SEC. 215. LIMITATIONS ON CONTRIBUTIONS TO STATE POLITICAL PARTY COMMITTEES.

(a) INDIVIDUAL CONTRIBUTIONS TO STATE PARTY.—Paragraph (1) of section 315(a) of FECA (2 U.S.C. 441a(a)(1)) is amended by striking "or" at the end of subparagraph (B), by redesignating subparagraph (C) as subparagraph (D), and by inserting after subparagraph (B) the following new subparagraph:

"(C) to political committees established and maintained by a State committee of a political party in any calendar year which, in the aggregate, exceed $20,000; or".

(b) MULTICANDIDATE COMMITTEE CONTRIBUTIONS TO STATE PARTY.—Paragraph (2) of section 315(a) of FECA (2 U.S.C. 441a(a)(2)) is amended by striking "or" at the end of subparagraph (B), by redesignating subparagraph (C) as subparagraph (D), and by inserting after subparagraph (B) the following new subparagraph:

"(C) to political committees established and maintained by a State committee of a political party in any calendar year which, in the aggregate, exceed $15,000; or".

(c) INCREASE IN OVERALL LIMIT.—Paragraph (3) of section 315(a) of FECA (2 U.S.C. 441a(a)(3)) is amended by adding at the end thereof the following new sentence: "The limitation under this paragraph shall be increased (but not by more than $5,000) by the amount of contributions made by an individual during a calendar year to political committees which are taken into account for purposes of paragraphs (1)(C) and (2)(C)."

SEC. 216. PROVISIONS RELATING TO NATIONAL, STATE, AND LOCAL PARTY COMMITTEES.

(a) EXPENDITURES BY STATE COMMITTEES IN CONNECTION WITH PRESIDENTIAL CAMPAIGNS.—Section 315(d) of FECA (2 U.S.C. 441a(d)) is amended by inserting at the end thereof the following new paragraph:

"(4) A State committee of a political party, including subordinate committees of that State committee, shall not make expenditures in connection with the general election campaign of a candidate for President of the United States who is affiliated with such party which, in the aggregate, exceed an amount equal to 4 cents multiplied by the voting age population of the State, as certified under subsection (e)."

(b) CONTRIBUTION AND EXPENDITURE EXCEPTIONS.—(1) Section 301(8)(B) of FECA (2 U.S.C. 431(8)(B)) is amended—

(A) in clause (v) by striking the semicolon at the end thereof and inserting "or with respect to a mass mailing of such a listing;";

(B) in clause (xi)—

(i) by striking "direct mail" and inserting "mass mailing"; and

(ii) by striking the semicolon at the end thereof and inserting "and are not made from contributions designated to be spent on behalf of a particular candidate or particular candidates;"; and

(C) by repealing clauses (x) and (xii).

(2) Section 301(9)(B) of FECA (2 U.S.C. 431(9)(B)) is amended—

(A) in clause (iv) by striking the semicolon at the end thereof and inserting "or with respect to a mass mailing of such a listing;"; and

(B) by repealing clauses (viii) and (ix).

(c) SOFT MONEY OF COMMITTEES OF POLITICAL PARTIES.—(1) Title III of FECA, as amended by section 102, is amended by inserting after section 324 the following new section:

"POLITICAL PARTY COMMITTEES

"SEC. 325. (a) Any amount solicited, received, or expended directly or indirectly by a national, State, district, or local committee of a political party (including any subordinate committee) with respect to an activity which, in whole or in part, is in connection with an election to Federal office shall be subject in its entirety to the limitations, prohibitions, and reporting requirements of this Act.

"(b) For purposes of subsection (a)—

"(1) Any activity which is solely for the purpose of influencing an election for Federal office is in connection with an election for Federal office.

"(2) Except as provided in paragraph (3), any of the following activities during a Federal election period shall be treated as in connection with an election for Federal office:

"(A) Voter registration and get-out-the-vote activities.

"(B) Campaign activities, including broadcasting, newspaper, magazine, billboard, mass mail, and newsletter communications, and similar kinds of communications or public advertising that—

"(i) are generic campaign activities; or

"(ii) identify a Federal candidate regardless of whether a State or local candidate is also identified.

"(C) The preparation and dissemination of campaign materials that are part of a generic campaign activity or that identify a Federal candidate, regardless of whether a State or local candidate is also identified.

"(D) Maintenance of voter files.

"(E) Any other activity affecting (in whole or in part) an election for Federal office.

"(3) The following shall not be treated as in connection with a Federal election:

"(A) Any amount described in section 301(8)(B)(viii).

"(B) Any amount contributed to a candidate for other than Federal office.

"(C) Any amount received or expended in connection with a State or local political convention.

"(D) Campaign activities, including broadcasting, newspaper, magazine, billboard, mass mail, and newsletter communications, and similar kinds of communications or public advertising that are exclusively on behalf of State or local candidates and are not activities described in paragraph (2)(A).

"(E) Administrative expenses of a State or local committee of a political party, including expenses for—

"(i) overhead;

"(ii) staff (other than individuals devoting a substantial portion of their activities to elections for Federal office);

"(iii) meetings; and

"(iv) conducting party elections or caucuses.

"(F) Research pertaining solely to State and local candidates and issues.

"(G) Maintenance of voter files other than during a Federal election period.

"(H) Activities described in paragraph (2)(A) which are conducted other than during a Federal election period.

"(I) Any other activity which is solely for the purpose of influencing, and which solely affects, an election for non-Federal office.

"(4) For purposes of this subsection, the term 'Federal election period' means the period—

"(A) beginning on the date which is 60 days before the primary election for any regularly scheduled general election for Federal office; and

"(B) ending on the date of the general election.

"(c) TRANSFERS AND SOLICITATIONS OF COMMITTEES.—(1) Except as provided in paragraph (2), the limitations on contributions contained in paragraphs (1) and (2) of section 315(a) shall apply to transfers between and among political committees described in subsection (a).

"(2)(A) A national committee may not solicit or accept contributions not subject to the limitations, prohibitions, and reporting requirements of this Act.

"(B) Subparagraph (A) and paragraph (1) shall not apply to contributions that—

"(i) are to be transferred to a State committee for use directly for activities described in subsection (b)(3); or

"(ii) are to be used by the committee primarily to support such activities."

(2) Section 315(d) of FECA (2 U.S.C. 441a(d)), as amended by subsection (a), is amended by adding at the end thereof the following new paragraph:

"(5) The national committee of a political party, the congressional campaign committees of a political party, and a State or local committee of a political party, including a subordinate committee of any of the preceding committees, shall not make expenditures during any calendar year for activities described in section 325(b)(2) with respect to such State which, in the aggregate, exceed an amount equal to 30 cents multiplied by the voting age population of the State (as certified under subsection (e)). This paragraph shall not authorize a committee to make expenditures to which paragraph (3) or (4) applies in excess of the limit applicable to such expenditures under paragraph (3) or (4). No adjustment to the limitation under this paragraph shall be made under subsection (c) before 1992 and the base period for purposes of any such adjustment shall be 1990."

(3) Paragraph (4) of section 315(a) (2 U.S.C. 441a(a)(4)) is amended by striking the first sentence thereof.

(d) GENERIC ACTIVITIES.—Section 301 of FECA (2 U.S.C. 431), as amended by section 201(b), is amended by adding at the end thereof the following new paragraph:

"(22) The term 'generic campaign activity' means a campaign activity the preponderant purpose or effect of which is to promote a political party rather than any particular Federal or non-Federal candidate."

SEC. 217. RESTRICTIONS ON FUNDRAISING BY CANDIDATES AND OFFICEHOLDERS.

(a) STATE FUNDRAISING ACTIVITIES.—Section 315 of FECA (2 U.S.C. 441a), as amended by section 211, is amended by adding at the end thereof the following new subsection:

"(j) LIMITATIONS ON FUNDRAISING ACTIVITIES OF FEDERAL CANDIDATES AND OFFICEHOLDERS.—(1) For purposes of this Act, a candidate for Federal office (or an individual holding Federal office) may not solicit funds to, or receive funds on behalf of, any Federal or non-Federal candidate or political committee—

"(A) which are to be expended in connection with any election for Federal office unless such funds are subject to the limitations, prohibitions, and requirements of this Act; or

"(B) which are to be expended in connection with any election for other than Federal office unless such funds are not in excess of amounts permitted with respect to Federal candidates and political committees under this Act, or are not from sources prohibited by this Act with respect to elections to Federal office.

"(2) The appearance or participation by a candidate or individual in any activity (including fundraising) conducted by a committee of a political party or a candidate for other than Federal office shall not be treated as a solicitation for purposes of paragraph (1) if—

"(A) such appearance or participation is otherwise permitted by law; and

"(B) such candidate or individual does not solicit or receive, or make expenditures from, any funds resulting from such activity.

"(3) Paragraph (1) shall not apply to the solicitation or receipt of funds, or disbursements, by an individual who is a candidate for other than Federal office if such activity is permitted under State law.

"(4) For purposes of this subsection, an individual shall be treated as holding Federal office if such individual is described in section 101(f) of the Ethics in Government Act of 1978."

(b) TAX-EXEMPT ORGANIZATIONS.—Section 315 of FECA (2 U.S.C. 441a), as amended by subsection (a), is amended by adding at the end thereof the following new subsection:

"(k) TAX-EXEMPT ORGANIZATIONS.—(1) If during any period an individual is a candidate for, or holds, Federal office, such individual may not during such period solicit contributions to, or on behalf of, any organization which is described in section 501(c) of the Internal Revenue Code of 1986 if a significant portion of the activities of such organization include voter registration or get-out-the-vote campaigns.

"(2) For purposes of this subsection, an individual shall be treated as holding Federal office if such individual is described in section 101(f) of the Ethics in Government Act of 1978."

SEC. 218. REPORTING REQUIREMENTS.

(a) REPORTING REQUIREMENTS.—Section 304 of FECA (2 U.S.C. 434) is amended by adding at the end thereof the following new subsection:

"(d) POLITICAL COMMITTEES.—(1) The national committee of a political party and any congressional campaign committee, and any subordinate committee of either, shall report all receipts and disbursements during the reporting period, whether or not in connection with an election for Federal office.

"(2) A political committee (not described in paragraph (1)) to which section 325 applies shall report all receipts and disbursements in connection with a Federal election (as determined under section 325).

"(3) Any political committee to which section 325 applies shall include in its report under paragraph (1) or (2) the amount of any transfer described in section 325(c) and the reason for the transfer.

"(4) Any political committee to which paragraph (1) or (2) does not apply shall report any receipts or disbursements which are used in connection with a Federal election (as determined by the Commission).

"(5) If any receipt or disbursement to which this subsection applies exceeds $200, the political committee shall include identification of the person from whom, or to whom, such receipt or disbursement was made.

"(6) Reports required to be filed by this subsection shall be filed for the same time periods required for political committees under subsection (a)."

(b) REPORT OF EXEMPT CONTRIBUTIONS.—Section 301(8) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(8)), as amended by section 201, is amended by inserting at the end thereof the following:

"(D) The exclusions provided in subparagraphs (v) and (viii) of subparagraph (B) shall not apply for purposes of any requirement to report contributions under this Act, and all such contributions in excess of $200 shall be reported."

(c) REPORTING OF EXEMPT EXPENDITURES.—Section 301(9) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(9)), as amended by section 201, is amended by inserting at the end thereof the following:

"(D) The exclusions provided in subparagraph (iv) of subparagraph (B) shall not apply for purposes of any requirement to report expenditures under this Act, and all such expenditures in excess of $200 shall be reported."

(d) CONTRIBUTIONS AND EXPENDITURES OF POLITICAL COMMITTEES.—Section 301(4) of FECA (2 U.S.C. 431(4)) is amended by adding at the end thereof the following: "For purposes of this paragraph, the receipt of contributions or the making of, or obligating to make, expenditures shall be determined by the Commission on the basis of facts and circumstances, in whatever combination, demonstrating a purpose of influencing any election for Federal office, including, but not limited to, the representations made by any person soliciting funds about their intended uses; the identification by name of individuals who are candidates for Federal office or of any political party, in general public political advertising; and the proximity to any primary, runoff, or general election of general public political advertising designed or reasonably calculated to influence voter choice in that election."

(e) REPORTS BY STATE COMMITTEES.—Section 304 of FECA (2 U.S.C. 434), as amended by subsection (a), is amended by adding at the end thereof the following new subsection:

"(e) FILING OF STATE REPORTS.—In lieu of any report required to be filed by this Act, the Commission may allow a State committee of a political party to file with the Commission a report required to be filed under State law if the Commission determines such reports contain substantially the same information."

(f) REPORTS BY LARGE CONTRIBUTORS.—Section 304 of FECA (2 U.S.C. 434), as amended by subsection (e), is amended by adding at the end thereof the following new subsection:

"(f) REPORTS BY LARGE CONTRIBUTORS.—(1) Any individual who makes contributions subject to the limitations of section 315(a)—

"(A) shall report to the Commission within 7 days after such contributor makes contributions aggregating $10,000 or more during any calendar year; and

"(B) thereafter, shall report to the Commission within 7 days after each time such contributor makes contributions (not yet reported) aggregating $5,000 or more.

Any report shall include identification of the contributor, the name of the candidate or committee to whom the contributions were made, and the amount of the contributions. The Commission shall transmit a copy of any report received under this subsection which includes contributions made to a candidate for the United States Senate to the Secretary of the Senate within 2 working days of receipt of such report.

"(2) Any candidate for Federal office, any authorized committee of a candidate, or any political committee soliciting contributions subject to the limitations of section 315(a) shall include with such solicitation notice of—

"(A) the requirement to report under paragraph (1); and

"(B) the aggregate limitation on such contributions under section 315(a)(3)."

Subtitle C—Contributions

SEC. 221. LIMITS ON CONTRIBUTIONS BY CERTAIN POLITICAL COMMITTEES.

(a) LIMITATION ON AMOUNT OF CONTRIBUTIONS THAT MAY BE ACCEPTED.—Section 315(d) of FECA (2 U.S.C. 441a(d)), as amended by section 216, is amended—

(1) in paragraph (1) by striking "(2) and (3)" and inserting "(2), (3), (6), and (7)"; and

(2) by adding at the end thereof the following new paragraphs:

"(6) A congressional campaign committee of a political party (including any subordinate committee thereof) shall not accept, during an election cycle, contributions from multicandidate political committees and separate segregated funds which, in the aggregate, exceed 30 percent of the total expenditures which such committee may make pursuant to section 315(d)(3) during that election cycle.

"(7) A national committee of a political party (including any subordinate committee thereof) shall not accept, during an election cycle, contributions from multicandidate political committees and separate segregated funds which, in the aggregate, exceed an amount equal to 2 cents multiplied by the voting age population of the United States, as certified under subsection (e).

"(8)(A)(i) Any expenditure made by a national or State committee of a political party, a congressional campaign committee, or any subordinate committee of the preceding committees, for general public political advertising which clearly identifies a candidate for Federal office by name shall be subject to the limitations of paragraphs (1) and (2).

"(ii) Clause (i) shall not apply to expenditures for mass mailings designed primarily for fundraising purposes which make only incidental reference to any one or more Federal candidates.

"(B) For purposes of paragraph (3), any expenditure by a committee described in subparagraph (A) for any solicitation of contributions which clearly identifies any candidate on whose behalf such contributions are being solicited shall be treated for purposes of this paragraph as an expenditure in connection with the general election campaign of such candidate, except that if more than 1 candidate is identified, such expenditure shall be allocated on a pro rata basis among such candidates."

(b) CONGRESSIONAL CAMPAIGN COMMITTEE.—Section 301 of FECA (2 U.S.C. 431), as amended by section 216(d), is amended by adding at the end thereof the following new paragraph:

"(23) The term 'congressional campaign committee' means the Democratic Senatorial Campaign Committee, the National Republican Senatorial Committee, the Demo-

cratic Congressional Campaign Committee, and the National Republican Congressional Committee."

(c) EFFECTIVE DATES.—(1) Except as provided in paragraph (2), the amendments made by this section shall apply to elections (and the election cycles relating thereto) occurring after December 31, 1992.

(2) In applying the amendments made by this section, there shall not be taken into account—

(A) contributions made or received on or before the date of the enactment of this Act; or

(B) contributions made to, or received by, a candidate after such date, to the extent such contributions are not greater than the excess (if any) of—

(i) such contributions received by any opponent of the candidate on or before such date, over

(ii) such contributions received by the candidate on or before such date.

SEC. 222. CONTRIBUTIONS THROUGH INTERMEDIARIES AND CONDUITS.

Section 315(a)(8) of FECA (2 U.S.C. 441a(a)(8)) is amended to read as follows:

"(8) For the purposes of this subsection—

"(A) Contributions made by a person, either directly or indirectly, to or on behalf of a particular candidate, including contributions that are in any way earmarked or otherwise directed through an intermediary or conduit to a candidate, shall be treated as contributions from the person to the candidate.

"(B) Contributions made directly or indirectly by a person to or on behalf of a particular candidate through an intermediary or conduit, including contributions made or arranged to be made by an intermediary or conduit, shall be treated as contributions from the intermediary or conduit to the candidate if—

"(i) the contributions made through the intermediary or conduit are in the form of a check or other negotiable instrument made payable to the conduit or intermediary rather than the intended recipient; or

"(ii) the conduit or intermediary is—

"(I) a political committee other than an authorized committee;

"(II) an officer, employee, or agent of such a political committee; or

"(III) a person required to register under section 308 of the Federal Regulation of Lobbying Act (2 U.S.C. 267) or the Foreign Agents Registration Act of 1938 (22 U.S.C. 611 et seq.); or

"(IV) an organization prohibited from making contributions under section 316, or an officer, employee, or agent of such an organization acting on the organization's behalf.

"(C) For purposes of this section—

"(i) the term 'contributions made or arranged to be made' includes—

"(I) contributions delivered to a particular candidate or the candidate's authorized committee or agent; and

"(II) contributions directly or indirectly arranged to be made to a particular candidate or the candidate's authorized committee or agent, including contributions arranged to be made in a manner that identifies directly or indirectly to the candidate or authorized committee or agent the person who arranged the making of the contributions or the person on whose behalf such person was acting; and

"(ii) the term 'acting on the organization's behalf' includes the following activities by an officer, employee or agent of a person described in subparagraph (B)(ii)(IV):

"(I) Soliciting or directly or indirectly arranging the making of a contribution to a particular candidate in the name of, or by using the name of, such a person.

"(II) Soliciting or directly or indirectly arranging the making of a contribution to a particular candidate using other than incidental resources of such a person.

"(III) Soliciting contributions for a particular candidate by substantially directing the solicitations to other officers, employees, or agents of such a person.

"(D) Nothing in this paragraph shall prohibit—

"(i) bona fide joint fundraising efforts conducted solely for the purpose of sponsorship of a fundraising reception, dinner, or other similar event, in accordance with rules prescribed by the Commission, by—

"(I) 2 or more candidates;

"(II) 2 or more national, State, or local committees of a political party within the meaning of section 301(4) acting on their own behalf; or

"(III) a special committee formed by 2 or more candidates, or a candidate and a national, State, or local committee of a political party acting on their own behalf; or

"(ii) fundraising efforts for the benefit of a candidate that are conducted by another candidate.

When a contribution is made to a candidate through an intermediary or conduit, the intermediary or conduit shall report the original source and the intended recipient of the contribution to the Commission and to the intended recipient."

SEC. 223. CONTRIBUTIONS BY DEPENDENTS NOT OF VOTING AGE.

Section 315 of FECA (2 U.S.C. 441a), as amended by section 217, is amended by adding at the end thereof the following new subsection:

"(l) For purposes of this section, any contribution by an individual who—

"(1) is a dependent of another individual; and

"(2) has not, as of the time of such contribution, attained the legal age for voting for elections to Federal office in the State in which such individual resides,

shall be treated as having been made by such other individual. If such individual is the dependent of another individual and such other individual's spouse, the contribution shall be allocated among such individuals in the manner determined by them."

Subtitle D—Reporting Requirements

SEC. 231. REPORTING REQUIREMENTS.

(a) PERIODS FOR REPORTING.—(1) Section 304(b)(2) of FECA (2 U.S.C. 434(b)(2)) is amended by striking "for the reporting period and calendar year," and inserting "for the reporting period and calendar year in the case of committees other than authorized committees of a candidate, and for the reporting period and election cycle in the case of authorized committees of candidates,".

(2) Section 304(b)(4) of FECA (2 U.S.C. 434(b)(4)) is amended by striking out "for the reporting period and calendar year," and inserting in lieu thereof "for the reporting period and calendar year in the case of committees other than authorized committees of a candidate, and for the reporting period and election cycle in the case of authorized committees of candidates,".

(3) Section 304(b)(3) of FECA (2 U.S.C. 434(b)(3)) is amended by inserting "(within the election cycle in the case of authorized committees)" after "calendar year" in subparagraphs (A), (F), and (G) thereof.

(4) Section 304(b)(5)(A) of FECA (2 U.S.C. 434(b)(5)(A)) is amended by inserting after "(within the election cycle in the case of authorized committees)" after "calendar year".

(5) Section 304(b)(6)(A) of FECA (2 U.S.C. 434(b)(6)(A)) is amended by striking out "calendar year" and inserting in lieu thereof "election cycle".

(b) PERSONAL AND CONSULTING SERVICES.—Section 304(b)(5)(A) of FECA (2 U.S.C. 434(b)(5)(A)) is amended by adding before the semicolon at the end thereof the following: ", except that if a person to whom an expenditure is made is merely providing personal or consulting services and is in turn making expenditures to other persons (not including employees) who provide goods or services to the candidate or his authorized committees, the name and address of such other person, together with the date, amount and purpose of such expenditure shall also be disclosed".

TITLE III—FEDERAL ELECTION COMMISSION

SEC. 301. USE OF CANDIDATES' NAMES.

Section 302(e)(4) of FECA (2 U.S.C. 432(e)(4)) is amended to read as follows:

"(4)(A) The name of each authorized committee shall include the name of the candidate who authorized the committee under paragraph (1).

"(B) A political committee that is not an authorized committee shall not include the name of any candidate in its name in such a context as to suggest that the committee is an authorized committee of the candidate or that the use of the candidate's name has been authorized by the candidate."

SEC. 302. REPORTING REQUIREMENTS.

(a) OPTION TO FILE MONTHLY REPORTS.—Section 304(a)(2) of FECA (2 U.S.C. 434(a)(2)) is amended—

(1) in subparagraph (A) by striking "and" at the end thereof;

(2) in subparagraph (B) by striking the period at the end thereof and inserting "; and"; and

(3) by inserting the following new subparagraph at the end thereof:

"(C) in lieu of the reports required by subparagraphs (A) and (B), the treasurer may file monthly reports in all calendar years, which shall be filed no later than the 15th day after the last day of the month and shall be complete as of the last day of the month, except that, in lieu of filing the reports otherwise due in November and December of any year in which a regularly scheduled general election is held, a pre-general election report shall be filed in accordance with subparagraph (A)(i), a post-general election report shall be filed in accordance with subparagraph (A)(ii), and a year end report shall be filed no later than January 31 of the following calendar year."

(b) FILING DATE.—Section 304(a)(4)(B) of FECA (2 U.S.C. 434(a)(4)(B)) is amended by striking "20th" and inserting "15th".

SEC. 303. PROVISIONS RELATING TO THE GENERAL COUNSEL OF THE COMMISSION.

(a) ACTION BY THE COMMISSION THROUGH ITS GENERAL COUNSEL.—(1) Section 306(c) of FECA (2 U.S.C. 437c(c)) is amended to read as follows:

"(c)(1) Subject to paragraph (2), all decisions of the Commission with respect to the exercise of its duties and powers under this Act or under chapter 95 or 96 of the Internal Revenue Code of 1986 shall be made by the affirmative vote of 4 members of the Commission.

"(2) On questions relating to—

"(A) the exercise of the Commission's authority under sections 307(a) (3) and (4);

"(B) a determination under section 309(a)(2) concerning whether there is reason to believe that a person may have committed or may be about to commit a violation of law; and

"(C) a determination to initiate or proceed with an investigation,

the general counsel of the Commission shall make a recommendation for action by the Commission, and such action shall be taken upon the affirmative vote of 3 members of the Commission.

"(3) A member of the Commission may not delegate to any person the member's power to vote or any other decisionmaking authority or duty vested in the Commission."

(2) Section 309(a)(2) of FECA (2 U.S.C. 437g(a)(2)) is amended by striking ", by an affirmative vote of 4 of its members,".

(b) VACANCY IN THE OFFICE OF GENERAL COUNSEL.—Section 306(f) of FECA (2 U.S.C. 437c(f)) is amended by inserting at the end thereof the following new paragraph:

"(5) In the event of a vacancy in the office of general counsel, the next highest ranking enforcement official in the general counsel's office shall serve as acting general counsel with full powers of the general counsel until a successor is appointed."

(c) PAY OF THE GENERAL COUNSEL.—Section 306(f)(1) of FECA (2 U.S.C. 437c(f)(1)) is amended—

(1) by inserting "and the general counsel" after "staff director" in the second sentence thereof; and

(2) by striking the third sentence thereof.

SEC. 304. RETENTION OF FEES BY THE COMMISSION.

Section 306 of FECA (2 U.S.C. 437c) is amended by inserting at the end thereof the following new subsection:

"(g) Fees collected by the Commission for copying and certification of records and provision of other materials to the public shall not be covered into the general fund of the Treasury of the United States, but shall be kept in a separate account and shall be available to the Commission, without necessity of an appropriation, for use in carrying out this Act."

SEC. 305. ENFORCEMENT.

(a) BASIS FOR ENFORCEMENT PROCEEDING.—Section 309(a)(2) of FECA (2 U.S.C. 437g(a)(2)) is amended by striking "it has reason to believe that a person has committed, or is about to commit" and inserting "facts have been alleged or ascertained that, if true, give reason to believe that a person may have committed, or may be about to commit".

(b) AUTHORITY TO SEEK INJUNCTION.—(1) Section 309(a) of FECA (2 U.S.C. 437g(a)) is amended by adding at the end thereof the following new paragraph:

"(13)(A) If, at any time in a proceeding described in paragraph (1), (2), (3), or (4), the Commission believes that—

"(i) there is a substantial likelihood that a violation of this Act or of chapter 95 or chapter 96 of the Internal Revenue Code of 1986 is occurring or is about to occur;

"(ii) the failure to act expeditiously will result in irreparable harm to a party affected by the potential violation;

"(iii) expeditious action will not cause undue harm or prejudice to the interests of others; and

"(iv) the public interest would be best served by the issuance of an injunction,

the Commission may initiate a civil action for a temporary restraining order or a temporary injunction pending the outcome of the proceedings described in paragraphs (1), (2), (3), and (4).

"(B) An action under subparagraph (A) shall be brought in the United States district court for the district in which the defendant resides, transacts business, or may be found."

(2) Section 309(a) of FECA (2 U.S.C. 437g(a)) is amended—

(A) in paragraph (7) by striking "(5) or (6)" and inserting "(5), (6), or (13)"; and

(B) in paragraph (11) by striking "(6)" and inserting "(6) or (13)".

SEC. 306. PENALTIES.

(a) PENALTIES PRESCRIBED IN CONCILIATION AGREEMENTS.—(1) Section 309(a)(5)(A) of FECA (2 U.S.C. 437g(a)(5)(A)) is amended by striking "which does not exceed the greater of $5,000 or an amount equal to any contribution or expenditure involved in such violation" and inserting "which is—

"(i) not less than 50 percent of all contributions and expenditures involved in the violation (or such lesser amount as the Commission provides if necessary to ensure that the penalty is not unjustly disproportionate to the violation); and

"(ii) not greater than all contributions and expenditures involved in the violation".

(2) Section 309(a)(5)(B) of FECA (2 U.S.C. 437g(a)(5)(B)) is amended by striking "which does not exceed the greater of $10,000 or an amount equal to 200 percent of any contribution or expenditure involved in such violation" and inserting "which is—

"(i) not less than all contributions and expenditures involved in the violation; and

"(ii) not greater than 150 percent of all contributions and expenditures involved in the violation".

(b) PENALTIES WHEN VIOLATIONS ARE ADJUDICATED IN COURT.—(1) Section 309(a)(6)(A) of FECA (2 U.S.C. 437g(a)(6)(A)) is amended by striking all that follows "appropriate order" and inserting ", including an order for a civil penalty in the amount determined under subparagraph (A) or (B) in the district court of the United States for the district in which the defendant resides, transacts business, or may be found."

(2) Section 309(a)(6)(B) of FECA (2 U.S.C. 437g(a)(6)(B)) is amended by striking all that follows "other order" and inserting ", including an order for a civil penalty which is—

"(i) not less than all contributions and expenditures involved in the violation; and

"(ii) not greater than 200 percent of all contributions and expenditures involved in the violation,

upon a proper showing that the person involved has committed, or is about to commit (if the relief sought is a permanent or temporary injunction or a restraining order), a violation of this Act or chapter 95 of chapter 96 of the Internal Revenue Code of 1986."

(3) Section 309(a)(6)(C) of FECA (29 U.S.C. 437g(6)(C)) is amended by striking "a civil penalty" and all that follows and inserting "a civil penalty which is—

"(i) not less than 200 percent of all contributions and expenditures involved in the violation; and

"(ii) not greater than 250 percent of all contributions and expenditures involved in the violation."

(c) TIME PERIODS FOR CONCILIATION.—Section 309(a)(4)(A) of FECA (2 U.S.C. 437g(a)(4)(A)) is amended—

(1) in clause (i) by striking "30 days" and inserting "15 days";

(2) in clause (i) by striking "90 days" and inserting "60 days"; and

(3) in clause (ii) by striking "at least 15 days" and inserting "no more than 30 days".

SEC. 307. RANDOM AUDITS.

Section 311(b) of FECA (2 U.S.C. 438(b)) is amended—

(1) by inserting "(1)" before "The Commission"; and

(2) by inserting at the end thereof the following new paragraph:

"(2) Notwithstanding paragraph (1), and subject to the provisions of section 507, the Commission may from time to time conduct random audits and investigations to ensure voluntary compliance with this Act. The subjects of such audits and investigations shall be selected on the basis of criteria established by vote of at least 4 members of the Commission to ensure impartiality in the selection process."

SEC. 308. ATTRIBUTION OF COMMUNICATIONS.

Section 318(a) of FECA (2 U.S.C. 441d(a)) is amended to read as follows:

"(a)(1)(A) Except as permitted under paragraph (2), if—

"(i) any person makes an expenditure or independent expenditure for the purpose of financing a communication expressly advocating the election or defeat of a clearly identified candidate, or solicits a contribution by a communication through a broadcasting station, newspaper, magazine, outdoor advertising facility, mass mailing, or other type of general public political advertising; or

"(ii) an authorized committee registered under section 303 makes a communication of any kind,

the requirements of subparagraph (B) shall be met with respect to such communication.

"(B) For purposes of subparagraph (A), the requirements of this subparagraph are as follows:

"(i) In the case of a broadcast paid for by the candidate, an authorized committee of the candidate, any agent of either, or any other person authorized to make such payment by such candidate or committee, the broadcast shall—

"(I) include a full screen personal appearance by the candidate (or in the case of a radio broadcast, an audio statement by the candidate) in which the candidate states: 'I am a candidate for (the office the candidate is seeking) and I have approved this broadcast'; and

"(II) shall clearly state that the broadcast has been paid for by the candidate, the candidate's authorized committee, or the agent of either, or that the broadcast has been paid for by such other person and authorized by such candidate or committee.

"(ii) In the case of any other communication paid for and authorized by a candidate, an authorized committee of a candidate, or its agents, or any other person authorized by such candidate or committee, the communication shall clearly state that the communication has been paid for by such candidate or authorized committee or by such other person and authorized by such candidate or authorized committee.

"(iii) If the communication is paid for by an independent expenditure, the communication shall clearly state the name of the person who paid for the communication and state that the communication is not authorized by any candidate or candidate's authorized committee.

"(2) The Commission may waive the requirements of paragraph (1) in circumstances in which the inclusion of the required information in a communication would be impracticable."

SEC. 309. FRAUDULENT SOLICITATION OF CONTRIBUTIONS.

Section 322 of FECA (2 U.S.C. 441h) is amended—

(1) by inserting "(a)" before "No"; and

(2) by inserting at the end thereof the following new subsection:

"(b) No person shall—

"(1) make a fraudulent misrepresentation that the person is authorized to solicit or accept a contribution to a candidate or political committee; or

"(2) solicit or accept a contribution to a candidate or political committee unless the person—

"(A) intends to, and does, pay over to the candidate or political committee any contribution received; and

"(B) inform the candidate or political committee of the name of the contributor."

TITLE IV—MISCELLANEOUS

SEC. 401. RESTRICTION OF CONTROL OF CERTAIN TYPES OF POLITICAL COMMITTEES BY INCUMBENTS IN OR CANDIDATES FOR FEDERAL OFFICE.

Section 302 of FECA (2 U.S.C. 432) is amended by adding at the end thereof the following new subsection:

"(j) An incumbent in or candidate for Federal office may not establish, maintain, or control a political committee, other than an authorized committee of the candidate or a committee of a political party."

SEC. 402. POLLING DATA CONTRIBUTED TO A SENATORIAL CANDIDATE.

Section 301(8) of FECA (2 U.S.C. 431(8)), as amended by section 218, is amended by inserting at the end thereof the following new subparagraph:

"(E) A contribution of polling data to a candidate for the office of United States Senator shall be valued at the fair market value of the data on the date the poll was completed, depreciated at a rate not more than 1 percent per day from such date to the date on which the contribution was made.

SEC. 403. MASS MAILINGS.

Section 301 of FECA (2 U.S.C. 431), as amended by section 221(c), is amended by adding at the end thereof the following new paragraph:

"(24) The term 'mass mailing' means newsletters and similar mailings of more than 100 pieces in which the content of the matter mailed is substantially identical, excluding—

"(A) mailings made in direct response to communications from persons to whom the matter is mailed;

"(B) mailings to Federal, State, or local government officials; and

"(C) news releases to the communications media."

SEC. 404. EXTENSION OF TIME PERIOD WHEN FRANKED MASS MAILINGS ARE PROHIBITED.

Section 3210(a)(6) of title 39, United States Code, is amended—

(1) in subparagraph (A)—

(A) by striking clause (i) and inserting the following:

"(i) if the mass mailing is mailed during the calendar year of any primary or general election (whether regular or runoff) in which the Member is a candidate for reelection; or"; and

(B) in clause (ii)(II) by striking "fewer than 60 days immediately before the date" and inserting "during the year"; and

(2) in subparagraph (C) by striking "fewer than 60 days immediately before the date" and inserting "during the year".

TITLE V—EFFECTIVE DATES; AUTHORIZATIONS

SEC. 501. EFFECTIVE DATE.

Except as otherwise provided in this Act, the amendments made by, and the provisions of, this Act shall take effect on the date of the enactment of this Act but shall not apply with respect to activities in connection with any election occurring before January 1, 1993.

SEC. 502. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Commission such sums as may be necessary to carry out its functions under this Act.

SEC. 503. SEVERABILITY.

Except as provided in section 101(c) of this Act, if any provision of this Act (including any amendment made by this Act), or the application of any such provision to any person or circumstance, is held invalid, the validity of any other provision of this Act, or the application of such provision to other persons and circumstances, shall not be affected thereby.

NOTICES OF HEARINGS

SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS

Mr. BUMPERS. Mr. President. I would like to announce for the public that a field hearing has been scheduled before the Subcommittee on Public Lands, National Parks and Forests.

The field hearing will take place June 10, 1991, beginning at 8 a.m. and concluding at approximately 12 noon. The hearing will be held in the Village Red Lion Inn, 100 Madison, Missoula, MT.

The purpose of the hearing is to receive testimony on S. 72, a bill to designate wilderness and to release other lands for multiple-use in the Lolo and Kootenai National Forests.

Because of the limited time available for the hearing, witnesses may testify by invitation only. It will be necessary to place witnesses in panels and place time limits on the oral testimony. Witnesses testifying at the hearing are requested to bring 10 copies of their testimony with them on the day of the hearing. Please do not submit testimony in advance.

Written statements may be submitted for the hearing record. It is necessary only to provide one copy of any material to be submitted for the record. If you would like to submit a statement for the record, you may send it to the Subcommittee on Public Lands, National Parks and Forests, room 364 of the Dirksen Senate Office Building, Washington, DC 20510 or Senator BAUCUS' office in Helena, MT.

For further information regarding the hearing, please contact Holly Luck in Senator BAUCUS' Helena office at (406) 449-5480 or Erica Rosenberg of the subcommittee staff at (202) 224-7933.

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON WATER RESOURCES, TRANSPORTATION, AND INFRASTRUCTURE

Mr. METZENBAUM. Mr. President, I ask unanimous consent that the Subcommittee on Water Resources, Transportation, and Infrastructure, Committee on Environment and Public Works, be authorized to meet during the session of the Senate on Wednesday, May 15, beginning at 2:30 p.m., to conduct a hearing regarding the Federal Emergency Management Agency. The hearing will focus on budget issues and lessons learned from Hurricane Hugo and the Loma Prieta earthquake.

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

SUBCOMMITTEE ON MANPOWER AND PERSONNEL

Mr. METZENBAUM. Mr. President, I ask unanimous consent that the Subcommittee on Manpower and Personnel of the Committee on Armed Services be authorized to meet on Wednesday, May 15, 1991, at 9:30 a.m., to receive testimony on the medical programs of the Department of Defense, in review of the fiscal years 1992-93 national defense authorization request.

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

COMMITTEE ON THE JUDICIARY

Mr. METZENBAUM. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Wednesday, May 15, 1991 at 10 a.m., to hold a hearing on "Crime Control—Law Enforcement's View."

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

SUBCOMMITTEE ON DEFENSE INDUSTRY AND TECHNOLOGY

Mr. METZENBAUM. Mr. President, I ask unanimous consent that the Subcommittee on Defense Industry and Technology of the Committee on Armed Services be authorized to meet in open session on Wednesday, May 15, 1991, at 10 a.m. to receive testimony on the progress being made by the Department of Defense in supporting science, mathematics, and technical education at all levels, in review of fiscal years 1992-93 national defense authorization request.

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

SUBCOMMITTEE ON READINESS, SUSTAINABILITY, AND SUPPORT

Mr. METZENBAUM. Mr. President, I ask unanimous consent that the Subcommittee on Readiness, Sustainability and Support of the Committee on Armed Services be authorized to meet in open session on Wednesday, May 15, 1991 at 2 p.m. to receive testimony on operation and maintenance programs in review of the fiscal years 1992-93 national defense authorization request.

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

SUBCOMMITTEE ON GOVERNMENT INFORMATION AND REGULATION

Mr. METZENBAUM. Mr. President, I ask unanimous consent that the Subcommittee on Government Information and Regulation be authorized to meet on Wednesday, May 15, 1991, at 1:30 p.m., on the subject: "Improving Statistics on Economic Activity."

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

SUBCOMMITTEE ON OVERSIGHT

Mr. METZENBAUM. Mr. President, I ask unanimous consent that the Subcommittee on Oversight of Government Management, Committee on Governmental Affairs, be authorized to meet during the session of the Senate on Wednesday, May 15, 1991, at 9:30 a.m., to hold a hearing on "The SEC and the Issue of Runaway Executive Pay."

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

COMMITTEE ON THE JUDICIARY

Mr. METZENBAUM. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Wednesday, May 15, 1991, at 2 p.m., to hold a hearing on the nomination of Emilio M. Garza, to be U.S. circuit judge for the fifth circuit, Sharon Lovelace Blackburn, to be U.S. district judge for the northern district of Alabama, Louis J. Freeh, to be U.S. district judge for the southern district of New York, Richard T. Haik, Sr., to be U.S. district judge for the western district of Louisiana, and Ira H. Raphaelson, to be special council financial Institutions Fraud Unit, Department of Justice.

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

SELECT COMMITTEE ON INDIAN AFFAIRS

Mr. METZENBAUM. Mr. President, I ask unanimous consent that the Select Committee on Indian Affairs be authorized to meet on May 15, 1991, beginning at 9:30 a.m., in 485 Russell Senate Office Building, on Reauthorization of the Native American Program Act—Administration for Native Americans.

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

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. METZENBAUM. Mr. President, I ask unanimous consent that the Committee on Banking, Housing and Urban Affairs be allowed to meet during the session of the Senate on Wednesday, May 15, 1991, at 10:30 a.m. to conduct a hearing on legislation to reform the deposit insurance system and modernize the banking industry.

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

SUBCOMMITTEE ON SURFACE TRANSPORTATION

Mr. METZENBAUM. Mr. President, I ask unanimous consent that the Subcommittee on Surface Transportation, of the Committee on Commerce, Science, and Transportation, be authorized to meet during the session of the Senate on May 15, 1991, at 1:30 p.m. on reauthorization of pipeline safety programs.

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

SUBCOMMITTEE ON WATER AND POWER

Mr. METZENBAUM. Mr. President, I ask unanimous consent that the Subcommittee on Water and Power of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate 2 p.m., May 15, 1991, to receive testimony on S. 586, the Reclamation Drought Act of 1991; S. 711, the Reclamation Drought Relief Act of 1991; H.R. 355, the Reclamation States Emergency Drought Relief Act of 1991; S. 404, a bill to amend the Warren Act.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. METZENBAUM. Mr. President, I ask unanimous consent that the full committee of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, 9:30 a.m. May 15, 1991, to consider S. 341.

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. METZENBAUM. Mr. President, I ask unanimous consent that the full Committee on Environment and Public Works be authorized to meet during the session of the Senate on Wednesday, May 15, beginning at 10 a.m., to conduct a business meeting to mark up S. 596, the Federal Facility Compliance Act of 1991; and other pending business.

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

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. METZENBAUM. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be allowed to meet during the session of the Senate on May 15, 1991, at 10 a.m. to hold a hearing on the implementation of title XV, agricultural trade, of the Food, Agriculture, Conservation, and Trade Act of 1990—the 1990 farm bill.

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

ADDITIONAL STATEMENTS

TOM'S OF MAINE

• Mr. COHEN. Mr. President, all of us recognize the precarious state of the environment. There is little question that many of the excesses of industrialized society have done great damage to our land, sea, and air. The effort to enhance the quality of the environment goes beyond the abilities of any single person, but one person can have an inspirational and even trailblazing effect.

Today, I rise to commend the efforts of one such individual. His name is Tom Chappell, whose company, Tom's of Maine, has for 20 years been a paragon of an environmentally conscious enterprise. The company was founded to offer a natural, safe alternative to the consumer. Every product of Tom's of Maine is packaged in recyclable containers and printed with soy-based inks and animals are never used in testing any of the products. This business philosophy has caught on. Tom's of Maine is today the Nation's largest seller of all-natural health care products.

I believe that the initiatives of individuals like Tom Chappell provide us with lessons on how to live more balanced lives. Tom's of Maine has been at the forefront of the movement to expand environmental consciousness into the business arena. Tom's dedication and commitment to improving his surroundings is commendable and worthy of recognition.

Mr. President, I ask that a copy of the April 5, 1991, article on Tom's of Maine that appeared in the Bangor Daily News be printed in the CONGRESSIONAL RECORD.

The article follows:

[From the Bangor Daily News, Apr. 5, 1991]

BUILDING TRUST WITH TOOTHPASTE—ENTREPRENEUR MAKES HUMAN DIGNITY THE BOTTOM LINE

(By Tom Weber)

For the last 20 years, Tom Chappell has managed to pack more into a tube of toothpaste than all the lab techs at Procter and Gamble could ever hope to do.

Aside from a little calcium carbonate, myrrh and peppermint oil, his Tom's of Maine all-natural toothpaste is made with big dollops of social consciousness, environmental awareness and human dignity.

If the first set of ingredients is designed to prevent tooth decay, Chappell would claim the second is used to prevent spiritual decay in both the right-minded customers who use the product and the fabulously successful entrepreneur who sells it.

"At Tom's of Maine, we believe businesses can act in a socially responsible manner and still make money," Chappell told a group of marketing students at a career seminar held recently at the University of Maine. "We think of them not just as customers out there, but as human beings with their own dignity."

That kind of corporate thinking—a lofty blend of 1960s counterculture ethics and New Age capitalism—is not likely to show up in college business textbooks for a while. Since founding the company with his wife, Kate, in 1970, Chappell has had to write a brand new set of standards to guide his professional life while asking others to follow his example.

Today, the Kennebunk company is to personal-hygiene products what Ben and Jerry's is to ice cream: evidence that purity sells. Tom's of Maine surpassed $10 million in sales recently, and boasts of being the nation's No. 1 seller of all-natural health care products.

The company donates 10 percent of its after-tax profits to social and environmental causes, such as the $125,000 sponsorship of a

TV documentary called "Making Sense of the Sixties." Last year, it gave $25,000 to the town of Kennebunk for the purchase of recycling bins.

As the company has grown, Chappell has tried to keep pace with his spiritual and intellectual side. He held a Martin Buber Day at the Kennebunk office in 1989, in honor of his mentor, the 20th-century German philosopher who preached the affirmation of humanity for its own sake.

A devout Episcopalian and graduate of a Quaker boarding school, Chappell recently earned a masters of theology degree from Harvard Divinity School. His studies are not just an intellectual diversion, however; they have become part of his corporate mission.

"There is a problem with looking at the pure opportunity for profit," he told the marketing students. "It creates a disharmony between your personal values and the values you exercise on the job."

When Chappell experienced that disharmony 20 years ago, he quit his job as an insurance executive in Philadelphia and moved his wife and two small children to Kennebunk. With $5,000 loan from a friend, Chappell started making biodegradable laundry detergents. "Clearlake," as the detergent was called, didn't pollute the environment, but it didn't clean clothes very well either.

A few years later, he changed the company name from Kennebunk Chemical Center to Tom's of Maine, and began selling a line of all-natural body products in health-food stores.

In 1983, the company expanded into supermarkets and pharmacies and now sells its products in 20,000 stores nationwide and beyond. The U.S. Marines even found a few boxes of Tom's of Maine toothpaste in the bathroom of the Panamanian dictator, Manuel Noriega.

Despite his remarkable track record, not all of Chappell's products have been successful. One of his shampoos flopped, for instance, because no one believed shampoo and conditioner could be combined in one bottle. And while Chappell admits that his line of toothbrushes were lousy, he's quick to point out how readily his true-blue customers were willing to forgive.

"One woman wrote to say how much she liked us, even though she had five stitches in her mouth from when our toothbrush snapped in half while she was using it," Chappell says.

That kind of customer loyalty, he says, is the key to the company's success. It comes not only from buying Tom's of Maine toothpaste and deodorant, Chappell explains, but from buying everything the company stands for.

That whole-earth philosophy goes into every box. The packages are recyclable and printed with soy-based inks; the toothpaste tubes are aluminum, not lead, and animals are never used in testing the products. Every ingredient is explained on the box.

"We no longer think of our customers as objects of our will to take from, to gain market-share, to make a profit," Chappell says. "We want to talk to them so that our words, symbols, and products become part of a whole exprience they're looking for. They want trusting relationships, and how many people out there are building trusting relationships these days?"•

DESALINATION

• Mr. SIMON. Mr. President, there is growing awareness that we're going to have to find answers to the world's water problems, or we will face much more serious problems then we have just faced in the Middle East.

The Rockford Register-Star and the Chicago Daily Defender had editorials commenting on legislation that I have introduced.

The need for that legislation is not diminishing.

As our population goes up and our water supply does not, we are going to have to tap the huge potential that is out there. We now use less than one-half of 1 percent of the Earth's water for drinking, agricultural, and industrial uses. We can desalinate water, but right now it is too expensive a process to be practical in many situations where there is great need.

I insert the two editorials in the CONGRESSIONAL RECORD, and I ask my colleagues to read them.

The editorials follow:

[From the Chicago Defender, Mar. 27, 1991]

DESALINATION PLAN

While California and Florida are crying the blues about droughts, Sen. Paul Simon (D.-Il.) and some members of Congress are taking aggressive action to counter such acts of nature in the future. The congresspersons have unveiled a plan, supported by members of both political parties, to renew American's research to develop better methods of producing fresh water from seawater, (a process commonly called desalination).

It would be wise for Congress and the president to pass the new Simon bill, titled the Water Research Act. It appears President George Bush may be amenable to the project since his budget plan reportedly included a modified version of the desalination package presented last year by Simon. There are several aspects to the current bill that deserve note:

The funding for the new bill is structured on reasonable and moderately escalating amounts. Begining in fiscal year 1992, $10 million are authorized for the program. That will increase to $30 million in FY 1993 and $50 million in 1994. Unspecified amounts may be made available in succeeding years.

Public and private labs will work on the effort during an initial three-year basic research period.

A second phase will be used to demonstrate the technologies developed in phase one.

The Department of the Interior will be the lead federal agency on this project.

The Secretary of the interior will be designated to chart the progress made in the effort and to develop plans for following years.

The Agency for International Development (AID) will convene a conference for those nations that either use or plan to use desalination technology.

Simon and the other congresspersons' efforts on this issue deserve praise because of the long-term good the desalination process can bring to the world. Salt waters comprise most of the Earth's surface. Yet, droughts annually cause millions of dollars in damage to plants and animal life. Improving methods for changing salt water into fresh water can save tons of crops and countless human and animal lives annually.

Water, even more than oil and precious metals, is becoming a growing issue of concern for an increasing number of the world's countries. Cognizant of this, Simon hit the nail right on the head when he said, "The world population is growing significantly, but the water table is not. That means real trouble, if answers aren't found." The terrible effects of droughts, in terms of crop damage, and epidemic deaths from thirst and hunger, may be eliminated in some instances and effectively diminished in others if serious improvements can be made in desalination technology. That makes the current desalination bill worthy of support and passage.

[From the Rockford Register-Star, Mar. 5, 1991]

TIME TO RENEW RESEARCH EFFORT ON DESALINATION

Water problems: This nation and the world need an affordable way to get usable water from the sea.

Raising the specter of the next war in the Middle East being fought over water rather than oil, U.S. Senator Paul Simon, the Illinois Democrat, has proposed legislation to redouble research and development efforts to produce fresh water from seawater.

It's a worthy proposal with salutary implications for both domestic and international situations.

Says Simon: "Lack of fresh water increasingly is a brake on economic development here and abroad and a source of friction between nations, regions and states."

In Illinois, water problems currently may not seem too immediate. But, as Simon warns, we in the heartland will soon be paying more for groceries because of the drought in California.

"The irony," notes the senator, "is that California has hundreds of miles of coast and huge potential sources of water, just offshore."

Simon's legislation, called the Water Research Act, would develop lower-cost techniques for converting saltwater into water suitable for domestic and farm uses. The idea is to lure more scientists back into desalination research after years of inactivity in this field.

Nor would Simon's bill cost much money—just $10 million in the first year rising to $50 million in the third year. This is considerably less than the $119 million spent in 1967 when previous desalination research efforts by the federal government peaked.

Why those earlier efforts were dropped is hard to figure now, with water becoming an increasingly precious commodity. Clearly, the interests of world peace and economic development would be well-served by renewed interest in developing affordable desalination techniques. And American interests would be well-served by this nation gaining pre-eminence in this vital scientific area.

The Water Research Act merits bi-partisan support in Congress and early enactment. The sooner the world learns to get usable water from seawater, the better off we will all be.•

NATIONAL NATIVE AMERICAN ADVISORY COMMISSION

• Mr. McCAIN. Mr. President, I am pleased to join the distinguished chairman of the Select Committee on Indian Affairs as an original cosponsor of the National Native American Advisory Commission.

For the 8 years that I have had the privilege of working on Indian issues, one of the common complaints I have

heard voiced by Indian people is that the various Federal departments and agencies have failed to consult Indian people prior to developing policies and regulations which directly impact Indian tribes and individuals.

Many BIA and IHS decisions are too important to first announce and then solicit comments through a Federal Register notice. Indian tribes should be able to receive clear and timely notice of proposed Federal policies and sufficient time to respond. The history of Federal Indian policy is replete with examples of the devastating consequences that can result when the Government proceeds with a policy it thinks is best for the Indian people. At the same time, I am well aware that the tribes right to be consulted must be balanced with the Federal Government's need to make a timely decision. The need to consult as well as the need for a policy decision must go hand in hand.

We in the Congress must shoulder part of the blame for not doing more to encourage meaningful tribal-Federal consultation. All too often we have opted for Band-aid solutions by establishing various commissions and task forces to review specific issues. Unfortunately, as these bodies expire so does the opportunity for further advice and counsel. More importantly, the danger exists that such bodies will be viewed by some as an entity one must simply endure today only to return to business as usual tomorrow.

It is my hope that the administration will not view this legislation with alarm, or simply as just another Commission, but with an eye toward how a permanent advisory commission can be integrated into the policymaking process. I do not view this legislation as an attempt to mandate consultation. I believe the obligation to consult already exists. It is my view that the best form of consultation can take place when two parties willingly come together, exchange ideas, refine policies, and, yes, even discard bad policies. To the extent that the various Federal departments and agencies do not actively solicit advice from this Commission it will not only be their loss, but they will run the risk that even their most sound policy decisions will be delayed in order to overcome the understandable skepticism of tribes.

I also want to encourage my friends in Indian country to view this legislation as a way to assist them in airing their concerns with Federal policymakers. This legislation should not be viewed as an attempt to establish an elite Commission of tribal leaders to speak on behalf of Indian country. Rather this Commission should be viewed as body that can receive and share proposed Federal policies with other tribes, bring ideas from across Indian country to share with Federal policymakers, and to marshall the tribal views from their area about ideas generated in Washington or proposed by tribes from another region. The fact is each member of the proposed Commission must be willing to set aside his or her personal agenda in order to present a fair and balanced picture so that all tribes have the opportunity to make an informed decision. For tribes, this process will require greater unity in order to develop a timely response to proposed policies—keeping in mind that the delay of a Federal decision does not always work to promote the best interest of Indian people.

Finally, Mr. President, title II of this legislation seeks to repeal portions of the Interior appropriations bill language regarding the proposed reorganization of the Bureau of Indian Affairs. I fully support the language in this part of the bill. I know there were some problems and misunderstandings with the original reorganization proposal as presented by the Department of the Interior. However, I also know that Secretary Lujan and Assistant Secretary Brown are committed to doing what is in the best interest of the Indian people. They have endured some criticism, but it is to their credit that they have responded in appropriate fashion by establishing the Joint Tribal/Bureau of Indian Affairs/Department of the Interior Advisory Task Force on Bureau of Indian Affairs reorganization. I look forward to receiving the views of tribal leaders on the results of the advisory task force.

Mr. President, I commend Chairman INOUYE for his introduction of this legislation. I look forward to receiving the views of all interested parties. Despite past problems and misunderstandings, I am confident that the tribes, the administration and the Congress will be able to forge a workable and sound improvement in the consultation process.●

POLICY OF UNITED STATES ON VIETNAM

● Mr. SIMON. Mr. President, as time goes on, the United States policy toward Vietnam makes less and less sense, is causing serious refugee problems in the Hong Kong area and is causing loss of business for United States interests.

I have spoken on this before on the floor and in the Foreign Relations Committee, but I rise at this point because on a recent trip to Hong Kong, I was handed a statement by Dr. R. Bruce St. John of Caterpillar, Inc., a fine Illinois corporation, made before the Subcommittee on East Asian and Pacific Affairs of the Senate Foreign Relations Committee.

Because it speaks in such concrete terms of what is at stake, I ask that it be inserted into the RECORD at the end of my remarks.

Obviously, the view of Caterpillar is just one corporation out of a host of corporations who could be benefiting from the Vietnamese marketplace.

I urge my colleagues and their staff members to read the statement of Dr. St. John.

The statement follows:

STATEMENT OF DR. RONALD BRUCE ST. JOHN

Mr. Chairman and distinguished members of the Subcommittee on East Asian and Pacific Affairs, I thank you for this opportunity to testify today. I have tabled a lengthy written testimony which I would now like to summarize.

I am Bruce St. John, the Bangkok District Director for Caterpillar Far East Commercial Limited, currently resident in Bangkok, Thailand. In that capacity, I have recently visited the Socialist Republic of Vietnam as well as the State of Cambodia and the Lao People's Democratic Republic. I might also add that I am a Vietnam veteran having served a tour of duty as an armor officer in the early 1970's.

The issue of normalization of commercial relations with Vietnam is of vital importance to all of us. Having lived and worked in Asia for years, I welcome this opportunity to share a businessman's viewpoint of the Vietnamese market, and the challenge and opportunity it presents to American businessmen.

Caterpillar Inc. is a manufacturer of construction equipment, diesel engines, gas turbines, and fork lift trucks. My remarks today will focus on these products and the current and future market opportunities for them in Vietnam. At the same time, my recent experience in that country suggests that the comments I make about these specific products and markets are generally applicable to the overall business environment found today in Vietnam.

I spent the week of March 25–29, 1991, in and around Ho Chi Minh City calling on potential users of Caterpillar products such as the Ministry of Transport, Ministry of Water Resources, and Ministry of Construction. This trip was preceded by a similar visit to Hanoi during the week of October 21–27, 1990. These visits were undertaken only after discussions with the Office of Foreign Assets Control and fell within the guidelines of existing Treasury Department regulations.

The size of the current Vietnamese construction equipment and diesel engine industries is difficult to estimate as no reliable statistics are available. However, my discussions with Vietnamese officials would suggest that recent industry sales in both areas have been relatively small, probably averaging less than 100 machines and a few hundred diesel engines a year. The major constraint to the development of larger, growth-type industries remains the severe shortage of hard currency facing the Vietnamese government for some time.

I expect this situation to change rapidly once the multinational embargo is lifted and multilateral and bilateral assistance begin to flow into Vietnam. The pent-up demand for construction equipment and diesel engines throughout all sectors of the Vietnamese economy is considerable. In addition, a variety of aid and assistance organizations, like the World Bank and the Asian Development Bank, are actively conducting surveys of prospective projects so they can immediately commence loans when the current restrictions are lifted. These new projects focus on a variety of different sectors of the Vietnamese economy, such as agriculture,

water resources, transportation, forestry, and minerals development. The combined impact of their initiation will be to stimulate product demand. Finally, Vietnamese interest in promoting offshore, private investment will result in a growing number of joint ventures which will produce product demand in the private sector independent of that derived from public sector aid.

Based on the current active machine and engine population in that country, the prospective projects being surveyed, and public projections of overall foreign aid likely to go to Vietnam, I think the construction equipment industry could easily grow from the 100 units today to more than 1,000 units within a year or two after the multinational embargo is lifted. Additional growth to an annual sales level of 2,000 or more units is highly likely after two or three years. The demand for diesel engines and generator sets will also grow quickly as will requirements for gas turbines and fork lift trucks.

A comparison of Vietnam with neighboring Thailand best exemplifies the level of business opportunity I expect to see in Vietnam. In terms of geographical area, Vietnam has only 64 percent of the territory of Thailand, but with a population of approximately 68 million, it has some 30 percent more people. Thailand's infrastructure is largely in place while that of Vietnam requires rebuilding—or building. Over the last three years, the construction equipment industry of Thailand has approximated 2,500 new units annually with a similar sized used equipment industry. The new and used engine industry in Thailand is estimated to be 30,000 or more units annually. There is evey reason to believe that Vietnam will quickly reach industry levels similar to those found in Thailand and the other faster growing economies in Southeast Asia.

How well are American businesses like Caterpillar situated to compete for this promising opportunity? I'm afraid the answer must be that today we are not at all well placed—and our relative competitive position is rapidly deteriorating. Let me use the Japanese case to exemplify some of the things the competition is doing in Vietnam today that American firms are prohibited by law from doing.

When I visited Hanoi in October of last year, there were an estimated 25–30 Japanese nationals living there full-time manning some 25 local representative offices. Our major worldwide competitor in the construction equipment business, a Japanese company, has a full-time product support representative based in Hanoi whose primary responsibility is calling on the state trading company responsible for mining and exporting coal. Over the last six months, the total number of representative offices in Hanoi has continued to grow. In Ho Chi Minh City today, Japanese companies have at least fourteen representative offices with more on the way. All of the Japanese representatives I talked to in the course of my most recent visit are very positive about future sales opportunities, and all are developing and expanding their coverage of the Vietnamese market to better prepare for them.

It is also important to realize that the Japanese are doing more than just establishing representative offices in Vietnam. Many of their larger trading companies have also offered soft loans or other attractive financial packages to the Vietnamese government in a strategy designed to curry favor in advance of the resumption of large scale bilateral and multilateral aid. In one such deal, a ministry of the Vietnamese government was recently offered a long-term, low interest loan with no down payment for the purchase of construction equipment.

Of course, overseas commercial and investment interest in Vietnam is not limited solely to Japan. In total, the Vietnamese government reports there are some 185 representative offices functioning today in either Hanoi or Ho Chi Minh City. International investors or potential investors come from a wide variety of countries, including France, Great Britain, Hong Kong, Singapore, South Korea and Taiwan. Many have concluded or are actively pursuing joint ventures in Vietnam. The very diversity of external interest in Vietnam highlights the deteriorating competitive position of American business vis-a-vis the rest of the world when it comes to getting placed to be a player in that nation's development. In a dynamic, competitive marketing environment, American business today is a nonparticipant, watching from the sidelines as the game picks up speed and gains momentum.

I would also like to say a word about the importance of developing personal relationships when planning to do business in Asia in general and in Vietnam in particular. Like most of their neighbors, the Vietnamese prefer to do business with people who have taken the time to develop an understanding of their challenges, problems, and opportunities. In this regard, I have met senior Japanese representatives who have been traveling to Hanoi regularly since 1960! While American businesses clearly start at a disadvantage in these particular cases, I have found a tremendous amount of interest in and good will towards the United States in my recent travels throughout Vietnam. And I would emphasize that this is as true in the northern part of the country as it is in the south.

In the specific case of Caterpillar, we were the principal supplier of construction equipment to southern Vietnam before 1975. Much of the equipment acquired before 1975 is still working today. In this regard, I believe we remain well placed to cultivate—or recultivate in many areas of southern Vietnam—the personal relationships necessary to be successful in doing business there. However, this window of opportunity to begin rebuilding these personal relationships will soon be lost unless we are given the same oportunities our competitors currently enjoy to talk to the Vietnamese about specific commercial transactions and make individual deals.

If we are not afforded this opportunity, we will be at a tremendous disadvantage vis-a-vis our international competition when the embargo is finally lifted and Americans can freely pursue business opportunities throughout the country. As a result, instead of selling premium products and product support services for a premium price, we will be forced to compete with our competitors on a low bid basis. In short, unless we are given the same opportunity many of our competitors enjoy today to establish—reestablish in our case—our product and product support reputation throughout the country, we will later likely be faced with a series of low bid, price sensitive multilateral tenders which may not be very attractive from a profitability standpoint.

In the short term, this may mean lost sales to Caterpillar. Longer term, it could mean potential lost jobs to America. As you know, Caterpillar is an export oriented company so this is a very important issue for us. Last year, Caterpillar exports accounted for about 18,500 U.S. Caterpillar jobs and contributed $1.9 billion to the U.S. balance of payments.

In conclusion, American business around the world today is being challenged—and rightly so—to be more competitive. In this particular instance, there is every reason to believe we can be highly competitive in the emerging Vietnamese marketplace if we are given an opportunity to play under the same rules and regulations as our competition from around the world. In that regard, we hope you as members of the Senate Foreign Relations Committee will support a lifting of the current multinational embargo on doing business in Vietnam and support the resumption of multilateral aid to that country. Only in this manner will we be able to challenge our worldwide competitors on a free and equal basis in what is clearly going to be an exciting, promising marketplace.•

HONORING JAMES MADISON MEMORIAL HIGH SCHOOL

• Mr. KASTEN. Mr. President, I rise today to call to my colleagues' attention an example of educational excellence—James Madison Memorial High School of Madison, WI.

James Madison is one of 222 exemplary high schools honored by the U.S. Department of Education's 1990–91 Blue Ribbon Schools Program.

Mr. President, all the students, parents, faculty, and administrators of James Madison Memorial High School—and especially the principal, Dr. Carolyn Taylor—deserve credit for making it a blue ribbon school. I ask all my Senate colleagues to join me in congratulating them on their achievement.•

UNIVERSIDAD POPULAR

• Mr. SIMON. Mr. President, in the city of Chicago is a community-based organization called Universidad Popular located in the Hispanic area known as Humboldt Park.

They are working on both Spanish and English literacy and working to provide opportunities for people.

I was at a meeting, and Olivia Flores-Godinez and some of the others from Universidad Popular were there. They gave me a folder—which is one in a continuing series they hope to produce—of writings by people who tell of their experiences.

The first was written by Juan Ramirez.

And because it tells the story, in personal, understandable terms, of the kind of trials that many Hispanic-Americans face and have faced, I am asking to reprint it in the CONGRESSIONAL RECORD at this point.

Let me add my appreciation to Universidad Popular and the people there for the good work they are doing.

The article follows:

MAKING IT AGAINST ALL THE ODDS OR AN IMMIGRANT'S ODYSSEY TO THE U.S.A.

(By Juan Ramirez)

DEPARTURE

My name is Juan and I am twenty three years old. Right now I am living in the

neighborhood of Hermosa which is about twelve blocks from Universidad Popular. I come here everyday, though, because I need to learn to write. A neighbor of mine told me about this school. That was how I learned that it exists here. You know, I am new in Chicago; I arrived here last March from Monterrey, Mexico.

All throughout the last ten years, I have considered going to school.

I learned to read in the Escuadron 201 Public School in Mexcala but not very well because I left school when I was about to go into the fourth grade. I was not even eleven years old yet when my dad and I left Mexcala, my hometown, in Zacatecas, Mexico. We needed money to buy a little farm for us. My mother was pregnant with my little sister and my younger brother was too little to come with us. My dad took me along with him to California in the United States. We figured that a few months of fruit picking there would be enough for us because all we wanted to buy was a very small farm.

Mother always wanted to have her own lettuce and tomatoes and chickens and goats. Dad, on the other hand, always spoke of having cows and horses and pigs. Speaking for myself, I wanted to have a little pony and a brand new bike. That was our dream and that was why we went where apparently everybody else was going for money—California! At most, we thought six months was as long as we should stay there.

When we left Mexcala, my mom and my brother were both crying. I still remember that day. In fact, I cried too. Even my dad began sobbing when we started walking away from home. We walked the two miles on the dirt road without saying a word. We were both said and silent. At the end of the dirt road, we waited for some time until the truck which was going to take us to Durango came. We both sat there, and while we waited, we did all our talking with our eyes. It was only when the truck arrived that we started talking again with words. I immediately realized by the number of suitcases and big bags that people carried with them that we were not the only ones going North.

THE PROMISED LAND

After a whole week in Durango, things began to happen quickly and the connection with the U.S.A. was made. Four days later we were in California. That was an experience that I will not forget as long as I live. In the beginning, I went everyday with my dad and other workers to the grape fields. We worked very, very hard. After a couple of months, though, a friend of Dad's arranged with his boss for me to work on his farm feeding the pigs, picking eggs and looking after his sheep. Because there was so much work there, there were always a couple of other guys working there, too. We all slept in the barn. Like me, they were young boys from Mexico. Like me, none of them had plans to stay very long in the U.S.A. Like me, they all had come to make some money to buy something back in Mexico. Like me, they all missed their friends back home. Like me, none of them went to school.

We all worked very hard from sunrise to sundown. The only fun time we were allowed was on Sunday afternoons when we would go to swim in a nearby lagoon. But even that came to an end when Victor, my best friend, drowned himself there. I never understood what had really happened there. Victor swam like a fish. He used to be very happy; he was always ready with a joke to tell. However, all that changed when he learned that his neighbor's new baby was also his dad's baby. Supposedly, all that had occurred during their last trip to Mexico. Supposedly, his mom was so disheartened that she even tried to kill herself with some sort of poison. It didn't work but she had come out of it pretty hurt. To Victor that was not an easy situation to handle; he simply couldn't or chose not to handle and got out of this world through the lagoon.

I felt so sad with Victor and cried my heart out. I still remember sitting on a trunk by the pond and crying for him and, certainly, for me as well since I had just lost my most important and best friend. Under those circumstances in that setting. Victor was like a brother to me. He was my true family, then, and I lost him. Those were painful days for me.

THE END'S BEGINNING

To make things worse, Dad stopped coming to see me as often as he used to do in the first few weeks in the job. He was coming only on Saturday nights only. To make things a lot more difficult for me, Dad had started drinking. Whenever he would come by, he was somewhat drunk and that I did not like. In fact, I even caught myself wishing that he didn't come to Santa Monica, the farm where I was working, if he was drunk. For one thing, I had shared so many beautiful things about him with my friends and now I could not easily take their mockeries about my "drunk" dad * * * Finally, Dad and I talked one night about this problem. For many weeks after that I did not see my dad. That situation made me feel guilty. One night, however, he did show up. To my discomfort, Dad had a big bandage on his head. Also, he had a deep cut in his arm and that concerned me. Supposedly, he had fallen and hurt himself in the peach field. We did not talk much that night. We sat there, looked at one another, exchanged a few words and departed. What was going on with Dad? For several weeks I did not see him. Anguish, anxiety, fear and despair started to overwhelm me. Had I had anything to do with Dad's late problems? I became increasingly worried because I thought that he was very sick, very hurt, and perhaps dying * * *.

Of course, I did not want that to happen. However, one night—it was always on nights, by the way—he finally did come by. This time he was not drunk. We talked more than we did in his last visit and, before departing, he said that he was moving to another farm where he could make more money. The only problem was that farm was too far away for him to come by as often as he had been doing. But, his new job, was going to help us go back to Mexico much sooner, he said. I was thinking with all the power of my brain when he gave me a hug and walked into the night. Even though that happened many, many years ago, I still see that scene vividly in my mind when I close my eyes. That was the last time I saw my Dad for the next six or seven months.

He went into the dark of the night through that muddy trail connecting the barn to the dirt road and left me there with a bundle of fears and thoughts pounding in my head. I was very confused and scared. Every Saturday night after that, I would sit by the door of the barn with my eyes piercing into the night hoping to see him coming down the road. In fact, many nights I fell asleep right there and I woke up cold like a rock and alone in the middle of the night. He was my liaison with Mom and my brother Abner. Therefore, as long as he was gone I did not have any news whatsoever about them. "Brother" Victor was gone. I had no one to turn to. Days were never before, or after, as dragged out with so many hours as they were at that time. I did not know what to think or do. I was told to drink some tequila and go to sleep; that in the following day everything would be different. Mom had always cautioned me against drinking. I definitely would not do that, therefore. To avoid bad thoughts, I worked even harder on the farm and most of my talking I did with the sheep, horses, cows, birds, butterflies, pigs, trees, stars, the moon and the sky. I think I was really out of my mind then, but the animals were the only ones there when I needed someone to talk to.

FAMILY FRAGMENTATION

One day my dad returned and he was all smiles, happy, clean and full of life. I thought that he had made enough money and that we were ready to move back south. Instead, he told me that he had been very ill but that there was this woman who had taken very good care of him and that she had actually saved his life, he said. This time was the very first time that he did not say anything about going back home. He let me know that he was living with her. That threw me completely off. I could never have ever imagined that something of that kind could one day happen to us—not to us! What about mother? What about little Abner? I really could not believe that such a tragedy was happening to us. Once even I caught myself entertaining the idea of going around their house (whenever I would find out where that was, to kill that woman who had taken my dad from us). I thought that I owed it to my mother and to little Abner, not to speak of my little baby sister, the little one I yet had to hold in my arms.

Then one day they both came to see me and they had a little boy with them. Once I looked at his eyes I knew that I could not do anything harmful to the woman, to that boy's mother. He looked just like my little brother. To make the situation even more perplexing to me, later I learned that this woman was also from Mexcala, Zacatecas.

ON MY OWN

I was very confused, bitter, mad, and falling apart. I decided that I could not stay there. I started talking with other people and there was a guy who knew of another farm where they needed someone like me. I went there, and there I spent my next five years, doing all kinds of odd jobs.

After that, I moved around a little bit to learn more about the world. Wherever I went and whatever I did was never fulfilling enough to me. No matter what I did, there was always something missing in my life. Somehow, I had to go back home, to find out what had ever happened to my family. The problem was that they were nowhere to be found. Even though I could not write, I paid others to write me letters to my mom in Mexcala, Zacatecas. Whenever someone was on his or her way to Mexico, I would always have a lot of instructions for him or her. Nothing worked.

THE SEARCH

One day I packed my things and left for Mexico myself. I knew that this was the only way for me, eleven years later, to find out something about my mother and relatives. Once there. I learned that they had moved to Monterrey. I went there. I had no idea what a big city Monterrey was. Once I got there I realized that my task was not going to be an easy one. There were too many Ramirezes all over the place and they did not know much about each other. In addition to that, there was the strong possibility that mom was no longer a Ramirez. I had heard that she was

living with another gentleman and that, seemingly, he had married her.

No one knew his name, though. Anyhow, after a long search, when I was already thinking about dropping my inquiry, I ran across someone who had seemingly known my brother. They had worked together in a car body shop in Chicago. He even had his number in Chicago, Illinois. I ran back home, picked up the telephone, started to dial the number but quickly stopped because I had not yet thought of what to say. I sat by the telephone staring at the number, a stream of thoughts overwhelmed my head and, though confused, I moved on with my search.

It was a Wednesday night. I placed the phone call and a woman answered in the other end. It was Marta, my mother. There I was by the telephone with my whole body trembling, open-mouthed, wordless, tearful and too happy to make any sense. A week later I was in Chicago. That was definitely the best day of my life, the day that I met my mother, my big brother Abner—he is much taller than I—and my beautiful sister Carmen. They had been in Chicago for almost a year then and this is where I am since last Winter.

THE FUTURE FROM HERE

All of the sudden, my life started having meaning, a lot of meaning again. After all that has happened to all of us and between us, it is hard even for me to believe that we are together again. We go to places together, we go to work together and now we come every evening to Universidad Popular to learn to read and write. There are some computers there and that makes it easier to learn. Because we look sharp, everybody thinks we are educated people but we are not. The computers, however, do not think that of us, they have no prejudice of any kind. That is why we come everyday here to work on our own reading and writing skills using the computer.

Somehow, I had always thought that my brother would have gone to school in Mexico but I was wrong. Being the only man of the house until quite recently, he had to work very hard. He went on and off to school for about four years or so but he really can not read well. Like me, he does more guessing than reading. But we both want now to learn to read and write. That is why we are going to Universidad Popular. We want to learn some English, find some good jobs for us, make some money and go back to Mexico. We know that this time around we will be able to buy the ranch of our dreams and be even happier than now. In fact, I know now that even if we do not manage to buy the ranch of our dreams we will still be happy because we now have one another.•

HONORING RECYCLING EFFORTS IN WISCONSIN

• Mr. KASTEN. Mr. President, I rise today to call the attention of my colleagues to the sterling efforts of two groups of concerned Wisconsinites on behalf of the environment.

We all know how important recycling is to the environmental health of our Nation—so we all have to do our part. The University of Wisconsin-Stevens Point is doing its part to promote recycling through a comprehensive "Recycling, Reuse and Reduction Program" introduced in 1990. And the Fort Howard Corp. of Fort Howard, WI, has developed an extensive recycling education program that spans all of the company's operations.

Last month, the Administrator of the Environmental Protection Agency, William Reilly, announced that UW-Stevens Point and Fort Howard Corp., were winners of the EPA's first annual Administrator's Awards for Environmental Action. The awards were richly deserved—and I extend my warmest congratulations to the winners.•

TRIBUTE TO DR. EDWARD ROZEK

• Mr. BROWN. Mr. President, I rise today to pay tribute to an American by choice who has inspired his adopted country, Dr. Edward Rozek. Dr. Rozek is regarded as one of the most inspirational and dedicated professors ever to teach at the University of Colorado at Boulder.

Dr. Rozek often said, "If I were a rich man, I would pay for the privilege of teaching." This statement exemplifies a man who believes there is no profession more honorable, nor any profession that comes with greater responsibility, than one where you are given the chance to teach young, impressionable people to think for themselves.

Dr. Rozek is uniquely qualified for this responsibility. He taught not only because he loved doing it, but because he lived through many of the events he taught about. Students left Dr. Rozek's classes understanding the true horrors of totalitarianism and why it destroys the human spirit. One of Dr. Rozek's greatest gifts to his students was the knowledge that some of the greatest historical lessons revealing the importance of freedom, and how easily it can be lost, took place in this century. Dr. Rozek always strove to leave his students with the understanding that the greatest enemy of a democracy is an apathetic citizenry. Students left Dr. Rozek's classes knowing they would never become apathetic citizens. Dr. Rozek was able to share with his students the true meaning of freedom as only a man who had once lost his freedom can convey.

Edward Rozek was born on October 13, 1920, in the small village of Malknow in what is now eastern Poland. He lived with his parents Theodore and Paulina and his sisters Ludmila and Jozefina. Not far from his home, the main railroad line from Paris to Moscow ran. As a child, Dr. Rozek was fascinated by the trains and their distant destinations. He was absolutely convinced that one day he, too, would travel. As fate would have it, he did not have long to wait.

World War II broke out the same year Edward Rozek graduated from high school in Krakow. It was 1939 and also the last time he ever saw either of his parents or his sister Ludmila. Shortly after the Soviets invaded Poland his father was sent to a gulag above the Arctic Circle in Siberia—somewhere near Kolyma. The last Dr. Rozek heard of his father was that he had died in the gulag around 1940 or 1941.

In late 1941, Dr. Rozek decided to leave Poland and join the Polish forces in England. he traveled south over the Carpathian Mountains and crossed the eastern trail of Czechoslovakia into Hungary. There, he was captured by the Nazis and interned in a concentration camp. The camp was about 30 miles east of Budapest. Survival was difficult, as he spent his waking hours crushing stone and his sleeping hours trying to avoid the large rats which infested his cell.

After 3 months of imprisonment Dr. Rozek concluded that he would not survive much longer if he did not escape. He and a fellow prisoner managed to break out of the camp at night and make their way to Budapest. In Budapest they were arrested by a young SS officer who assumed they were part of the Hungarian underground. Knowing if they were sent back to the concentration camp it would mean an automatic death sentence, they once again attempted escape, and succeeded.

Dr. Rozek was able to contract a friend of his father who gave them shelter for the night, food, and the equivalent of $5 in cash. From Budapest, they made their way south, through northern Yugoslavia and northern Italy, across occupied southern France to a small fishing village outside of Bordeaux. Throughout their journey across Europe they traveled by night and hid in barns by day, in constant danger of being captured. When they reached the village outside of Bordeaux, they managed to get passage on a small fishing boat that was headed for England.

Upon arriving in England, Dr. Rozek volunteered to serve in the Polish forces and joined the Polish tank brigade under British command. He later became the commander of a platoon of tanks. In his free time Dr. Rozek began to teach himself English. He was determined to make something of himself once the war ended.

In 1944, Rozek took part in the invasion of Normandy at Juno Beach. He continued with the fighting across France, Belgium, and Holland, right to the German border. Dr. Rozek was awarded the Cross of Valor three times and the Purple Heart four times.

During the course of the war Dr. Rozek was wounded several times. He was wounded for the last time near the German border when a tank mine exploded leaving him blind. He was sent to an English hospital where he underwent a series of operations to regain his sight. After 10 months of blindness, his sight was restored. During the months of blindness, Dr. Rozek gave a great deal of thought to what he was going to do with his life. He made the

decision to emigrate to the United States and devote his life to teaching.

By the time Dr. Rozek was well again, the war in Europe was over. Dr. Rozek was offered a high position in the new Communist government of Poland. However, he turned it down knowing there was no way to compromise with the totalitarian government.

Dr. Rozek arrived in New York on February 4, 1948. He had no family or financial resources, but was determined to gain admission to Harvard University. After working for a year in a dairy and a gas station, Dr. Rozek entered Harvard. In 7 years, he earned a B.A., graduating magna cum laude and Phi Beta Kappa, an M.A., and a Ph.D in Soviet studies. He also authored, "Allied Wartime Diplomacy," a book on allied diplomacy leading up to the Yalta agreements, which received a National Book Foundation Award. He also coauthored, with Walt W. Rostow, "The Dynamics of Soviet Society."

In 1956, Dr. Rozek accepted a teaching position in the department of political science at the University of Colorado at Boulder. Throughout his 35 years at C.U., Dr. Rozek received numerous nominations and awards recognizing his extraordinary teaching. His classes were always in such great demand that students who were unable to enroll, often chose to sit in the aisles. Every year Dr. Rozek undertook an unusually heavy teaching load. By his 35th year at C.U., Dr. Rozek had taught over 21,000 students.

In 1961, Dr. Rozek spent a year as an associate at the Harvard Russian Research Institute, and in 1967, he spent a year as a visiting professor at the Hoover Institute on War, Revolution, and Peace at Stanford University.

Over the years Dr. Rozek advised his students that communism would surely collapse during their lifetimes. He did not expect it to happen during his lifetime. The fall of the Berlin wall, and the liberation of Eastern Europe, could not be a more appropriate tribute to a man who believed throughout his life that the human spirit can triumph over any form of tyranny.

On December 22, 1990, Dr. Rozek set foot in Poland for the first time in 50 years. He had been invited to attend the inauguration of Lech Walesa, as the guest of the President of Poland-in-Exile Ryszard Kaczorowski. Before the inauguration, President Kaczorowski gave a short message in which he recalled that on September 17, 1939, the President of Poland left the country after the Nazi and Soviet occupation. After 51 years, 3 months, and 5 days, the President returned to inaugurate President Walesa, a man chosen by the people of Poland in a free election. As a man who was there to witness the imposition of communism in his native Poland, Dr. Rozek was also there to witness its end.

When Dr. Rozek made the decision in 1948 to emigrate to the United States and devote his life to teaching, he could never have known what this decision would mean to thousands of students. If Dr. Rozek measured his wealth by the impact he made on his students, then indeed he is one of the wealthiest men of our time. The inspiration he gave to anyone who ever sat in his classroom will be greatly missed, but never forgotten.•

TRIBUTE TO PRESIDENT DONALD SWAIN

• Mr. MCCONNELL. Mr. President, I would like to recognize the president of the University of Louisville, Donald Swain. His leadership in both the academic and administrative realms is well-known, but it is his efforts in reforming the college athletics system that are most recently notable.

Appearing on "60 Minutes," "20/20," and ESPN "News Day," Swain has presented, and subsequently implemented, strategies designed to do away with the problems at U of L that cast all universities in a disparaging light.

He has drawn some criticism from individuals who call for drastic, sweeping reform. These people, in their haste to see change of any kind, tend to forget the realities of our world, pressuring our young student/athletes, Swain feels, and I agree, that only through a national concensus of college educators and administrators can we possibly hope to successfully reform the system.

The programs currently being implemented reflect Swain's commitment to changing a system long overdue for reform, making the University of Louisville a role model for other schools to follow.

Mr. President, at this time I would like to ask that a piece on Swain's efforts that recently appeared in USA Today be printed in the RECORD.

The material follows:

[From USA Today, Apr. 1, 1991]

COLLEGE PRESIDENTS MUST CLEAN UP MESS IN ATHLETIC PROGRAMS

LOUISVILLE.—Where do college sports go from here?

That question is being pondered by university presidents across the nation, who receive pointed marching orders a few days ago from the Knight Foundation Commission to clean up intercollegiate athletics.

I doubt there is a president at any U.S. college with a nationally competitive sports team who hasn't grappled with athletic reform at some point. Few have been able to deal with the problem effectively.

As chief executive officer of the University of Louisville—a school that claimed two National Collegiate Athletic Association basketball championships in the 1980s, in a state where basketball is a sort of religion, and whose football team went to the Fiesta Bowl in 1991—my interest in getting academic and athletic priorities straight is more than perfunctory.

After working on this for nearly a decade, I have drawn three basic conclusions about athletic reform.

First, the responsibility for leading the reform rests squarely on the shoulders of university presidents. We can blame the system, but we cannot deny that we are the ones who must sow the seeds of transformation.

Second, noble ideals and solitary presidential initiatives, however well-intended, are not enough to bring about change. The governing boards of universities must also be committed. They must give the pesidents unqualified support, or the hope of reform is fleeting.

Third, academic values can pevail over the American sports culture in specific controversies, but it's a constant battle. In a free society, the citizens often get what they want. Often, it seems, they want sporting events. There are some restraints on presidents and governing boards.

To be sure, U of L has not escaped the criticism being leveled at universities with major sports programs.

We have never been accused of substantial NCAA violations, but we have been publicly taken to task over the graduation rates of our athletes and the number of recent recruits whose high school grades or standardized test scores barred them from playing as freshmen.

Nevertheless, progress is possible, as we can demonstrate. We have been struggling to implement a strategy like that suggested by the Knight Commission. Here are a few examples:

Five years ago, we brought all booster groups under university control. All the money they generate goes through the university and is carefully audited each year.

We insisted that athletic department budgeting comply with general university policies. External auditors conduct a thorough audit of the Athletic Department annually. These audits are available to the public.

We gave our basketball coach, Denny Crum, a 10-year contract. This was intended to offset pressures on the coach to win.

We raised academic standards for student-athletes, who must now have a 2.0 grade-point average in their junior and senior years or they don't play. We did this over the objections of our basketball coach.

We adopted a policy requiring a pre-audit of all prospective student-athletes to determine, before offering them scholarships, that they all have reasonable prospects of graduating.

We have reminded the Athletic Department as necessary that it's not "their money"; it's the university's money. The trustees staunchly supported these reminders.

We established a specific goal of raising our five-year graduation rates for scholarships athletes to the NCAA average for Division I colleges and universities. (This will be a nice improvement for us.)

The Knight Commission's mandate to university presidents may not be pleasant, but it is clear. Presidents and governing boards at our nation's institutions of higher learning can, and must, lead the way in athletic reform—even though it means struggling uphill for part of the way.•

CHEVRON CONSERVATION AWARDS WINNERS

• Mr. JOHNSTON. Mr. President, each year the Chevron Conservation Awards Program recognizes outstanding envi-

ronmental achievers for their efforts in protecting and enhancing natural resources. Now in its 37th year, this program is the oldest privately sponsored program of its kind in the country. Throughout its history, over 800 individuals and groups have been honored.

Today, Chevron is honoring its 1991 award recipients and I am very proud that four of this year's winners—Michael Caire, Nancy Jo Craig, Frank Ehret, and Ted Joanen—are from my home State of Louisiana. Throughout the years, I have worked with these individuals on a number of conservation issues and I can attest to their dedication to the environment. They are indeed deserving of this prestigious award.

When I think of Dr. Michael Caire of West Monroe, I think of his efforts to protect the Louisiana Black Bear, establish the Tensas National Refuge and prevent further channelization of Ouachita River. As an active member of the Delta chapter of the Sierra Club, Michael has been relentless in his efforts to protect and enhance wildlife habitat in north Louisiana.

As you may know, stuffed bears became known as "teddy bears" after Theodore Roosevelt refused to shoot a Louisiana Black Bear during one of his hunting trips to Louisiana. Today, less than 100 Louisiana Black Bear are known to exist. Michael has been instrumental in bear recovery efforts and in establishing the Tensas National Wildlife Refuge, one of the last known habitats of the Louisiana Black Bear.

When I think of Nancy Jo Craig of Baton Rouge I think of the Louisiana Nature Conservancy and the exceptional work it does in acquiring and preserving important bottomland hardwood habitat throughout the State. Nancy Jo is one of the founders of the Louisiana Nature Conservancy and currently serves as its executive director. During its first 4 years, the Louisiana Nature Conservancy has gained more than 6,000 members and has purchased more than 60,000 acres of land. This success is in part due to Nancy Jo's ability to bridge the gap between the business and conservation communities.

I am particularly grateful to Nancy Jo for all of the work she has done to establish and expand a number of national wildlife refuges throughout Louisiana. It was through Nancy Jo's efforts that the U.S. Fish and Wildlife Service focused on the value of preserving over 11,000 acres of valuable mature bottomland hardwoods in the vicinity of Bayou Cocodrie in Concordia Parish. Through her efforts, the Louisiana Nature Conservancy agreed to purchase this land and hold it until such time as the necessary authorizing legislation was passed and appropriations were made to actually permit Federal acquisition of the refuge lands. Nancy Jo and the Louisiana Nature Convervancy have played equally important roles in establishing and expanding the Bogue Chitto, Grand Cote, and Lake Ophelia National Wildlife Refuges.

Shortly after I was first elected to the Senate, I received a visit from Frank Ehret of Marrero, the father of Jean Lafitte National Historical Park and Preserve. Frank had been working for many years to preserve the Barataria marshes as a State park and while he was successful in having the necessary authorizing legislation adopted by the State legislature, money to actually acquire the land for the park was not forthcoming. Consequently, Frank decided to inform his new Senator of the merits of this proposal. Frank was very convincing and immediately had my support.

During the ensuing years, Frank and I worked together in getting Federal recognition and funding for Louisiana's first and only national park. Today, 13 years after President Carter signed the enabling legislation, close to 25,000 acres in the Barataria basin have been preserved for public enjoyment. The park may be named after Jean Lafitte but if there was ever one individual who deserves a round of applause for its existence surely this person is Frank Ehret.

Louisiana's honorees this year have taken us all the way from bears to alligators. The scientific efforts of Ted Joanen of Grand Chenier, the last of 1991 Louisiana Chevron Award winners, have been internationally recognized for helping to take the American alligator from an endangered species to a thriving population. Ted's peers consider his research on the American alligator to be some of the most extensive and informative in existence today. It has been used throughout the world as a guideline for management of crocodilian populations.

Ted's research has also been beneficial to Louisiana's economy. Due to the removal of the alligator as an endangered species, trappers are once more able to harvest wild alligators, a practice which has long been part of Louisiana's cultural heritage. In 1990 alone, over 24,000 alligators were harvested in Louisiana, adding some $10 million to the economy. Ted's research has also led to a proliferation of alligator farms throughout south Louisiana, adding yet another $9.5 million annually to the economy.

Mr. President, I think you will agree with me that Michael, Nancy Jo, Frank and Ted are truly deserving recipients of the 1991 Chevron Conservation Awards and I know you join with me in offering them our sincerest congratulations.●

BUDGET SCOREKEEPING REPORT

● Mr. SASSER. Mr. President, I hereby submit to the Senate the most recent budget scorekeeping report for fiscal year 1991, prepared by the Congressional Budget Office under section 308(b) of the Congressional Budget Act of 1974, as amended. This report serves as the scorekeeping report for the purposes of section 605(b) and section 311 of the Budget Act.

This report shows that current level spending is under the budget resolution by $0.4 billion in budget authority, and under the budget resolution by $0.4 billion in outlays. Current level is $1 million below the revenue target in 1991 and $6 million below the revenue target over the 5 years, 1991–95.

The current estimate of the deficit for purposes of calculating the maximum deficit amount is $326.6 billion, $0.4 billion below the maximum deficit amount for 1991 of $327 billion.

This report incorporates the effects of the within-session OMB sequester of $2.4 million in budget authority and $1.4 million in outlays.

The report follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, May 14, 1991.

Hon. JIM SASSER,
Chairman, Committee on the Budget, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: The attached report shows the effects of congressional action on the budget for fiscal year 1991 and is current through May 9, 1991. The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of the Budget Enforcement Act of 1990 (Title XIII of Public Law 101–508). This report is submitted under section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended, and meets the requirements for Senate scorekeeping of section 5 of Senate Concurrent Resolution 32, the 1986 first concurrent resolution on the budget.

Since my last report, dated May 6, 1991, the current level of spending has been adjusted to reflect the within-session OMB sequester of $2.4 million in budget authority and $1.4 million in outlays.

Sincerely,

ROBERT D. REISCHAUER

THE CURRENT LEVEL REPORT FOR THE U.S. SENATE, 102D CONGRESS, 1ST SESS., AS OF MAY 9, 1991

[In billions of dollars]

	Revised on-budget aggregates [1]	Current level [2]	Current level +/− aggregates
On budget			
Budget authority	1,189.2	1,188.8	−0.4
Outlays	1,132.4	1,132.0	−.4
Revenues:			
1991	805.4	805.4	(3)
1991–95	4,690.3	4,690.3	(3)
Maximum deficit amount	327.0	326.6	−0.4
Direct loan obligations	20.9	20.6	−0.3
Guaranteed loan commitments	107.2	106.9	−0.3
Debt subject to limit	4,145.0	3,346.0	−799.0
Off budget			
Social Security outlays:			
1991	234.2	234.2	
1991–95	1,284.4	1,284.4	
Social Security revenues:			
1991	303.1	303.1	
1991–95	1,736.3	1,736.3	

[1] The revised budget aggregates were made by the Senate Budget Committee staff in accordance with section 13112(f) of the Budget Enforcement Act of 1990 (Title XIII of Public Law 101–508).

[2] Current level represents the estimated revenue and direct spending effects of all legislation that Congress has enacted or sent to the President for his approval. In addition, full-year funding estimates under current law are included for entitlement and mandatory programs requiring annual appropriations even if the appropriations have not been made. In accordance with section 606(d)(2) of the Budget Enforcement Act of 1990 (Title XIII of Public Law 101–508) and in consultation with the Budget Committee, current level excludes $45.3 billion in budget authority and $34.6 billion in outlays for designated emergencies including Operation Desert Shield/Desert Storm; $.1 billion in budget authority and $.2 billion in outlays for debt forgiveness for Egypt and Poland; and $.2 billion in budget authority and outlays for Internal Revenue Service funding above the June 1990 baseline level. Current level outlays include a $1.1 billion savings for the Bank Insurance Fund that the committee attributes to the Omnibus Budget Reconciliation Act (Public Law 101–508), and revenues include the Office of Management and Budget's estimate of $3.0 billion for the Internal Revenue Service provision in the Treasury-Postal Service Appropriations Bill (Public Law 101–509). The current level of debt subject to limit reflects the latest U.S. Treasury information on public debt transactions.

[3] Less than $50 million.

THE CURRENT LEVEL REPORT FOR THE U.S. SENATE, 102D CONGRESS, 1ST SESS., SENATE SUPPORTING DETAIL, FISCAL YEAR 1991 AS OF CLOSE OF BUSINESS MAY 9, 1991

[In millions of dollars]

	Budget authority	Outlays	Revenues
I. Enacted in previous sessions:			
Revenues			834,910
Permanent appropriations and trust funds	725,105	633,016	
Other legislation	664,057	676,371	
Offsetting receipts	−210,616	−210,616	
Total enacted in previous sessions	1,178,546	1,098,770	834,910
II. Enacted this session:			
Extending IRS Deadline for Desert Storm Troops (H.R. 4, Public Law 102–2)			−1
Veterans' Education, Employment and Training Amendments (H.R. 180, Public Law 102–16)	2	2	
Dire Emergency Supplemental Appropriations for 1991 (H.R. 1281, Public Law 102–27)	3,823	1,401	
Higher Education Technical Amendments (H.R. 1285, Public Law 102–26)	3	3	
OMB Domestic Discretionary Sequester	−2	−1	
Total enacted this session	3,826	1,405	−1
III Continuing resolution authority.			
IV. Conference agreements ratified by both Houses.			
V. Entitlement authority and other mandatory adjustments required to conform with current law estimates in revised on-budget aggregates.	−8,572	539	
VI. Economic and technical assumption used by Committee for budget enforcement act estimates	15,000	31,300	−29,500
On-budget current level	1,188,799	1,132,014	805,409
Revised on-budget aggregates	1,189,215	1,132,396	805,410
Amount remaining:			
Over budget resolution			
Under budget resolution	416	382	1

Note.—Numbers may not add due to rounding.•

TRIBUTE TO MADISONVILLE

• Mr. MCCONNELL. Mr. President, I rise today to honor and recognize the city of Madisonville, KY. This fine city, located in the western part of our great State, was named for then Secretary of State James Madison, who later became our fourth President.

Western Kentucky is one of the largest and most varied outdoor areas in the country. There is literally something there for everyone. The city of Madisonville is certainly no exception.

For instance, history buffs will want to see and tour the Gov. Ruby Laffoon Log Cabin, where the Kentucky Governor was born in 1869. It features period furniture as well as original pieces. Several other notable sites will attract those curious enough to inquire at the Madisonville Historical Society.

In terms of scenic wonders, the city is located within easy driving distance of the unspoiled beauty of the Land Between the Lakes. This 170,000-acre peninsula is surrounded for 300 miles by two lakes, Lake Barkley and Kentucky Lake.

During one of his many trips through Hopkins County outside of Madisonville, Jesse Stuart was inspired to write: "If these United States can be called a body * * * then Kentucky can be called its heart."

The city of Madisonville, KY, is most definitely worthy of such praise, and Mr. President, at this time I would ask that a Courier-Journal article on the city be printed the RECORD.

The article follows:

MADISONVILLE

(By Mark Schaver)

Back when Madisonville was on the main motor route between Chicago and Miami, signs above the road proclaimed it "The Best Town on Earth." The new signs do, too. Although Madisonville still has its boosters, townspeople look a little sheepish when asked if the signs are true.

"I ain't going to say it's the best in the world," says Lonzo Huff, 33, a lifelong resident. "But it's a pretty fair town."

And while trains and trucks loaded with coal still rumble through, the community is looking ahead to the possibility that it will no longer make sense to remind visitors that it sits in "the heart of the Western Coal Field."

Hopkins County produces just about as much coal as it ever did, but mechanization has taken away thousands of mining jobs, leaving only about 1,400. "The only way you can get a job now," retired coal miner J. B. Peyton declares, "is if somebody died and you're kinfolk to the boss."

If you ask folks what's special about Madisonville, they'll refer to the kindness of the people and the ease of small-town living. "We wouldn't trade it for anyplace else that we know of," says Helen Wilcox, 74, a member of the Hopkins County Historical Society. "Of course," she adds, "we don't know of too many places."

For a long time Madisonville didn't have a city property tax. That was the doing of Mayor David "Pee Wee" Parish, who decided in the early 1950s that city services could be provided by selling water and electricity to the people. The tax returned soon after Parish's 28-year reign ended in 1974.

Madisonville's most famous citizen was Ruby Laffoon, a former circuit judge who was governor of Kentucky from 1931–35. But after naming the "Plowboy Jurist of the Pennyrile," folks have to scratch hard to come up with anyone else of real prominence who called the town home. So the town has elevated Laffoon to the status of icon. The Historical Society restored the log cabin where Laffoon was born, moved it next door to their museum and turned it into a tourist attraction. Visitors can see the top hat he wore to his inauguration and the cane he used to compensate for the limp he acquired after being kicked in the hip by a mule at age 16.

"He's the typical American Dream," Historical Society President Harold Utley notes. "He was born in a log cabin and rose to the highest office in the state."

Madisonville boasts several theater groups, a $2.2 million fine arts center and a four-screen movie house, but when people crave excitement they go where the action is: Owensboro, or Evansville, Ind. Another reason people leave town is that Hopkins County is dry—has been since the early 1940s—and it's 15 miles across the Christian County line into Mannington for the nearest Jim Beam or Budweiser. So many locals make the trip that the mayor felt it appropriate to boast in his annual State of the City Address about how many more drunken drivers the police department has apprehended since he took office. To be exact: 151 more in 1990 than 1989, an increase of 144 percent.

"We have all the problems associated with the sale of alcoholic beverages." Mayor Bill Cox points out, "and none of the advantages."

Local fare tends to be of the fast-food and steak-house variety, although you can get frog legs at Delta Catfish, moo goo gai pan at the China Garden, and even vegetarian pita-bread sandwiches at Violet's.

Founded in 1807, Madisonville was an agricultural village of less than 1,000 souls until 1869, when boom times came with the opening of the Evansville-Henderson-Nashville railroad. The link allowed the county to exploit its underground resource, bringing with it a general air of prosperity that only the Great Depression could halt.

When coal employment went into permanent decline after World War II, Madisonville evolved into an industrial and medical center. The county has the eighth highest per capita income in the state, probably because of all the doctors who call it home. The Trover Clinic, founded by a Hopkins County native, Dr. Loman Trover, employs more than 100 doctors, and the Regional Medical Center next door has 410 beds and draws patients from 35 counties.

Madisonville is also a government center. Dozens of state and federal agencies have district offices in town.

Beginning in the mid-1960s, Madisonville underwent an industrial boom. It started with the opening of a Goodyear plant, and a decade later, a dozen or so other industries had opened up. Madisonville turns out Speed Queen dryers, General Electric aircraft engines and York air conditioners.

But in the late 1970s and early '80s, the city "got to the point where people thought we had enough, and everybody sat back and quit seeking new industry," Chamber of Commerce President Donald Bryant says.

That's no longer true. A recent announcement that the York plant might close has heightened anxiety about the future. So the town recently hired a new economic-development director, increased the amount it spends on business recruiting from $35,000 to $200,000, and sent 18 community leaders to a course in Lexington on the ins and outs of economic competition.

Community organizations have produced a video to lure industry, and it has been dubbed in Dutch and Japanese—Dutch because many medical-supply companies are in the Netherlands, Japanese for obvious reasons. Four Madisonville boosters recently went to Japan to scout prospects, and a visit to the Netherlands is planned.

"We're taking action—as opposed to reaction," says state Senator Kim Nelson, a Madisonville accountant.

That same kind of pulling together can be seen in a 10-year-old Christian program

called Emmaus that takes place each spring and fall. More than 3,000 people from at least 15 denominations have participated, removing themselves from the outside world for three days to pray, sing, discuss and worship Jesus Christ.

Emmaus, which comes from Luke 24:13-35, originated in Spain in the late 1940s. The Rev. John E. Pitzer, the pastor of the First Presbyterian Church and the one who began the movement in Madisonville, says it "has changed the face of this community. It's brought people together. * * * It gets Catholics and Baptists together, for example, which is pretty amazing in itself if you think about it."

One of the most dramatic changes in Madisonville began about a decade ago when a mall was built on the southern edge of town. On New Year's Day this year Baker and Hickman—a dry-goods store that had been a landmark for almost a century—closed up shop, a painful reminder that downtown might never be the same.

"You see a lot of vacant buildings, don't you? That's the biggest change I've seen," says J. W. Neisz, 96, who served as the Hopkins County sheriff in the late 1950s. "Madisonville is moving out of town."

The new growth, commercial and residential, is on the outskirts of town. The county has no zoning ordinance, so suburban homes, businesses and churches have been thrown together willy-nilly. To get a handle on the growth, the city recently annexed four of those areas and their 2,500 people.

The city isn't giving up on downtown, either. An organization called Discover Downtown is burying utility lines, putting in new sidewalks and traffic lights and offering incentives to merchants to spruce up their buildings.

Many credit Cox, a trucking-company owner who once lost a bid for lieutenant governor, with pushing for long-needed changes. Since becoming mayor in 1988, Cox has led the city toward restructuring the fire department, improving police training, upgrading its sewage treatment system, building a new water tank and paving more than 3½ miles of new sidewalks.

Those improvements have not come cheaply: The town recently raised sewer rates by 80 percent and water rates by 40 percent. Some voters have vowed retribution at the polls.

And given that the town honors Laffoon, who inadvertently helped launch the long political career of A.B. "Happy" Chandler by passing a state sales tax that Chandler ran against in his first bid for governor, Cox had better be careful how much he spends to improve his city. Although only about 3,000 of the country's 22,000 registered voters are Republican, it is no longer the Democratic stronghold it once was. Two of the country's seven magistrates are Republicans and there's one Republican on the six-member City Council.

The city has a substantial black population, but some feel left out of Madisonville's efforts to reinvigorate itself. The city recently began construction of Martin Luther King Way, but some say that it should have chosen a better road than the narrow dead-end street now opening to through traffic.

"For the blacks, it has gone backward rather than forward," says Mayme Mason, 72, who has been in the funeral business in Madisonville for 55 years. "Blacks used to own barber shops, a grocery store, a drugstore, a hotel—things like that—but it's all gone. And as far as black leaders, we don't have any." Her son, Ernest Mason Jr., who died in 1988, was the city's only black councilman.

"It's a good town for me," Mason says. "But if I was younger, I don't think I would stay around."

Beneath it all, Madisonville still has a deep vein of optimism. That can be seen in the efforts of Richard Myers, the president of Myers Inc., to find financing for a $500 million plant to convert coal into boiler fuel and other marketable byproducts. Myers, 67, says he's looking to the day when no one wants the country's high-sulfur coal.

"I don't think there's a merchant in town," Myers says, "who won't tell you that if we lose the coal industry, we'll be hurting real bad."

FAMOUS FACTS AND FIGURES

A few years before Madisonville was founded in 1807, Hopkins County was terrorized by the infamous Harpe brothers: Big Harpe and Little Harpe. After the Harpes, from Virginia, dressed up as Methodist preachers and murdered a local woman, her children and a stranger, they were comered by a posse near the Muhlenburg County line. Little Harpe escaped, but Big Harpe was captured and decapitated. According to one account, his last words were, "You're a damn poor butcher, but go ahead and cut it off." The spot where he died is still known as Harpe's Head.

Madisonville was named for then-Secretary of State James Madison, who later became president—but who never set foot in the town.

Entertainment in the 19th century often revolved around court days, when farmers would come into town to trade and to argue politics. Liquor lubricated the discussions, and it was the custom not to interfere when the talk turned physical except "to remove them to the stray-pen behind the courthouse, where they could fight to their heart's content, to the intense delight of the crowd."

For the first 10 years of his life, Ruby Laffoon did not have a first name, being known only as "Bud." He named himself after befriending John Edwin Ruby, the owner of a general store.●

S. 1046, ARMS SUPPLIERS REGIME ACT

● Mr. BIDEN. Mr. President, yesterday, I introduced S. 1046, the Arms Suppliers Regime Act.

I ask unanimous consent that Senators PELL, CRANSTON, WIRTH, HATFIELD, GRASSLEY, and MIKULSKI be added as cosponsors.

In addition, I ask unanimous consent that the text of the bill be printed in the RECORD.

The bill follows:

S. 1046

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Arms Suppliers Regime Act of 1991".

SEC. 2. FINDINGS.

The Congress finds that—

(1) since the mid-1970's, the nations of the Middle East have imported more than $200 billion in conventional arms, most provided by the five permanent members of the United Nations Security Council, Germany, Italy, Brazil, and Argentina;

(2) according to the Director of Central Intelligence, many nations of the Middle East also now possess, or are seeking to possess, weapons of mass destruction and ballistic missile delivery systems;

(3) the uncontrolled proliferation of advanced conventional and unconventional weapons threatens the security and stability of the Middle East and constitutes a debilitating diversion of the region's resources;

(4) the five permanent members of the United Nations Security Council, by acting jointly and in conjunction with other major arms supplier nations, could sharply curtail the transfer of unconventional and advanced conventional weapons to the Middle East;

(5) leaders in several of these supplier nations have expressed a willingness to participate in a multilateral regime aimed at effecting such limitations; and

(6) the United States can and should play a leadership role in creating such a multilateral regime.

SEC. 3. ARMS SUPPLIERS REGIME.

(a) CONVENING OF ARMS SUPPLIERS CONFERENCE.—The Secretary of State should undertake good faith efforts to convene a conference of representatives from the governments of the United States, the Soviet Union, China, the United Kingdom, France, and other appropriate nations to establish the arms suppliers regime as described in subsection (b).

(b) PURPOSE OF ARMS SUPPLIERS REGIME.—The purpose of such conference should be to establish an arms suppliers regime which, through exchanges of information and implementation of formal and informal arrangements, acts—

(1) to halt the flow of unconventional arms, such as ballistic missiles, chemical weapons, biological weapons, and nuclear weapons, and technologies necessary to produce or assemble such arms, to all nations in the Middle East;

(2) to limit and control the proliferation of advanced conventional arms to all nations in the Middle East; and

(3) to provide incentives for regional arms control agreements in the Middle East by using all available means.

SEC. 4. ACTIONS BY ARMS SUPPLIERS REGIME.

(a) HALTING PROLIFERATION OF UNCONVENTIONAL WEAPONS.—In order to achieve the purposes described in section 3(b)(1), the United States should build on existing and future agreements among supplier nations by proposing that all members of the arms suppliers regime adopt as a matter of their national policy—

(1) the limitations and controls contained in the Enhanced Proliferation Control Initiative;

(2) the limitations and controls contained in the Missile Technology Control Regime (MTCR);

(3) the guidelines followed by the Australia Group on chemical arms proliferation;

(4) the guidelines adopted by the Nuclear Suppliers Group (the London Group); and

(5) other appropriate controls that serve to halt the flow of unconventional weapons to the Middle East.

(b) CONTROLLING PROLIFERATION OF ADVANCED CONVENTIONAL WEAPONS.—In order to achieve the purpose described in section 3(b)(2), the United States should propose that the arms suppliers regime—

(1) develop greater information-sharing practices among supplier nations regarding potential arms sales to all nations of the Middle East;

(2) examine the feasibility of applying, for the control of advanced conventional arms,

procedures already developed by the International Atomic Energy Agency, the Multilateral Coordinating Committee on Export Controls (COCOM), and the Missile Technology Control Regime (MTCR);

(3) examine the feasibility of other strict controls on the proliferation of advanced conventional arms to the Middle East.

(c) PROMOTION OF REGIONAL ARMS CONTROL AGREEMENTS.—In order to achieve the purpose described in section 3(b)(3), the United States should explore with nations in the region—

(1) how to transform the Middle East into a region free of ballistic missiles, chemical weapons, biological weapons, and nuclear weapons;

(2) the implementation of confidence-building and security-building measures, including advance notification of certain ground and aerial military exercises by all nations in the Middle East; and

(3) other useful arms control measures that can be negotiated by nations in the Middle East.

SEC. 5. REPORTS TO CONGRESS.

(a) REPORT ON PLAN FOR MULTILATERAL ARMS SUPPLIERS REGIME.—The President shall submit to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a report setting forth a United States plan for leading the world community in establishing a multilateral regime to restrict transfers of advanced conventional and unconventional arms to the Middle East.

(b) REPORT ON PLAN FOR REGIONAL ARMS CONTROL.—As part of the first annual report described in subsection (c), the President shall include a section analyzing the feasibility of an arms control regime among nations in the Middle East and the potential elements of such regime, including the feasibility of—

(1) opening for ratification or accession by nations of the Middle East the INF Treaty, which bans all ground-launched ballistic and cruise missiles having ranges between 500 and 5,500 kilometers;

(2) negotiating a new multilateral treaty banning the possession of ground-launched ballistic and cruise missiles having ranges in excess of 150 kilometers;

(3) applying techniques used in the CFE Treaty as a model for regional arms control initiatives; and

(4) applying the "Open Skies" regime under consideration for countries in Europe and North America.

(c) ANNUAL REPORT ON TRANSFERS AND THE REGIONAL BALANCE.—Not later than October 1 of each year, the President shall submit to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a report—

(1) documenting all transfers of conventional and unconventional arms to the Middle East over the previous year and the previous five years, including sources, types and acquirers of weapons;

(2) analyzing the current military balance in the region, including the effect on the balance of transfers documented under paragraph (1);

(3) describing the operation and effect of the arms suppliers regime envisaged by this Act; and

(4) citing supplier nations that have refused to participate in such a regime; and

(5) identifying the specific actions of supplier nations that have engaged in conduct that violates or undermines the regime.

SEC. 6. LIMITATIONS ON UNITED STATES ARMS SALES.

Beginning 60 days after the date of enactment of this Act, no sale of any defense article or defense service may be made to any nation in the Middle East, and no license for the export to any nation in the Middle East of any defense article or defense service may be issued, unless and until the President—

(1) certifies in writing that the Secretary of State has undertaken good faith efforts to convene the conference for the establishment of an arms suppliers regime, as described in sections 3 and 4; and

(2) submits to Congress the arms suppliers regime report described in section 5(a).

SEC. 7. POLICY TOWARDS FRIENDLY COUNTRIES.

In the operation of any arms suppliers regime governing transfers of conventional and unconventional weapons to nations of the Middle East, it shall be the policy of the United States, as a principal participant in such regime, to accord the highest priority to insuring that any limitation or control—

(1) is consistent with, and does not have the effect of terminating, United States defense cooperation with friendly countries in the Middle East; and

(2) yields the overall effect of enhancing the security of such friendly countries.

SEC. 8. APPLICATION OF REGIME TO OTHER REGIONS.

If and as appropriate, the United States should seek to expand the geographical scope of any arms suppliers regime to include other regions of the world.

SEC. 9. DEFINITIONS.

For purposes of this Act—

(1) the term "advanced conventional arms" includes modern heavy tanks and artillery, cruise missiles, anti-satellite weapons, high-performance jet aircraft, stealth technologies, naval combatant vessels, and related military technologies;

(2) the term "CFR Treaty" means the Treaty on Conventional Armed Forces in Europe, signed in Paris on November 19, 1990;

(3) the term "defense article" and the term "defense service" have the meanings given to each such term by paragraph (3) or (4), respectively, of section 47 of the Arms Export Control Act;

(4) the term "Enhanced Proliferation Control Initiative" or "EPCI" means the initiative of the Executive branch of Government with respect to controls on dual-use commodities with potential application to the proliferation of missiles and nuclear, chemical, and biological weapons, as set forth in Executive Order No. 12735 of March 7, 1991;

(5) the term "INF Treaty" means the Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Elimination of their Intermediate-Range and Shorter-Range Missiles, done at Washington on December 8, 1987;

(6) the term "Middle East" means the region which consists of the following nations: Algeria, Bahrain, Egypt, Iran, Iraq, Israel, Jordan, Kuwait, Libya, Morocco, Mauritania, Oman, Qatar, Saudi Arabia, Syria, Tunisia, the United Arab Emirates, and Yemen;

(7) the term "Missile Technology Control Regime" or "MTCR" means the agreement, as amended, between the United States, the United Kingdom, the Federal Republic of Germany, France, Italy, Canada, and Japan, announced on April 16, 1987, to restrict sensitive missile-relevant transfers based on an annex of missile equipment and technology; and

(8) the term "supplier nation" means any nation that transfers or has transferred, as the context may require, unconventional (including ballistic missiles, chemical and biological weapons, and nuclear weapons) or advanced conventional arms to nations in the Middle East.●

NEWARK'S 325TH ANNIVERSARY

● Mr. LAUTENBERG. Mr. President, I rise today to commemorate Newark, NJ, on it's 325th birthday. The city is planning celebrations throughout this year and May 17–19 will be Founders Weekend. This weekend, the citizens of Newark will be celebrating the occasion with exhibitions, parades, festivals, and neighborhood cleanups.

The people of Newark can take pride in their city's traditions and history. When the Puritans first settled there in the 17th century, little did they know they were breaking ground for one of America's largest cities. Today, Newark is a major transportation center with an international airport and highways leading to New York and Philadelphia. It is also an industrial and commercial city as many companies see the assets of working in Newark.

Mr. President, I do not know how many members have visited Newark, but if they did, they would find a picturesque city that combines historic buildings with modern architecture. Many of the older buildings have been renovated and esthetic projects have made the city a beautiful place. Cultural arts flourish in Newark with Symphony Hall and the Newark Museum. Additionally, Rutgers University, the New Jersey Institute of Technology, Essex County College, the University of Medicine and Dentistry, and Seton Law School are all respected institutions that have chosen Newark for their location.

I commend Mayor Sharpe James and the citizens of Newark for enriching the city with their pride. I extend my very best wishes and heartiest congratulations for a wonderful and festive Founders Weekend.●

BRADY HANDGUN VIOLENCE PROTECTION ACT

Mr. METZENBAUM. Mr. President, I understand the Senate has received from the House H.R. 7, the Brady gun control bill. I ask that the bill be read for the first time.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 7) to amend title 18, United States Code, to require a waiting period before the purchase of a handgun.

Mr. METZENBAUM. Mr. President, I now ask for a second reading.

Mr. DOLE. Mr. President, I object.

The PRESIDING OFFICER. Objection having been heard, the bill will receive its next reading on the next legislative day.

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AUTHORIZATION FOR THE RELEASE OF DOCUMENTS BY THE SELECT COMMITTEE ON INTELLIGENCE

Mr. METZENBAUM. Mr. President, on behalf of the majority leader, I send a resolution to the desk and I ask unanimous consent for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 127) to authorize the release of documents by the Select Committee on Intelligence.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. MITCHELL. Mr. President, Independent Counsel Lawrence Walsh has requested copies of a number of documents of the Select Committee on Secret Military Assistance to Iran and the Nicaraguan Opposition to assist his office in the completion of its investigation. In accordance with section 6(b)(3) of Senate Resolution 23 of the 100th Congress, the records of the Senate Iran-Contra Committee were transferred, on the committee's termination, to the Select Committee on Intelligence.

Since the outset of the Iran-Contra matter, the Senate has agreed to several resolutions to authorize the chairman and vice chairman of the Intelligence Committee, acting jointly, to provide documents either to the independent counsel or, in matters in which indictments have been returned, to the defendants. The following resolution would authorize the chairman and vice chairman of the Intelligence Committee, acting jointly, to furnish additional documents to the independent counsel under appropriate security controls.

The PRESIDING OFFICER. Is there any further debate? If not, the question is on agreeing to the resolution.

The resolution (S. Res. 127) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 127

Whereas Independent Counsel Lawrence E. Walsh has requested certain documents within the custody and control of the Select Committee on Intelligence to assist his office in the completion of its investigation;

Whereas by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by administrative or judicial process, be taken from such control or possession but by permission of the Senate;

Whereas when it appears that documents, papers, and records under the control or in the possesion of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistently with the privileges of the Senate: Now, therefore, be it

Resolved, That the Chairman and Vice Chairman of the Select Committee on Intelligence, acting jointly, are authorized to provide to the Independent Counsel, under appropriate security controls, documents in the custody and control of the Committee.

TRIBUTE TO GLADYS B. HERLOCKER

Mr. FOWLER. Mr. President, I rise today to honor a member of my staff who has served the Senate faithfully for the last 13 years. Gladys B. Herlocker, who has been with me for almost 2 years, will be retiring on May 13, 1991.

Gladys has performed her job with the distinction of a true public servant. When she started her distinguished career with then-Senator Lawton Chiles from Florida, she progressed from initial training in the correspondence system to become the supervisor of correspondence within 3 years before she moved on to the office of Senator ALAN J. DIXON.

From day one, Gladys has demonstrated a sense of pride in her work that shows itself in the high standards she has maintained throughout her career. Gladys has played an integral part in responding to constituent inquiries and my staff members and many Georgians have benefitted from her presence in my office.

Mr. President, Gladys has been a friend of ours and we are all sad to see her leave. I want to thank her for all her hard work and dedication and wish her a long, fulfilling life as she begins her retirement.

RETIREMENT OF NANCY C. ANDERSON

Mr. HARKIN. Mr. President, I wish to pay tribute to Mrs. Nancy Anderson, who is retiring May 31, 1991, from the staff of the Senate Committee on Appropriations. Congratulations, Nancy, for an outstanding career of public service.

Nancy began her career in the Senate in 1960, working as a secretary in the office of Senator Case. She had a bachelor of arts degree from Connecticut College, and a master's degree from Columbia University. She left the Senate for a few years between 1964 and 1968 to join her husband, Dexter, working overseas for the State Department. In Moscow, she worked for the Cultural Section of the American Embassy from 1964 to 1966, and then was an operations staff assistant for several years at the Agency for International Development in Yaounde, Cameroon. In these assignments, she utilized her multilingual talents extensively in French, Russian, and German. Her fluency in French is such that she also taught English to students from France.

Returning to the United States in 1971, Nancy became Senator Case's office manager. This responsibility required supervision of approximately 18 clerical and administrative staff, as well as, a group of part-time interns. A meticulous organizer, Nancy maintained the legislative and research files and prepared a yearly synopsis of action on legislation sponsored by the Senator. Her outstanding work led to promotion in 1974 to executive assistant, with wide-ranging responsibilities on legislative issues and appropriations in the fields of health and welfare, Social Security and problems of the aging, nutrition, Food Stamps, pensions, veterans and Department of Defense personnel policy. This involved handling a considerable number of meetings with constituents and representatives of State and Federal agencies. She became quite an expert at drafting press releases, newsletters, radio broadcasts, and replies to constituent mail. The esprit de corps of that office is exhibited by the fact that former staff members, despite being scattered far and wide, still regularly get together at functions, frequently organized by Nancy.

In 1983, the Senate Appropriations Committee became the fortunate recipient of Nancy's many skills and mature judgment, developed over years of congressional and foreign service work. As a staff assistant to the Subcommittee on Labor, Health and Human Services, and Education, she took on the challenging job of managing all administrative operations. It is an enormous subcommittee with appropriations exceeding $200 billion annually, involving hundreds of programs touching the lives of virtually every man, woman, and child in the country. At times, it must have seemed to Nancy that everybody in the country was calling her, particularly, when it came to organizing the hundreds of groups and individuals seeking to present public witness testimony each year. Organizing these and dozens of other hearings is a monumental task and we are going to be reminded of Nancy's superb skills when we try putting them together without her. I know the other staff will also miss her dearly when they try producing the 200 plus-page committee report without her help. There are so many things that Nancy does to make it easier on all of us, not the least of which is to think and plan ahead to accomplish all the details that go into processing a mammoth annual appropriations bill, as well as supplemental funding measures, keeping us on schedule. Fortunately, she was also a master of computer operations.

In talking to people about Nancy, I am impressed by how many of her coworkers pointed out how she helped them develop in their careers; she has always had a sincere interest in helping those around her, with the result

that, all who worked for Nancy managed to look a little better.

Speaking on behalf of the members and staff of the Senate Appropriations Committee, I wish to say thank you, Nancy, and extend best wishes to you in all your future endeavors.

TRIBUTE TO SGT. ROBERT P. PALMER

Mr. FORD. Mr. President, I rise today to pay tribute to Sgt. Robert P. Palmer, a Kentucky Police officer who was slain last year while protecting his family from an assault on his home. Sergeant Palmer was a courageous, loyal, and dedicated member of the Elsmere Police Department in Elsmere, KY. He is survived by his wife Barbara and son Bryan who will be in Washington this week to attend the National Peace Officers Memorial Day Service.

Robert P. Palmer had a distinguished career with the Elsmere Police Department, rising from the rank of patrol officer in 1981 to the rank of sergeant in 1988. An extremely valuable member of the Department, he became a child abuse investigator and was active with the Exploited Children Organization.

Dedicated to community service, he was president of the Erlanger Lions Club, a member of the Good Faith Masonic Lodge and the Kenton County Fraternal Order of Police Organization. Sergeant Palmer will be remembered by the numerous contributions he made to the city of Elsmere and to the Elsmere Police Department.

It is not often we take the time to recognize the proud role our law enforcement officers play in our society. We must take a moment to reflect not only on Sergeant Palmer's life, but also on the admirable profession to which he dedicated his life. As we honor officers at the National Peace Officers Memorial Service, I find it appropriate to honor all law enforcement officers and the vital service they provide to each of us.

These special observances provide us with the unique opportunity to pay tribute to the extraordinary sacrifice of our Nation's law enforcement officers. I believe it is important to increase the public's awareness of the commitment to safety they provide.

Sergeant Palmer was a man who devoted his talents and energies to protecting the rights of so many others. He will be missed by his colleagues, his family, and all of us who depend on the qualities of dedication and leadership he espoused. I extend his deepest sympathy to his wife Barbara and son Bryan and pray that Godspeed will continue to be with them and ease their burdens during these difficult times.

TERRY ANDERSON

Mr. MOYNIHAN. Mr. President, I rise to inform my colleagues that today marks the 2,251st day that Terry Anderson has been held captive in Lebanon.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. METZENBAUM. Mr. President, I ask unanimous consent that the Senate proceed to Executive Session to consider the following nominations:

Calendar 97, John E. Reynolds III to be a member of the Marine Mammal Commission;

Calendar 98, Jack W. Lentfer, to be a member of the Marine Mammal Commission;

Calendar 99, Rear Adm. Paul A. Welling, as commander, Atlantic Area;

Calendar 100, John N. Faigle, for appointment to the grade of rear admiral;

Calendar 101, John G. Keller, Jr., to be Under Secretary of Commerce for Travel and Tourism;

Calendar 103 through 124, all nominations in the Air Force;

Calendar 125 through 137, all nominations in the Army;

Calendar 138 through 141, all nominations in the Marine Corps;

Calendar 142 through 158, all nominations in the Navy; and

All nominations placed on the Secretary's desk in the Air Force, Army, Marine Corps, and Navy.

I further ask unanimous consent that the nominees be confirmed, en bloc, that any statements appear in the RECORD as if read, that the motions to reconsider be laid upon the table, en bloc, that the President be immediately notified of the Senate's action, and that the Senate return to legislative session.

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

The nominations considered and confirmed en bloc are as follows:

MARINE MAMMAL COMMISSION

JOHN ELLIOTT REYNOLDS, III, OF FLORIDA, TO BE A MEMBER OF THE MARINE MAMMAL COMMISSION FOR THE TERM EXPIRING MAY 13, 1993.

JACK WARREN LENTFER, OF ALASKA, TO BE A MEMBER OF THE MARINE MAMMAL COMMISSION FOR A TERM EXPIRING MAY 13, 1991.

JACK WARREN LENTFER, OF ALASKA, TO BE A MEMBER OF THE MARINE MAMMAL COMMISSION FOR A TERM EXPIRING MAY 13, 1994. (REAPPOINTMENT)

IN THE COAST GUARD

REAR ADM. PAUL A. WELLING, USCG AS COMMANDER, ATLANTIC AREA, U.S. COAST GUARD WITH THE GRADE OF VICE ADMIRAL WHILE SO SERVING.

THE FOLLOWING OFFICER OF THE U.S. COAST GUARD FOR APPOINTMENT TO THE GRADE OF REAR ADMIRAL:

JOHN N. FAIGLE.

DEPARTMENT OF COMMERCE

JOHN G. KELLER, JR., OF THE DISTRICT OF COLUMBIA, TO BE UNDER SECRETARY OF COMMERCE FOR TRAVEL AND TOURISM, VICE ROCKWELL ANTHONY SCHNABEL.

IN THE AIR FORCE

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL ON THE RETIRED LIST PURSUANT TO THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be lieutenant general

LT. GEN. DONALD O. ALDRIDGE, XXX-XX-XXXX U.S. AIR FORCE.

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT AS VICE CHIEF OF STAFF, U.S. AIR FORCE AND APPOINTMENT TO THE GRADE OF GENERAL UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 601 AND SECTION 8034:

To be general

To be vice chief of staff, U.S. Air Force

LT. GEN. MICHAEL P.C. CARNS, XXX-XX-XXXX U.S. AIR FORCE.

THE FOLLOWING-NAMED OFFICER FOR REAPPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

LT. GEN. HENRY VICCELLIO, JR., XXX-XX-XXXX U.S. AIR FORCE.

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL ON THE RETIRED LIST PURSUANT TO THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be lieutenant general

LT. GEN. JAMES S. CASSITY, JR., XXX-XX-XXXX U.S. AIR FORCE.

THE FOLLOWING-NAMED OFFICER FOR REAPPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

LT. GEN. THOMAS A. BAKER, XXX-XX-XX... U.S. AIR FORCE.

THE FOLLOWING-NAMED OFFICER FOR REAPPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

LT. GEN. ROBERT L. RUTHERFORD XXX-XX-XXXX U.S. AIR FORCE.

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBLITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

MAJ. GEN. BILLY J. BOLES XXX-XX-XXXX U.S. AIR FORCE.

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF GENERAL ON THE RETIRED LIST PURSUANT TO THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be general

GEN. JOHN A. SHAUD, XXX-XX-XX... U.S. AIR FORCE.

THE FOLLOWING-NAMED OFFICE FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL ON THE RETIRED LIST PURSUANT TO THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be lieutenant general

LT. GEN. CHARLES R. HAMM, XXX-XX-XX... U.S. AIR FORCE.

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL ON THE RETIRED LIST PURSUANT TO THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be lieutenant general

LT. GEN. MONTE B. MILLER, XXX-XX-XXXX U.S. AIR FORCE.

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

MAJ. GEN. VERNON J. KONDRA XXX-XX-XXXX U.S., AIR FORCE.

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

MAJ. GEN. DONALD SNYDER, XXX-XX-XX... U.S. AIR FORCE.

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

MAJ. GEN. RICHARD J. TRZASKOMA XXX-XX-XXXX U.S. AIR FORCE.

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE U.S. AIR FORCE TO A POSITION INDICATED, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 8037.

To be judge advocate general of the U.S. Air Force

MAJ. GEN. DAVID C. MOREHOUSE, U.S. AIR FORCE.

To be deputy judge advocate general of the U.S. Air Force

BRIG. GEN. NOLAN SKLUTE, U.S. AIR FORCE.

THE FOLLOWING OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED, UNDER THE PROVISION OF SECTION 593, 8218, 8373, AND 8374, TITLE 10, UNITED STATES CODE:

To be major general

BRIG. GEN. JAMES W. CHAPMAN, [redacted] AIR NATIONAL GUARD OF THE UNITED STATES.
BRIG. GEN. ADOLPH P. HEARON, [redacted] AIR NATIONAL GUARD OF THE UNITED STATES.
BRIG. GEN. RAYMOND E. MOORMAN, [redacted] AIR NATIONAL GUARD OF THE UNITED STATES.
BRIG. GEN. JAMES T. WHITEHEAD, JR. [redacted] AIR NATIONAL GUARD OF THE UNITED STATES.

To be brigadier general

COL. EUGENE R. ANDREOTTI, [redacted] AIR NATIONAL GUARD OF THE UNITED STATES.
COL. DONALD W. ARMINGTON, [redacted] AIR NATIONAL GUARD OF THE UNITED STATES.
COL. ROBERT W. BARROW, [redacted] AIR NATIONAL GUARD OF THE UNITED STATES.
COL. MICHAEL J. BOWERS, [redacted] AIR NATIONAL GUARD OF THE UNITED STATES.
COL. JAMES F. BROWN, [redacted] AIR NATIONAL GUARD OF THE UNITED STATES.
COL. JOHN D. BROMAN, [redacted] AIR NATIONAL GUARD OF THE UNITED STATES.
COL. JOHN H. FENIMORE, [redacted] AIR NATIONAL GUARD OF THE UNITED STATES.
COL. GENE A. KATKE, [redacted] AIR NATIONAL GUARD OF THE UNITED STATES.
COL. HAROLD E. KEISTLER, [redacted] AIR NATIONAL GUARD OF THE UNITED STATES.
COL. PHILLIP L. LATHAM, [redacted] AIR NATIONAL GUARD OF THE UNITED STATES.
COL. ALLEN J. NEWCOMB, [redacted] AIR NATIONAL GUARD OF THE UNITED STATES.
COL. RONALD L. SEELY, [redacted] AIR NATIONAL GUARD OF THE UNITED STATES.
COL. LONNIE J. SLAUSON, [redacted] AIR NATIONAL GUARD OF THE UNITED STATES.
COL. PRESTON M. TAYLOR, [redacted] AIR NATIONAL GUARD OF THE UNITED STATES.
COL. WILLIAM A. TREU, [redacted] AIR NATIONAL GUARD OF THE UNITED STATES.
COL. JOSEPH N. WALLER, [redacted] AIR NATIONAL GUARD OF THE UNITED STATES.

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL ON THE RETIRED LIST PURSUANT TO THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be lieutenant general

LT. GEN. ELLIE G. SHULER, JR. [redacted] U.S. AIR FORCE.

THE FOLLOWING-NAMED OFFICER FOR REAPPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

LT. GEN. TREVOR A. HAMMOND, [redacted] U.S. AIR FORCE.

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

MAJ. GEN. CHARLES J. SEAROCK, JR. [redacted] U.S. AIR FORCE.

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL ON THE RETIRED LIST PURSUANT TO THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be lieutenant general

LT. GEN. DONALD L. CROMER, [redacted] U.S. AIR FORCE.

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

MAJ. GEN. EDWARD P. BARRY, JR. [redacted] U.S. AIR FORCE.

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

MAJ. GEN. MARTIN J. RYAN, JR. [redacted] U.S. AIR FORCE.

THE FOLLOWING-NAMED OFFICERS FOR APPOINTMENT TO THE GRADE OF MAJOR GENERAL UNDER PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 624:

To be major general

BRIG. GEN. LAWRENCE E. BOESE, [redacted] FR, REGULAR AIR FORCE.
BRIG. GEN. PHILLIP E. BRACHER, [redacted] FR, REGULAR AIR FORCE.
BRIG. GEN. ROBERT A. BUETHE, JR. [redacted] FR, REGULAR AIR FORCE.
BRIG. GEN. HIRAM H. BURR, JR. [redacted] FR, REGULAR AIR FORCE.
BRIG. GEN. MICHAEL J. BUTCHKO, JR. [redacted] FR, REGULAR AIR FORCE.
BRIG. GEN. LEWIS E. CURTIS III [redacted] FR, REGULAR AIR FORCE.
BRIG. GEN. BRETT M. DULA, [redacted] FR, REGULAR AIR FORCE.
BRIG. GEN. MARVIN S. ERVIN, [redacted] FR, REGULAR AIR FORCE.
BRIG. GEN. JAMES A. FAIN, JR. [redacted] FR, REGULAR AIR FORCE.
BRIG. GEN. LAWRENCE P. FARRELL, JR. [redacted] FR, REGULAR AIR FORCE.
BRIG. GEN. BRUCE L. FISTER [redacted] FR, REGULAR AIR FORCE.
BRIG. GEN. CHARLES E. FRANKLIN, [redacted] FR, REGULAR AIR FORCE.
BRIG. GEN. BUSTER C. GLOSSON, [redacted] FR, REGULAR AIR FORCE.
BRIG. GEN. THOMAS R. GRIFFITH [redacted] FR, REGULAR AIR FORCE.
BRIG. GEN. KENNETH L. HAGEMANN, SR. [redacted] FR, REGULAR AIR FORCE.
BRIG. GEN. LARRY L. HENRY [redacted] FR, REGULAR AIR FORCE.
BRIG. GEN. JAMES F. HINKEL [redacted] FR, REGULAR AIR FORCE.
BRIG. GEN. JAMES M. HURLEY [redacted] FR, REGULAR AIR FORCE.
BRIG. GEN. JOHN P. JUMPER [redacted] FR, REGULAR AIR FORCE.
BRIG. GEN. JOHN G. LORBER, [redacted] FR, REGULAR AIR FORCE.
BRIG. GEN. JOHN F. PHILLIPS [redacted] FR, REGULAR AIR FORCE.
BRIG. GEN. JOSEPH J. REDDEN [redacted] FR, REGULAR AIR FORCE.
BRIG. GEN. ERVIN J. ROKKE [redacted] FR, REGULAR AIR FORCE.
BRIG. GEN. DONALD B. SMITH, [redacted] FR, REGULAR AIR FORCE.
BRIG. GEN. EDWIN E. TENOSO [redacted] FR, REGULAR AIR FORCE.
BRIG. GEN. THAD A. WOLFE, [redacted] FR, REGULAR AIR FORCE.

IN THE ARMY

THE FOLLOWING-NAMED OFFICERS FOR APPOINTMENT IN THE REGULAR ARMY OF THE UNITED STATES TO THE GRADE INDICATED, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 611(A) AND 624:

To be permanent brigadier general

COL. ROBERT F. FOLEY [redacted] U.S. ARMY.
COL. WILLIAM A. WEST [redacted] U.S. ARMY.
COL. ALBERT J. GENETTI, JR. [redacted] U.S. ARMY.
COL. JAN A. VANPROOYEN, [redacted] U.S. ARMY.
COL. WILLIAM J. BOLT, [redacted] U.S. ARMY.
COL. DAVID L. BENTON III, [redacted] U.S. ARMY.
COL. CARL F. ERNST [redacted] U.S. ARMY.
COL. JAMES J. CRAVENS, JR. [redacted] U.S. ARMY.
COL. FRANK H. AKERS, JR. [redacted] U.S. ARMY.
COL. THOMAS J. KONITZER, [redacted] U.S. ARMY.
COL. STEPHEN M. BLISS [redacted] U.S. ARMY.
COL. EDWARD G. ANDERSON III, [redacted] U.S. ARMY.
COL. DAVID R.E. HALE, [redacted] U.S. ARMY.
COL. ANTHONY C. TRIFILETTI [redacted] U.S. ARMY.
COL. CHARLES H. BAUMANN, [redacted] U.S. ARMY.
COL. NORMAN E. WILLIAMS, [redacted] U.S. ARMY.
COL. TRENT N. THOMAS, [redacted] U.S. ARMY.
COL. JOHN A. DUBIA, [redacted] U.S. ARMY.
COL. ORLIN L. MULLEN [redacted] U.S. ARMY.
COL. ROBERT H. SCALES, JR. [redacted] U.S. ARMY.
COL. HAROLD E. BURCH, [redacted] U.S. ARMY.
COL. JOE N. BALLARD, [redacted] U.S. ARMY.
COL. JOHN E. LONGHOUSER, [redacted] U.S. ARMY.
COL. JOSEPH E. DEFRANCISCO [redacted] U.S. ARMY.
COL. LEONARD D. HOLDER, JR., [redacted] U.S. ARMY.
COL. GEORGE A. CROCKER, [redacted] U.S. ARMY.
COL. ROBERT W. ROPER JR. [redacted] U.S. ARMY.
COL. RANDOLPH T. POORE, [redacted] U.S. ARMY.
COL. THOMAS A. SCHWARTZ, [redacted] U.S. ARMY.
COL. JOHN G. ZIERDT, JR. [redacted] U.S. ARMY.
COL. DOUGLAS D. BUCHHOLZ, [redacted] U.S. ARMY.
COL. PATRICIA R.P. HICKERSON [redacted] U.S. ARMY.
COL. PATRICK M. HUGHES, [redacted] U.S. ARMY.
COL. WALTER E. MATHER, JR. [redacted] U.S. ARMY.
COL. LARRY R. JORDAN, [redacted] U.S. ARMY.
COL. WILLIAM F. KERNAN, [redacted] U.S. ARMY.
COL. DAVID A. WHALEY, [redacted] U.S. ARMY.
COL. JOSEPH K. KELLOGG, JR. [redacted] U.S. ARMY.
COL. WILLIAM L. NASH, [redacted] U.S. ARMY.

THE FOLLOWING-NAMED ARMY MEDICAL CORPS OFFICERS FOR APPOINTMENT IN THE REGULAR ARMY OF THE UNITED STATES TO THE GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 611(A) AND 624(C).

To be permanent major general

BRIG. GEN. WILLIAM L. MOORE, JR. [redacted] U.S. ARMY.

To be permanent brigadier general

COL RUSS ZAJTCHUK [redacted] U.S. ARMY.

THE UNITED STATES ARMY NATIONAL GUARD OFFICERS NAMED HEREIN FOR APPOINTMENT IN THE RESERVE OF THE ARMY OF THE UNITED STATES IN THE GRADES INDICATED BELOW, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 593(A), 3371 AND 3384.

To be major general

BRIG. GEN. RICHARD E. HAYNES [redacted]
BRIG. GEN. DONALD R. BRUNELLE [redacted]
BRIG. GEN. CHARLIE D. BRACKEEN [redacted]

To be brigadier general

COL. ROBERT J. BYRNE [redacted]
COL. SANTO J. FRUSCIONE [redacted]
COL. JAMES W. HOLMES [redacted]
COL. CHARLES M. HOOD [redacted]
COL. JAMES H. LIPSCOMB [redacted]
COL. FRED K. MORRISON [redacted]
COL. CHARLES R. ARGO [redacted]
COL. TERRY O. BALLARD [redacted]
COL. JAMES G. BLANEY [redacted]
COL. JOHN D. CURELL [redacted]
COL. CLARENCE C. KNAPP [redacted]
COL. WILLIAM A. LAPRISE [redacted]
COL. PATRICK NAPPI [redacted]
COL. GERALD A. RUDISILL, JR. [redacted]
COL. WALTER L. STEWART, JR. [redacted]
COL. CHARLES M. WHITAKER [redacted]
COL. LARRY C. BAKER [redacted]

THE FOLLOWING-NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN THE GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be lieutenant general

LT. GEN. JACK B. FARRIS, JR. [redacted] U.S. ARMY.

THE FOLLOWING-NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN THE GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be lieutenant general

LT. GEN. CLAUDE M. KICKLIGHTER, [redacted] U.S. ARMY.

THE FOLLOWING-NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN THE GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be lieutenant general

LT. GEN. JAMES F. MCCALL [redacted] U.S. ARMY.

THE FOLLOWING-NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN THE GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be lieutenant general

LT. GEN. GEORGE R. STOTSER [redacted] U.S. ARMY.

THE FOLLOWING-NAMED OFFICER FOR REAPPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601(A):

To be lieutenant general

LT. GEN. JOHNNIE H. CORNS [redacted] U.S. ARMY.

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601(A):

To be lieutenant general

MAJ. GEN. MERLE FREITAG [redacted] U.S. ARMY.

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601(A):

To be lieutenant general

MAJ. GEN. JAMES H. JOHNSON, JR. [redacted] U.S. ARMY.

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601(A):

To be lieutenant general

MAJ. GEN. JAMES D. STARLING [redacted] UNITED STATES ARMY.

THE U.S. ARMY RESERVE OFFICERS NAMED HEREIN FOR APPOINTMENT IN THE RESERVE OF THE ARMY OF THE UNITED STATES IN THE GRADES INDICATED BELOW, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 593(A), 3371 AND 3384:

To be major general

BRIG. GEN. ARTHUR H. BAIDEN III [redacted]
BRIG. GEN. ALVIN BRYANT [redacted]
BRIG. GEN. JOHN H. CAPALBO [redacted]

To be brigadier general

COL. FRANK M. BROWN, [redacted]

COL. JOHN G. PAPPAS, [redacted]
COL. HERBERT KOGER, JR., [redacted]
COL. EARL B. BURCH, [redacted]
COL. BILLY F. JESTER, [redacted]

THE FOLLOWING-NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN THE GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be lieutenant general

LT. GEN. DAVE R. PALMER, [redacted] U.S. ARMY.

IN THE MARINE CORPS.

THE FOLLOWING-NAMED BRIGADIER GENERALS OF THE U.S. MARINE CORPS FOR PROMOTION TO THE PERMANENT GRADE OF MAJOR GENERAL, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 624:

RICHARD L. PHILLIPS.
ROBERT A. TIEBOUT.
JAMES E. LIVINGSTON.
GEORGE R. CHRISTMAS.
HAROLD W. BLOT.

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE PERMANENT GRADE INDICATED IN THE MARINE CORPS RESERVE UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 5912:

To be major general

BRIG. GEN. JOHN F. CRONIN, [redacted] U.S. MARINE CORPS RESERVE.

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE PERMANENT GRADE INDICATED IN THE MARINE CORPS RESERVE UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 5912.

To be brigadier general

COL. LARRY S. TAYLOR, [redacted] U.S. MARINE CORPS RESERVE.

THE FOLLOWING-NAMED COLONELS OF THE U.S. MARINE CORPS FOR PROMOTION TO THE PERMANENT GRADE OF BRIGADIER GENERAL, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 624:

WILLIAM A. FORNEY.
JOSEPH D. STEWART.
BERTIE D. LYNCH.
GEORGE H. WALLS, JR.
JOHN H. ADMIRE.
STEPHEN R. BERKHEISER.
COLEMAN D. KUHN, JR.
CARLTON W. FULFORD, JR.
CAROL A. MUTTER.

IN THE NAVY

THE FOLLOWING-NAMED CAPTAINS IN THE LINE OF THE U.S. NAVY FOR PROMOTION TO THE PERMANENT GRADE OF REAR ADMIRAL (LOWER HALF), PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 624, SUBJECT TO QUALIFICATIONS THEREFOR AS PROVIDED BY LAW:

UNRESTRICTED LINE OFFICER

To be rear admiral (lower half)

CAPT. MICHAEL W. BORDY, [redacted] U.S. NAVY.
CAPT. FRANK L. BOWMAN, [redacted] U.S. NAVY.
CAPT. HERBERT A. BROWNE, JR. III, [redacted] U.S. NAVY.
CAPT. VERNON E. CLARK, [redacted] U.S. NAVY.
CAPT. WINFORD G. ELLIS, [redacted] U.S. NAVY.
CAPT. ANDREW A. GRANUZZO, [redacted] U.S. NAVY.
CAPT. FRED P. GUSTAVSON, [redacted] U.S. NAVY.
CAPT. WILLIAM B. HAYDEN, [redacted] U.S. NAVY.
CAPT. FRANCIS K. HOLIAN, [redacted] U.S. NAVY.
CAPT. ALEXANDER J. KREKICH, [redacted] U.S. NAVY.
CAPT. JOHN M. LUECKE, [redacted] U.S. NAVY.
CAPT. LEONARD N. ODEN, [redacted] U.S. NAVY.
CAPT. JOHN R. RYAN, [redacted] U.S. NAVY.
CAPT. SCOTT L. SEARS, [redacted] U.S. NAVY.
CAPT. JOHN F. SIGLER, [redacted] U.S. NAVY.
CAPT. JOHN W. SNYDER, JR., [redacted] U.S. NAVY.
CAPT. RONALD D. TUCKER, [redacted] U.S. NAVY.
CAPT. EDISON L. WATKINS III, [redacted] U.S. NAVY.
CAPT. WILLIAM H. WRIGHT IV, [redacted] U.S. NAVY.
CAPT. JOHN J. ZERR, [redacted] U.S. NAVY.

ENGINEERING DUTY OFFICER

To be rear admiral (lower half)

CAPT. MICHAEL T. COYLE, [redacted] U.S. NAVY.
CAPT. JOHN T. MITCHELL, JR., [redacted] U.S. NAVY.

AEROSPACE ENGINEERING DUTY OFFICER

To be rear admiral (lower half)

CAPT. WILLIAM J. TINSTON, JR., [redacted] U.S. NAVY.

SPECIAL DUTY OFFICER (CRYPTOLOGY)

To be rear admiral (lower half)

CAPT. THOMAS F. STEVENS, [redacted] U.S. NAVY.

SPECIAL DUTY OFFICER (INTELLIGENCE)

To be rear admiral (lower half)

CAPT. MICHAEL W. CRAMER, [redacted] U.S. NAVY.

SPECIAL DUTY OFFICER (OCEANOGRAPHY)

To be rear admiral (lower half)

CAPT. JOHN E. CHUBB, JR., [redacted] U.S. NAVY.

THE FOLLOWING-NAMED CAPTAINS IN THE STAFF CORPS OF THE U.S. NAVY FOR PROMOTION TO THE PERMANENT GRADE OF REAR ADMIRAL (LOWER HALF), PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 624, SUBJECT TO QUALIFICATIONS THEREFOR AS PROVIDED BY LAW:

MEDICAL CORPS

To be rear admiral (lower half)

CAPT. RICHARD A. NELSON, [redacted] U.S. NAVY.
CAPT. FREDERIC G. SANFORD, [redacted] U.S. NAVY.

SUPPLY CORPS

To be rear admiral (lower half)

CAPT. JOHN G. HEKMAN, [redacted] U.S. NAVY.
CAPT. DAVID R. RUBLE, [redacted] U.S. NAVY.
CAPT. LEONARD VINCENT, [redacted] U.S. NAVY.

CIVIL ENGINEER CORPS

To be rear admiral (lower half)

CAPT. GEORGE B. ESTES, [redacted] U.S. NAVY.

DENTAL CORPS

To be rear admiral (lower half)

CAPT. WILLIAM H. SNELL, JR., [redacted] U.S. NAVY.

NURSE CORPS

To be rear admiral (lower half)

CAPT. MARIANN STRATTON, [redacted] U.S. NAVY.

THE FOLLOWING-NAMED REAR ADMIRALS (LOWER HALF) IN THE STAFF CORPS OF THE U.S. NAVY FOR PROMOTION TO THE PERMANENT GRADE OF REAR ADMIRAL, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 624, SUBJECT TO QUALIFICATIONS THEREFOR AS PROVIDED BY LAW:

MEDICAL CORPS

To be rear admiral

REAR ADM. (LH) WILLIAM A. BUCKENDORF, [redacted] U.S. NAVY.
REAR ADM. (LH) DAVID M. LICHTMAN, [redacted] U.S. NAVY.

SUPPLY CORPS

To be rear admiral

REAR ADM. (LH) RAY R. SAREERAM, [redacted] U.S. NAVY.
REAR ADM. (LH) EDWARD M. STRAW, [redacted] U.S. NAVY.

CIVIL ENGINEER CORPS

To be rear admiral

REAR ADM. (LH) JACK E. BUFFINGTON, [redacted] U.S. NAVY.

THE FOLLOWING-NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN THE GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be vice admiral

VICE ADM. JAMES A. ZIMBLE, MEDICAL CORPS, U.S. NAVY, [redacted]

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF VICE ADMIRAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be vice admiral

REAR ADM. MICHAEL C. COLLEY, U.S. NAVY, [redacted]

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT AS CHIEF OF CHAPLAINS AND APPOINTMENT TO THE GRADE OF REAR ADMIRAL UNDER TITLE 10, UNITED STATES CODE, SECTION 5142:

CHIEF OF CHAPLAINS

To be rear admiral

REAR ADM. (H) DAVID E. WHITE, CHAPLAIN CORPS, U.S. NAVY, [redacted]

THE FOLLOWING-NAMED REAR ADMIRALS (LOWER HALF) OF THE RESERVE OF THE U.S. NAVY FOR PERMANENT PROMOTION TO THE GRADE OF REAR ADMIRAL IN THE STAFF CORPS, AS INDICATED, PURSUANT TO THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 5912:

MEDICAL CORPS

To be rear admiral

REAR ADM. (H) PAUL T. KAYYE, [redacted] U.S. NAVAL RESERVE.

SUPPLY CORPS

To be rear admiral

REAR ADM. (H) VANCE H. FRY, [redacted] U.S. NAVAL RESERVE.

CIVIL ENGINEER CORPS

To be rear admiral

REAR ADM. MELVIN H. CHIOGIOJI, [redacted] U.S. NAVAL RESERVE.

THE FOLLOWING-NAMED CAPTAINS OF THE RESERVE OF THE U.S. NAVY FOR PERMANENT PROMOTION TO THE GRADE OF REAR ADMIRAL (LOWER HALF) IN THE LINE AND STAFF CORPS, AS INDICATED, PURSUANT TO THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 5912:

UNRESTRICTED LINE OFFICER

To be rear admiral (lower half)

CAPT. JOHN H. MCKINLEY, JR., [redacted] U.S. NAVAL RESERVE.
CAPT. JONES H. STANLEY, [redacted] U.S. NAVAL RESERVE.
CAPT. JOHN E. TILL, [redacted] U.S. NAVAL RESERVE.
CAPT. JAMES P. SCHEAR, [redacted] U.S. NAVAL RESERVE.

SPECIAL DUTY (INTELLIGENCE) OFFICER

To be rear admiral (lower half)

CAPT. BRUCE A. BLACK, [redacted] U.S. NAVAL RESERVE.

MEDICAL CORPS

To be rear admiral (lower half)

CAPT. JAMES R. FOWLER, [redacted] U.S. NAVAL RESERVE.

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF VICE ADMIRAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be vice admiral

REAR ADM. ANTHONY A. LESS, U.S. NAVY, [redacted]

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF VICE ADMIRAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be vice admiral

REAR ADM. EDWARD W. CLEXTON, JR., U.S. NAVY, [redacted]

THE FOLLOWING-NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN THE GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be vice admiral

VICE ADM. JAMES F. DORSEY, JR., U.S. NAVY, [redacted]

THE FOLLOWING-NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN THE GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be vice admiral

VICE ADM. RONALD M. EYTCHISON, U.S. NAVY, [redacted]

THE FOLLOWING-NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN THE GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be vice admiral

VICE ADM. JOHN K. READY, U.S. NAVY, [redacted]

THE FOLLOWING-NAMED CAPTAIN IN THE COMPETITIVE CATEGORY OF CHAPLAIN CORPS OF THE U.S. NAVY FOR PROMOTION TO THE PERMANENT GRADE OF REAR ADMIRAL (LOWER HALF), PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 624, SUBJECT TO QUALIFICATIONS THEREFOR AS PROVIDED BY LAW:

CHAPLAIN CORPS

To be rear admiral (lower half)

CAPT. DONALD K. MUCHOW, [redacted] U.S. NAVY.

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF VICE ADMIRAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 5137:

CHIEF OF THE BUREAU OF MEDICINE AND SURGERY AND SURGEON GENERAL

To be vice admiral

REAR ADM. DONALD F. HAGEN, U.S. NAVY, [redacted]

THE FOLLOWING-NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN THE GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be vice admiral

VICE ADM. PETER M. HEKMAN, JR., U.S. NAVY, [redacted]

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF VICE ADMIRAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be vice admiral

REAR ADM. RICHARD C. MACKE, U.S. NAVY, [redacted]

NOMINATIONS PLACED ON THE SECRETARY'S DESK IN THE AIR FORCE, ARMY, MARINE CORPS, NAVY

AIR FORCE NOMINATIONS BEGINNING MAJ. DAVID W. BAUMANN, [redacted] AND ENDING MAJ. JOHN R. CARNAHAN, [redacted] WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JANUARY 4, 1991.

AIR FORCE NOMINATIONS BEGINNING MAJ. DOUGLAS S. ANDERSON, XXX-XX-XXXX AND ENDING MAJ. VALERIE SCHILLER, XXX-XX-XXXX WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JANUARY 4, 1991.

AIR FORCE NOMINATIONS BEGINNING GEORGE NICOLAS, JR., WHICH WAS RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JANUARY 4, 1991.

AIR FORCE NOMINATIONS BEGINNING ANTONIO A. B. MATABAN, AND ENDING JOHN R. HEBERT, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF FEBRUARY 19, 1991.

AIR FORCE NOMINATIONS BEGINNING JOHN A. ANDERSON, AND ENDING DAVID A. ZVARA, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF FEBRUARY 19, 1991.

AIR FORCE NOMINATIONS BEGINNING MAJ. CHRIS A. ANASTASSATOS, JR., XXX-XX-XXXX AND ENDING MAJ. MARK W. PARKER, XXX-XX-XXXX WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF FEBRUARY 26, 1991.

AIR FORCE NOMINATIONS BEGINNING MAJ. DANIEL P. ANDERSON, XXX-XX-XXXX AND ENDING MAJ. ANTHONY J. MASKELL, XXX-XX-XXXX WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF FEBRUARY 26, 1991.

AIR FORCE NOMINATIONS BEGINNING MICHAEL A. AIMONE, AND ENDING DEWAYNE H. WALKER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF FEBRUARY 26, 1991.

AIR FORCE NOMINATIONS BEGINNING WILLIAM P. ALEXANDER, AND ENDING LINA S. RUPPEL, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF FEBRUARY 26, 1991.

AIR FORCE NOMINATION OF CARL J. MEADE, WHICH WAS RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF MARCH 5, 1991.

AIR FORCE NOMINATIONS BEGINNING MICHAEL G. KING, AND ENDING BRETT J. MCMULLEN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF MARCH 5, 1991.

AIR FORCE NOMINATIONS BEGINNING RICHARD E. AARON, AND ENDING THOMAS C. ZYROLL, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF MARCH 5, 1991.

AIR FORCE NOMINATIONS BEGINNING EDWARD L. MCGOVERN, AND ENDING LLOYD R. SCHNEIDER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF APRIL 9, 1991.

AIR FORCE NOMINATIONS BEGINNING THOMAS D. ACCOLA, AND ENDING RONALD D. WARNER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF APRIL 9, 1991.

AIR FORCE NOMINATIONS BEGINNING ROBERT A. ABENDSCHEIN, AND ENDING CHARLES W. WORMINGTON III, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF APRIL 9, 1991.

AIR FORCE NOMINATIONS BEGINNING MAJ. JOHN B. COOPER, XXX-XX-XXXX AND ENDING MAJ. JOHN R. HALUCK, XXX-XX-XX... WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF APRIL 11, 1991.

AIR FORCE NOMINATIONS BEGINNING MAJ. GEORGE W. BOWEN, XXX-XX-XXXX AND ENDING MAJ. PAUL M. STROMBORG, XXX-XX-XX... WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF APRIL 11, 1991.

AIR FORCE NOMINATIONS BEGINNING MAJ. JAMES L. ABERNATHY, XXX-XX-XXXX AND ENDING MAJ. WILLIAM C. LUBKEN, XXX-XX-XXXX WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF APRIL 16, 1991.

AIR FORCE NOMINATIONS BEGINNING MAJ. MICHAEL R. BACHMAN, XXX-XX-XXXX AND ENDING MAJ. CLARENCE J. HINDMAN, XXX-XX-XXXX WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF APRIL 16, 1991.

ARMY NOMINATION OF MAJ. CHARLES D. GEMAR, WHICH WAS RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF MARCH 5, 1991.

ARMY NOMINATIONS BEGINNING MARSHALL V.C. DRESSEL, AND ENDING MICHAEL J. WILSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF MARCH 5, 1991.

ARMY NOMINATIONS BEGINNING JOSEPH S. BATLUCK, AND ENDING RONALD T. * YUKO, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF MARCH 22, 1991.

ARMY NOMINATIONS BEGINNING DENISE J. * ARN, AND ENDING NANCY A. * ZAVACKI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF MARCH 22, 1991.

ARMY NOMINATIONS BEGINNING THOMAS R. HAWKS, AND ENDING JAMES D. STANTON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF APRIL 9, 1991.

ARMY NOMINATIONS BEGINNING ROBERT A. COCROFT, AND ENDING DENNIS P. PRYOR, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF APRIL 9, 1991.

ARMY NOMINATIONS BEGINNING MARGARE APPLEWHITE, AND ENDING DANIEL A * ZELESKI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF APRIL 9, 1991.

ARMY NOMINATIONS BEGINNING CAREY M. ALUMBAUGH, AND ENDING ANTHONY E. ZERUTO, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF APRIL 9, 1991.

ARMY NOMINATIONS BEGINNING ANTHONY P. AARON, AND ENDING WARREN T. JONES, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF APRIL 9, 1991.

ARMY NOMINATIONS BEGINNING RAFAEL A. ACEVEDO, AND ENDING SAMUEL P. BOEHM II, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF APRIL 16, 1991.

ARMY NOMINATIONS BEGINNING BARBARA G. COVINGTON, AND ENDING THOMAS J. MULYCA, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF APRIL 18, 1991.

MARINE CORPS NOMINATIONS BEGINNING WILLIAM V. ARBACAS, JR., AND ENDING BRIAN M. YOUNGS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JANUARY 22, 1991.

MARINE CORPS NOMINATIONS BEGINNING RAYMOND ADAMIEC, AND ENDING PHILIP A. YOUNG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF MARCH 19, 1991.

MARINE CORPS NOMINATION OF LT. COL. ROBERT D. CABANA, WHICH WAS RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF APRIL 9, 1991.

MARINE CORPS NOMINATIONS BEGINNING JOHN L. ALBERS, AND ENDING MARC A. ZINNER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF APRIL 16, 1991.

MARINE CORPS NOMINATIONS BEGINNING ROBERT J. ABBLITT, AND ENDING ROBERT M. ZEISLER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF APRIL 17, 1991.

NAVY NOMINATION OF FRANK L. CULBERTSON JR., WHICH WAS RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF MARCH 5, 1991.

NAVY NOMINATIONS BEGINNING VICTOR H. ACKLEY, AND ENDING CARL EMORY RHUDY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE ON MARCH 11, 1991, AND APPEARED IN THE CONGRESSIONAL RECORD OF MARCH 12, 1991.

NAVY NOMINATIONS BEGINNING CLINTON E. ADAMS, AND ENDING LUCY MENDOZA VANBELOIS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF MARCH 19, 1991.

NAVY NOMINATIONS BEGINNING GARY T. AMBROSE, AND ENDING JEROME A. BEHRENS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF APRIL 9, 1991.

NAVY NOMINATIONS BEGINNING CHARLES LLEWELLYN ADAMS, AND ENDING JAMES FIELDING SMITH, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF APRIL 9, 1991.

NAVY NOMINATIONS BEGINNING STEPHEN R. LUOMA, AND ENDING DAVID JOSEPH DOWELL, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF APRIL 9, 1991.

NAVY NOMINATIONS BEGINNING ROBERT S. BARON, AND ENDING MARILYN A. MOITANO, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF APRIL 16, 1991.

NAVY NOMINATIONS BEGINNING ROBERT DAVID ABEL, AND ENDING GEORGE K. ZANE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF APRIL 23, 1991.

STATEMENT OF THE NOMINATION OF CAPT. FRANCIS K. HOLIAN

Mr. STEVENS. Mr. President, the President has nominated Capt. Francis K. Holian for promotion to the rank of rear admiral in the U.S. Navy.

Fran Holian is known to many of us here in the Senate for his work in the Navy liaison operation. I have traveled with him, met his family, and know him to be a fine, dedicated naval officer. Earlier this year, I visited Fran's ship, the U.S.S. *Fox*, in San Diego, which had just undergone major renovation under his supervision.

Those of us in the Senate who have worked with Fran Holian know that he will do an excellent job in his new post as inspector general for the Pacific Fleet.

Mr. President, I am pleased to see the Fran's sojourn in the Senate was not held against him at the Pentagon. I wish him and his family all the best as he undertakes this new challenge.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now resume legislative session.

AUTHORITY FOR THE PRESIDENT OF THE SENATE TO APPOINT A COMMITTEE OF ESCORT

Mr. METZENBAUM. Mr. President, I ask unanimous consent that the President of the Senate be authorized to appoint a committee on part of the Senate to join with a like committee on the part of the House of Representatives to escort Her Majesty Queen Elizabeth II into the House Chamber for a joint meeting to be held on Thursday, May 16, 1991.

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

ORDERS FOR TOMORROW

Mr. METZENBAUM. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until 9:45 a.m., Thursday, May 16; that following the prayer, the Journal of proceedings be deemed approved to date and that the time for the two leaders be reserved for their use later in the day; that there then be a period for morning business not to extend beyond 11 a.m. with Senators permitted to speak therein, and that at 9:45 a.m. Senator KERREY of Nebraska be recognized to speak for up to 30 minutes, that the time from 10:15 a.m. to 11 a.m. be under the control of the majority leader or his designee; further, that the Senate stand in recess from 11 a.m. to 2 p.m. tomorrow.

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

ORDER OF PROCEDURE

Mr. METZENBAUM. Mr. President, the majority leader asked me to announce to the Senate that on tommorrow at 11:15 a.m. the Senate would assemble as a body in order to proceed to the House Chamber to join with them in a joint meeting to hear an address by Her Majesty, the Queen of England. Further, that when the Senate reconvenes at 2 p.m. the Senate would resume consideration of S.3, the campaign finance bill, with the Boren-Mitchell substitute amendment pending.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

RECESS UNTIL TOMORROW

Mr. METZENBAUM. Mr. President, if there is no further business to come before the Senate today, I now ask unanimous consent the Senate stand in recess as under the previous order until 9:45 a.m., Thursday, May 16, 1991.

There being no objection, the Senate, at 5:52 p.m., recessed until Thursday, May 16, 1991, at 9:45 a.m.

NOMINATIONS

Executive nominations received by the Senate May 15, 1991:

DEPARTMENT OF STATE

J. STAPLETON ROY, OF PENNSYLVANIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE PEOPLE'S REPUBLIC OF CHINA.

THE JUDICIARY

BENSON EVERETT LEGG, OF MARYLAND, TO BE U.S. DISTRICT JUDGE FOR THE DISTRICT OF MARYLAND VICE PAUL V. NIEMEYER, ELEVATED.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR PERMANENT PROMOTION IN THE U.S. AIR FORCE, UNDER THE PROVISIONS OF SECTION 628, TITLE 10, UNITED STATES CODE, AS AMENDED, WITH DATES OF RANK TO BE DETERMINED BY THE SECRETARY OF THE AIR FORCE.

LINE OF THE AIR FORCE

To be colonel

RANDY C. SMITH xxx-xx-xxxx

To be lieutenant colonel

SHIRLEY R. CARSON xxx-xx-x...
JAMES B. CAVANAGH xxx-xx-x...
DAVID J. ESTILL xxx-xx-xx...
TERRENCE L. MOORE xxx-xx-xx...
CHARLES C. NORDFELT xxx-xx-xx...
WILLIAM E. SEWELL xxx-xx-xx...
KENNETH A. STAFFORD xxx-xx-xx...
ARCHIE E. STUART xxx-xx-xx...

To be major

KENNETH L. AYERS, JR. xxx-xx-xx...
DAVID R. GIDDINGS xxx-xx-x...
ANDREW J. PERHACH xxx-xx-xx...
RONNIE SHAW xxx-xx-x...
GEORGE WILSON, III xxx-xx-xx...

THE FOLLOWING OFFICERS FOR APPOINTMENT IN THE REGULAR AIR FORCE UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 531, WITH GRADES AND DATES OF RANK TO BE DETERMINED BY THE SECRETARY OF THE AIR FORCE PROVIDED THAT IN NO CASE SHALL THE OFFICERS BE APPOINTED IN A GRADE HIGHER THAN INDICATED.

LINE OF THE AIR FORCE

To be major

ANDREW J. PERHACH xxx-xx-xx...

To be captain

SCOTT BOETTCHER xxx-xx-x...

THE FOLLOWING PERSON FOR RESERVE OF THE AIR FORCE APPOINTMENT, IN THE GRADE INDICATED, UNDER THE PROVISIONS OF SECTION 593, TITLE 10, UNITED STATES CODE, WITH A VIEW TO DESIGNATION UNDER THE PROVISIONS OF SECTION 8067, TITLE 10, UNITED STATES CODE, TO PERFORM THE DUTIES INDICATED.

MEDICAL CORPS

To be lieutenant colonel

AURORA T. MALDONALDO xxx-xx-x...

THE FOLLOWING PERSONS FOR RESERVE OF THE AIR FORCE APPOINTMENT, IN THE GRADE INDICATED, UNDER THE PROVISIONS OF SECTION 593, TITLE 10, UNITED STATES CODE, WITH A VIEW TO DESIGNATION UNDER THE PROVISIONS OF SECTION 8067, TITLE 10, UNITED STATES CODE, TO PERFORM THE DUTIES INDICATED.

MEDICAL CORPS

To be lieutenant colonel

NORMAN ARENDS xxx-xx-x...
RONALD D. HARRIS xxx-xx-x...
RONALD LAWRENCE xxx-xx-x...
GERALD E. TANNER xxx-xx-xx...

THE FOLLOWING OFFICER FOR RESERVE OF THE AIR FORCE (NON-EAD) PROMOTION, IN THE GRADE INDICATED, UNDER THE PROVISIONS OF SECTION 1552, TITLE 10, UNITED STATES CODE.

LINE

To be lieutenant colonel

TERRANCE J. ROCK xxx-xx-xx...

THE FOLLOWING AIR NATIONAL GUARD OF THE U.S. OFFICERS FOR PROMOTION IN THE RESERVE OF THE AIR FORCE UNDER THE PROVISIONS OF SECTIONS 593 AND 8379, TITLE 10 OF THE UNITED STATES CODE. PROMOTIONS MADE UNDER SECTION 8379 AND CONFIRMED BY THE SENATE UNDER SECTION 593 SHALL BEAR AN EFFECTIVE DATE ESTABLISHED IN ACCORDANCE WITH SECTION 8374, TITLE 10 OF THE UNITED STATES CODE. EFFECTIVE DATE FOLLOW SERIAL NUMBER)

LINE OF THE AIR FORCE

To be lieutenant colonel

MAJ. JOHN W. ANDERSON xxx-xx-x... 1/16/91
MAJ. DOUGLAS R. BARBIER xxx-xx-x... 1/11/91
MAJ. DONALD M. BOONE xxx-xx-x... 2/28/91
MAJ. HARRY A. BRYSON xxx-xx-x... 12/19/90
MAJ. LYLE E. CABE xxx-xx-x... 2/10/91
MAJ. SIDNEY L. EVEREST, JR. xxx-xx-xx... 2/19/91
MAJ. SAMUEL L. FINKLEA III xxx-xx-xx... 2/2/91
MAJ. GREGORY B. GARDNER xxx-xx-x... 2/7/91
MAJ. JEROME F. GILLESPIE xxx-xx-xx... 2/7/91
MAJ. DOUGLAS W. HART xxx-xx-x... 2/19/91
MAJ. DANIEL L. HEHR xxx-xx-x... 2/9/91
MAJ. SCOTT R. JUSTICE xxx-xx-x... 2/10/91
MAJ. FRANK M. LOCHOCKI xxx-xx-x... 1/15/91
MAJ. SCOTT H. MACINTIRE, JR. xxx-xx-xx... 2/4/91
MAJ. DAVID E. MARTIN xxx-xx-x... 2/10/91
MAJ. JAMES A. MCMURRAY xxx-xx-x... 1/13/91
MAJ. DONALD C. MOZLEY xxx-xx-x... 1/16/91
MAJ. MILTON B. NICHOLS, JR. xxx-xx-x... 2/2/91
MAJ. ROBERT E. PACE xxx-xx-x... 2/19/91
MAJ. ROBERT M. PARSONS, JR. xxx-xx-xx... 1/12/91
MAJ. EDWARD J. PATRICK xxx-xx-x... 2/10/91
MAJ. DALE A. POLETYNSKI xxx-xx-x... 2/20/91
MAJ. HERIBERTO ROSA xxx-xx-x... 1/9/91
MAJ. LARRY F. WINDHAM xxx-xx-x... 2/2/91

BIOMEDICAL SCIENCES CORPS

To be lieutenant colonel

MAJ. THOMAS E. KUPFERER xxx-xx-xx... 2/9/91

MEDICAL CORPS

To be lieutenant colonel

MAJ. TED E. BARBER xxx-xx-x... 2/8/91
MAJ. PAUL E. LAVOIE xxx-xx-x... 6/15/90

THE FOLLOWING NAMED OFFICER FOR PERMANENT PROMOTION IN THE U.S. AIR FORCE, UNDER THE PROVISIONS OF SECTION 628, TITLE 10, UNITED STATES CODE, AS AMENDED, WITH DATE OF RANK TO BE DETERMINED BY THE SECRETARY OF THE AIR FORCE. THIS OFFICER IS ALSO FOR APPOINTMENT IN THE REGULAR AIR FORCE UNDER THE PROVISION OF TITLE 10, UNITED STATES CODE, SECTION 531, WITH A VIEW TO DESIGNATION UNDER THE PROVISIONS OF SECTION 8067, TITLE 10, TO PERFORM THE DUTIES INDICATED, PROVIDED THAT IN NO CASE SHALL THE OFFICER BE APPOINTED IN A GRADE HIGHER THAN MAJOR.

JUDGE ADVOCATE

To be major

ROSA L. SANDWELLWEISS xxx-xx-xx...

IN THE ARMY

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE U.S. OFFICERS FOR PROMOTION IN THE RESERVE OF THE ARMY OF THE UNITED STATES, UNDER THE PROVISIONS OF TITLE 10, U.S.C. SECTIONS 593(A); AND 3385:

ARMY PROMOTION LIST

To be colonel

DANIEL P. BURNS xxx-xx-xx...
ALBERT B. BURR xxx-xx-x...
RICHARD J. HUTCHISON xxx-xx-x...
JOHN M. HYNEMAN xxx-xx-x...
FREDERICK W. KLEPP xxx-xx-xx...
KENNETH J. NEIHART xxx-xx-xx...
JAMES B. READING xxx-xx-xx...
JAMES E. SIMMONS xxx-xx-xx...
HAROLD J. STEARNS xxx-xx-xx...
ROBERT S. VOYLES xxx-xx-x...
DONALD A. WALLER, II. xxx-xx-x...

ARMY NURSE CORPS

To be colonel

STEPHEN W. LLOYD xxx-xx-x...

ARMY PROMOTION LIST

To be lieutenant colonel

DEAN R. BLOEMKE xxx-xx-x...
HUBERT M. COCHRAN xxx-xx-x...
JAMES D. HARDIN xxx-xx-x...
DAVID J. IRWIN xxx-xx-x...
HENRY G. PICKELSIMER, JR. xxx-xx-xx...
DANNY C. ROSE xxx-xx-x...
MICHAEL L. RUBICH xxx-xx-x...
LEROY G. STAUFFER xxx-xx-xx...
STEVEN S. WARD xxx-xx-x...
GLENN W. WALKER xxx-xx-x...

MEDICAL CORPS

To be lieutnant colonel

ROBERT L. MEANS xxx-xx-xx...
ARCHIE L. POWELL xxx-xx-x...

ARMY NURSE CORPS

To be lieutenant colonel

VICKI L. BROSNAHAN xxx-xx-x...

THE FOLLOWING-NAMED INDIVIDUALS FOR APPOINTMENT IN THE RESERVE OF THE ARMY OF THE UNITED STATES, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 593(A,), 594 AND 3353:

DENTAL CORPS

To be lieutenant colonel

MICHAEL H. CHEMA xxx-xx-x...
STEPHEN L. ROUSE xxx-xx-xx...

MEDICAL CORPS

To be lieutenant colonel

SAMUEL A. ADEBONOJO xxx-xx-x...
JIMMY C. CITTY xxx-xx-x...
ALLEN L. DAVIES xxx-xx-xx...
RICHARD A. DAVIS xxx-xx-x...
ANTHONY J. FEDERICO xxx-xx-xx...
JOHN B. FITZGERALD xxx-xx-xx...
BRUCE D. FRIED xxx-xx-x...
REYNOLD S. GOLDEN xxx-xx-x...
HOWARD T. HARCKE, JR. xxx-xx-x...
DONALD M. KINKEL xxx-xx-x...
JULIUS R. LAWSON xxx-xx-x...
CARL R. LOVE xxx-xx-x...
ROGERS B. PIERSON xxx-xx-x...
PADMANABHAN SIDDHARTH xxx-xx-x...
AUGUST L. STEMMER xxx-xx-xx...
JORGE E. UGAZ xxx-xx-x...
HAROLD VONK xxx-xx-x...
JAMES L. WALLINGFORD xxx-xx-xx...

DEPARTMENT OF STATE

MORRIS D. BUSBY, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF COLOMBIA.

JOHNNIE CARSON, OF ILLINOIS, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF UGANDA.

THE JUDICIARY

HARVEY BARTLE, III, OF PENNSYLVANIA, TO BE U.S. DISTRICT JUDGE FOR THE EASTERN DISTRICT OF PENNSYLVANIA VICE JOSEPH L. MCGLYNN, JR., RETIRED.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

ROY L. SHAFER, OF OHIO, TO BE A MEMBER OF THE NATIONAL MUSEUM SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 1994, VICE JAMES S. ROSEBUSH, TERM EXPIRED.

CONFIRMATIONS

Executive nominations confirmed by the Senate May 15, 1991:

MARINE MAMMAL COMMISSION

JOHN ELLIOTT REYNOLDS, III, OF FLORIDA, TO BE A MEMBER OF THE MARINE MAMMAL COMMISSION FOR THE TERM EXPIRING MAY 13, 1993.

JACK WARREN LENTFER, OF ALASKA, TO BE A MEMBER OF THE MARINE MAMMAL COMMISSION FOR A TERM EXPIRING MAY 13, 1991, VICE FRANCIS H. FAY, TERM EXPIRED.

JACK WARREN LENTFER, OF ALASKA, TO BE A MEMBER OF THE MARINE MAMMAL COMMISSION FOR A TERM EXPIRING MAY 13, 1994.

COAST GUARD

REAR ADM. PAUL A. WELLING, USCG AS COMMANDER, ATLANTIC AREA, U.S. COAST GUARD WITH THE GRADE OF VICE ADMIRAL WHILE SO SERVING.

THE FOLLOWING OFFICER OF THE U.S. COAST GUARD FOR APPOINTMENT TO THE GRADE OF REAR ADMIRAL:

JOHN N. FAIGLE.

DEPARTMENT OF COMMERCE

JOHN G. KELLER, JR., OF THE DISTRICT OF COLUMBIA, TO BE UNDER SECRETARY OF COMMERCE FOR TRAVEL AND TOURISM.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE AND DULY CONSTITUTED COMMITTEE OF THE SENATE.

AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL ON THE RETIRED LIST PURSUANT TO THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be lieutenant general

LT. GEN. DONALD O. ALDRIDGE, [redacted] U.S. AIR FORCE.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS VICE CHIEF OF STAFF, U.S. AIR FORCE AND APPOINTMENT TO THE GRADE OF GENERAL UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 601 AND SECTION 8034:

To be general

To be vice chief of staff, U.S. Air Force

LT. GEN. MICHAEL P.C. CARNS [redacted] U.S. AIR FORCE.

THE FOLLOWING NAMED OFFICER FOR REAPPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

LT. GEN. HENRY VICCELLIO, JR., [redacted] U.S. AIR FORCE.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL ON THE RETIRED LIST PURSUANT TO THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370.

To be lieutenant general

LT. GEN. JAMES S. CASSITY, JR. [redacted] U.S. AIR FORCE.

THE FOLLOWING NAMED OFFICER FOR REAPPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

LT. GEN. THOMAS A. BAKER, [redacted] U.S. AIR FORCE.

THE FOLLOWING NAMED OFFICER FOR REAPPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

LT. GEN. ROBERT L. RUTHERFORD, [redacted] U.S. AIR FORCE.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

MAJ. GEN. BILLY J. BOLES [redacted] U.S. AIR FORCE.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF GENERAL ON THE RETIRED LIST PURSUANT TO THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be general

GEN. JOHN A. SHAUD, [redacted] U.S. AIR FORCE.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL ON THE RETIRED LIST PURSUANT TO THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be lieutenant general

LT. GEN. CHARLES R. HAMM, [redacted] U.S. AIR FORCE.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL ON THE RETIRED LIST PURSUANT TO THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be lieutenant general

LT. GEN. MONTE B. MILLER, [redacted] U.S. AIR FORCE.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

MAJ. GEN. VERNON J. KONDRA, [redacted] U.S. AIR FORCE.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

MAJ. GEN. DONALD SNYDER, [redacted] U.S. AIR FORCE.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

MAJ. GEN. RICHARD J. TRZASKOMA, [redacted] U.S. AIR FORCE.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE U.S. AIR FORCE TO THE POSITIONS INDICATED, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 8037:

To be judge advocate general of the U.S. Air Force

MAJ. GEN. DAVID C. MOREHOUSE, U.S. AIR FORCE.

To be deputy judge advocate general of the U.S. Air Force

BRIG. GEN. NOLAN SKLUTE, U.S. AIR FORCE.

THE FOLLOWING OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED, UNDER THE PROVISIONS OF SECTIONS 593, 8218, 8373, AND 8374, TITLE 10, UNITED STATES CODE:

To be major general

BRIG. GEN. JAMES W. CHAPMAN, [redacted] AIR NATIONAL GUARD OF THE UNITED STATES.
BRIG. GEN. ADOLPH P. HEARON, [redacted] AIR NATIONAL GUARD OF THE UNITED STATES.
BRIG. GEN. RAYMOND E. MOORMAN, [redacted] AIR NATIONAL GUARD OF THE UNITED STATES.
BRIG. GEN. JAMES T. WHITEHEAD, JR. [redacted] AIR NATIONAL GUARD OF THE UNITED STATES.

To be brigadier general

COL. EUGENE R. ANDREOTTI, [redacted] AIR NATIONAL GUARD OF THE UNITED STATES.
COL. DONALD W. ARMINGTON, [redacted] AIR NATIONAL GUARD OF THE UNITED STATES.
COL. ROBERT W. BARROW, [redacted] AIR NATIONAL GUARD OF THE UNITED STATES.
COL. MICHAEL J. BOWERS, [redacted] AIR NATIONAL GUARD OF THE UNITED STATES.
COL. JAMES F. BROWN, [redacted] AIR NATIONAL GUARD OF THE UNITED STATES.
COL. JOHN D. BROMAN, [redacted] AIR NATIONAL GUARD OF THE UNITED STATES.
COL. JOHN H. FENIMORE, [redacted] AIR NATIONAL GUARD OF THE UNITED STATES.
COL. GENE A. KATKE, [redacted] AIR NATIONAL GUARD OF THE UNITED STATES.
COL. HAROLD E. KEISTLER, [redacted] AIR NATIONAL GUARD OF THE UNITED STATES.
COL. PHILLIP L. LATHAM, [redacted] AIR NATIONAL GUARD OF THE UNITED STATES.
COL. ALLEN J. NEWCOMB, [redacted] AIR NATIONAL GUARD OF THE UNITED STATES.
COL. RONALD L. SEELY, [redacted] AIR NATIONAL GUARD OF THE UNITED STATES.
COL. LONNIE J. SLAUSON, [redacted] AIR NATIONAL GUARD OF THE UNITED STATES.
COL. PRESTON M. TAYLOR, [redacted] AIR NATIONAL GUARD OF THE UNITED STATES.
COL. WILLIAM A. TREU, [redacted] AIR NATIONAL GUARD OF THE UNITED STATES.
COL. JOESPH N. WALLER, [redacted] AIR NATIONAL GUARD OF THE UNITED STATES.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL ON THE RETIRED LIST PURSUANT TO THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be lieutenant general

LT. GEN. ELLIE G. SHULER, JR. [redacted] U.S. AIR FORCE.

THE FOLLOWING NAMED OFFICER FOR REAPPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

LT. GEN. TREVOR A. HAMMOND, [redacted] U.S. AIR FORCE.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

MAJ. GEN. CHARLES J. SEAROCK, JR. [redacted] U.S. AIR FORCE.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL ON THE RETIRED LIST PURSUANT TO THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be lieutenant general

LT. GEN. DONALD L. CROMER, [redacted] U.S. AIR FORCE.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

MAJ. GEN. EDWARD P. BARRY, JR., [redacted] U.S. AIR FORCE.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

MAJ. GEN. MARTIN J. RYAN, JR. [redacted] U.S. AIR FORCE.

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE OF MAJOR GENERAL UNDER PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 624:

To be major general

BRIG. GEN. LAWRENCE E. BOESE, [redacted] FR, REGULAR AIR FORCE.
BRIG. GEN. PHILLIP E. BRACHER, [redacted] FR, REGULAR AIR FORCE.
BRIG. GEN. ROBERT A. BUETHE, JR. [redacted] FR, REGULAR AIR FORCE.
BRIG. GEN. HIRAM H. BURR, JR. [redacted] FR, REGULAR AIR FORCE.
BRIG. GEN. MICHAEL J. BUTCHKO, JR. [redacted] FR, REGULAR AIR FORCE.
BRIG. GEN. LEWIS E. CURTIS, III [redacted] FR, REGULAR AIR FORCE.
BRIG. GEN. BRETT M. DULA, [redacted] FR, REGULAR AIR FORCE.
BRIG. GEN. MARVIN S. ERVIN, [redacted] FR, REGULAR AIR FORCE.
BRIG. GEN. JAMES A. FAIN, JR. [redacted] FR, REGULAR AIR FORCE.
BRIG. GEN. LAWRENCE P. FARRELL, JR. [redacted] FR, REGULAR AIR FORCE.
BRIG. GEN. BRUCE L. FISTER, [redacted] FR, REGULAR AIR FORCE.
BRIG. GEN. CHARLES E. FRANKLIN [redacted] FR, REGULAR AIR FORCE.
BRIG. GEN. BUSTER C. GLOSSON [redacted] FR, REGULAR AIR FORCE.
BRIG. GEN. THOMAS R. GRIFFITH, [redacted] FR, REGULAR AIR FORCE.
BRIG. GEN. KENNETH L. HAGEMANN, SR. [redacted] FR, REGULAR AIR FORCE.
BRIG. GEN. LARRY L. HENRY, [redacted] FR, REGULAR AIR FORCE.
BRIG. GEN. JAMES F. HINKEL, [redacted] FR, REGULAR AIR FORCE.
BRIG. GEN. JAMES M. HURLEY [redacted] FR, REGULAR AIR FORCE.
BRIG. GEN. JOHN P. JUMPER, [redacted] FR, REGULAR AIR FORCE.
BRIG. GEN. JOHN G. LORBER, [redacted] FR, REGULAR AIR FORCE.
BRIG. GEN. JOHN F. PHILLIPS [redacted] FR, REGULAR AIR FORCE.
BRIG. GEN. JOSEPH J. REDDEN [redacted] FR, REGULAR AIR FORCE.
BRIG. GEN. ERVIN J. ROKKE [redacted] FR, REGULAR AIR FORCE.
BRIG. GEN. DONALD B. SMITH [redacted] FR, REGULAR AIR FORCE.
BRIG. GEN. EDWIN E. TENOSO [redacted] FR, REGULAR AIR FORCE.
BRIG. GEN. THAD A. WOLFE, [redacted] FR, REGULAR AIR FORCE.

ARMY

THE FOLLOWING-NAMED OFFICERS FOR APPOINTMENT IN THE REGULAR ARMY OF THE UNITED STATES TO THE GRADE INDICATED, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 611(A) AND 624:

To be permanent brigadier general

COL. ROBERT F. FOLEY [redacted] U.S. ARMY.
COL. WILLIAM A. WEST, [redacted] U.S. ARMY.
COL. ALBERT J. GENETTI, JR. [redacted] U.S. ARMY.
COL. JAN A. VANPROOYEN, [redacted] U.S. ARMY.
COL. WILLIAM J. BOLT, [redacted] U.S. ARMY.
COL. DAVID L. BENTON, III, [redacted] U.S. ARMY.
COL. CARL F. ERNST, [redacted] U.S. ARMY.
COL. JAMES J. CRAVENS, JR. [redacted] U.S. ARMY.
COL. FRANK H. AKERS, JR. [redacted] U.S. ARMY.
COL. THOMAS J. KONITZER, [redacted] U.S. ARMY.
COL. STEPHEN M. BLISS, [redacted] U.S. ARMY.
COL. EDWARD G. ANDERSON, III, [redacted] U.S. ARMY.
COL. DAVID R. E. HALE, [redacted] U.S. ARMY.
COL. ANTHONY C. TRIFILETTI, [redacted] U.S. ARMY.
COL. CHARLES H. BAUMANN, [redacted] U.S. ARMY.
COL. NORMAN E. WILLIAMS, [redacted] U.S. ARMY.
COL. TRENT N. THOMAS, [redacted] U.S. ARMY.
COL. JOHN A. DUBIA, [redacted] U.S. ARMY.
COL. ORLIN L. MULLEN, [redacted] U.S. ARMY.
COL. ROBERT H. SCALES, JR. [redacted] U.S. ARMY.
COL. HAROLD E. BURCH, [redacted] U.S. ARMY.
COL. JOE N. BALLARD, [redacted] U.S. ARMY.
COL. JOHN E. LONGHOUSER, [redacted] U.S. ARMY.
COL. JOSEPH E. DEFRANCISCO [redacted] U.S. ARMY.
COL. LEONARD D. HOLDER, JR., [redacted] U.S. ARMY.
COL. GEORGE A. CROCKER, [redacted] U.S. ARMY.
COL. ROBERT W. ROPER, JR., [redacted] U.S. ARMY.
COL. RANDOLPH T. POORE, [redacted] U.S. ARMY.
COL. THOMAS A. SCHWARTZ, [redacted] U.S. ARMY.
COL. JOHN G. ZIERDT, JR. [redacted] U.S. ARMY.
COL. DOUGLAS D. BUCHHOLZ, [redacted] U.S. ARMY.
COL. PATRICIA R. P. HICKERSON [redacted] U.S. ARMY.
COL. PATRICK M. HUGHES, [redacted] U.S. ARMY.
COL. WALTER E. MATHER, JR. [redacted] U.S. ARMY.
COL. LARRY R. JORDAN, [redacted] U.S. ARMY.
COL. WILLIAM F. KERNAN, [redacted] U.S. ARMY.

COL. DAVID A. WHALEY, [redacted] U.S. ARMY.
COL. JOSEPH K. KELLOGG, JR. [redacted] U.S. ARMY.
COL. WILLIAM L. NASH, [redacted] U.S. ARMY.

THE FOLLOWING-NAMED ARMY MEDICAL CORPS OFFICERS FOR APPOINTMENT IN THE REGULAR ARMY OF THE UNITED STATES TO THE GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 611(A) AND 624(C):

To be permanent major general

BRIG. GEN. WILLIAM L. MOORE, JR. [redacted] U.S. ARMY.

To be permanent brigadier general

COL. RUSS ZAJTCHUK, [redacted] U.S. ARMY.

THE UNITED STATES ARMY NATIONAL GUARD OFFICERS NAMED HEREIN FOR APPOINTMENT IN THE RESERVE OF THE ARMY OF THE UNITED STATES IN THE GRADES INDICATED BELOW, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 593(A), 3371 AND 3384:

To be major general

BRIG. GEN. RICHARD E. HAYNES [redacted]
BRIG. GEN. DONALD R. BRUNELLE [redacted]
BRIG. GEN. CHARLIE D. BRACKEEN [redacted]

To be brigadier general

COL. ROBERT J. BYRNE [redacted]
COL. SANTO J. FRUSCIONE [redacted]
COL. JAMES W. HOLMES [redacted]
COL. CHARLES M. HOOD [redacted]
COL. JAMES H. LIPSCOMB [redacted]
COL. FRED K. MORRISON [redacted]
COL. CHARLES R. ARGO [redacted]
COL. TERRY O. BALLARD [redacted]
COL. JAMES G. BLANEY [redacted]
COL. JOHN D. CURELL [redacted]
COL. CLARENCE C. KNAPP [redacted]
COL. WILLIAM A. LAPRISE [redacted]
COL. PATRICK NAPPI [redacted]
COL. GERALD A. RUDISILL, JR. [redacted]
COL. WALTER L. STEWART, JR. [redacted]
COL. CHARLES M. WHITAKER [redacted]
COL. LARRY C. BARKER [redacted]

THE FOLLOWING NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN THE GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNTIED STATES CODE, SECTION 1370:

To be lieutenant general

LT. GEN. JACK B. FARRIS, JR. [redacted] U.S. ARMY.

THE FOLLOWING NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN THE GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be lieutenant general

LT. GEN. CLAUDE M. KICKLIGHTER, [redacted] U.S. ARMY.

THE FOLLOWING NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN THE GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be lieutenant general

LT. GEN. JAMES F. MCCALL, [redacted] U.S. ARMY.

THE FOLLOWING NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN THE GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be lieutenant general

LT. GEN. GEORGE R. STOTSER [redacted] U.S. ARMY.

THE FOLLOWING NAMED OFFICER FOR REAPPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY TITLE 10, UNITED STATES CODE, SECTION 601(A):

To be lieutenant general

LT. GEN. JOHNNIE H. CORNS, [redacted] U.S. ARMY.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601(A):

To be lieutenant general

MAJ. GEN MERLE FREITAG [redacted] U.S. ARMY.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601(A):

To be lieutenant general

MAJ. GEN. JAMES H. JOHNSON, JR. [redacted] U.S ARMY.

THE FOLLOWING NAMED OFFICER FOR REAPPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601(A):

To be lieutenant general

MAJ. GEN. JAMES D. STARLING [redacted] U.S. ARMY.

THE UNITED STATES ARMY RESERVE OFFICERS NAMED HEREIN FOR APPOINTMENT IN THE RESERVE OF THE ARMY OF THE UNITED STATES IN THE GRADES INDICATED BELOW, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 593(A), 3371 AND 3384:

To be major general

BRIG. GEN. ARTHUR H. BAIDEN, III [redacted]
BRIG. GEN. ALVIN BRYANT [redacted]
BRIG. GEN. JOHN H. CAPALBO [redacted]

To be brigadier general

COL. FRANK M. BROWN [redacted]
COL. JOHN G. PAPPAS [redacted]
COL. HERBERT KOGER, JR. [redacted]
COL. EARL B. BURCH, [redacted]
COL. BILLY F. JESTER [redacted]

THE FOLLOWING NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN THE GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be lieutenant general

LT. GEN. DAVE R. PALMER [redacted] U.S. ARMY.

MARINE CORPS

THE FOLLOWING NAMED BRIGADIER GENERALS OF THE U.S. MARINE CORPS FOR PROMOTION TO THE PERMANENT GRADE OF MAJOR GENERAL UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 624:

RICHARD L. PHILLIPS.
ROBERT A. TIEBOUT.
JAMES E. LIVINGSTON.
GEORGE R. CHRISTMAS.
HAROLD W. BLOT.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE PERMANENT GRADE INDICATED IN THE MARINE CORPS RESERVE UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 5912:

To be major general

BRIG. GEN. JOHN F. CRONIN [redacted] U.S. MARINE CORPS RESERVE.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE PERMANENT GRADE INDICATED IN THE MARINE CORPS RESERVE UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 5912:

To be brigadier general

COL. LARRY S. TAYLOR, [redacted] U.S. MARINE CORPS RESERVE.

THE FOLLOWING NAMED COLONELS OF THE U.S. MARINE CORPS FOR PROMOTION TO THE PERMANENT GRADE OF BRIGADIER GENERAL, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 624:

WILLIAM A. FORNEY.
JOSEPH D. STEWART.
BERTIE D. LYNCH.
GEORGE H. WALLS, JR.,
JOHN H. ADMIRE.
STEPHEN R. BERKHEISER.
COLEMAN D. KUHN, JR.,
CARLTON W. FULFORD, JR.,
CAROL A. MUTTER.

NAVY

THE FOLLOWING-NAMED CAPTAINS IN THE LINE OF THE UNITED STATES NAVY FOR PROMOTION TO THE PERMANENT GRADE OF REAR ADMIRAL (LOWER HALF), PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 624, SUBJECT TO QUALIFICATIONS THEREFOR AS PROVIDED BY LAW:

UNRESTRICTED LINE OFFICER

To be rear admiral (lower half)

CAPT. MICHAEL W. BORDY, [redacted] U.S. NAVY.
CAPT. FRANK L. BOWMAN, [redacted] U.S. NAVY.
CAPT. HERBERT A. BROWNE, JR., II [redacted] U.S. NAVY.
CAPT. VERNON E. CLARK, [redacted] U.S. NAVY.
CAPT. WINFORD G. ELLIS [redacted] U.S. NAVY.
CAPT. ANDREW A. GRANUZZO [redacted] U.S. NAVY.
CAPT. FRED P. GUSTAVSON [redacted] U.S. NAVY.
CAPT. WILLIAM B. HAYDEN [redacted] U.S. NAVY.
CAPT. FRANCIS K. HOLIAN [redacted] U.S. NAVY.
CAPT. ALEXANDER J. KREKICH [redacted] U.S. NAVY.
CAPT. JOHN M. LUECKE [redacted] U.S. NAVY.
CAPT. LEONARD N. ODEN [redacted] U.S. NAVY.
CAPT. JOHN R. RYAN [redacted] U.S. NAVY.
CAPT. SCOTT L. SEARS [redacted] U.S. NAVY.
CAPT. JOHN F. SIGLER [redacted] U.S. NAVY.
CAPT. JOHN W. SNYDER, JR. [redacted] U.S. NAVY.
CAPT. RONALD D. TUCKER [redacted] U.S. NAVY.
CAPT. EDISON L. WATKINS, III [redacted] U.S. NAVY.
CAPT. WILLIAM H. WRIGHT, IV [redacted] U.S. NAVY.
CAPT. JOHN J. ZERR [redacted] U.S. NAVY.

ENGINEERING DUTY OFFICER

To be rear admiral (lower half)

CAPT. MICHAEL T. COYLE, [redacted] U.S. NAVY.
CAPT. JOHN T. MITCHELL, JR. [redacted] U.S. NAVY.

AEROSPACE ENGINEERING DUTY OFFICER

To be rear admiral (lower half)

CAPT. WILLIAM J. TINSTON, JR. [redacted] U.S. NAVY.

SPECIAL DUTY OFFICER (CRYPTOLOGY)

To be rear admiral (lower half)

CAPT. THOMAS F. STEVENS [redacted] U.S. NAVY.

SPECIAL DUTY OFFICER (INTELLIGENCE)

To be rear admiral (lower half)

CAPT. MICHAEL W. CRAMER, [redacted] U.S. NAVY.

SPECIAL DUTY OFFICER (OCEANOGRAPHY)

To be rear admiral (lower half)

CAPT. JOHN E. CHUBB, JR., [redacted] , U.S. NAVY.

THE FOLLOWING-NAMED CAPTAINS IN THE STAFF CORPS OF THE UNITED STATES NAVY FOR PROMOTION TO THE PERMANENT GRADE OF REAR ADMIRAL (LOWER HALF), PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 624, SUBJECT TO QUALIFICATIONS THEREFOR AS PROVIDED BY LAW:

MEDICAL CORPS

To be rear admiral (lower half)

CAPT. RICHARD A. NELSON, [redacted] U.S. NAVY.
CAPT. FREDERIC G. SANFORD [redacted] U.S. NAVY.

SUPPLY CORPS

To be rear admiral (lower half)

CAPT. JOHN G. HEKMAN, [redacted] U.S. NAVY.
CAPT. DAVID R. RUBLE [redacted] U.S. NAVY.
CAPT. LEONARD VINCENTI, [redacted] U.S. NAVY.

CIVIL ENGINEER CORPS

To be rear admiral (lower half)

CAPT. GEORGE B. ESTES [redacted] U.S. NAVY.

DENTAL CORPS

To be rear admiral (lower half)

CAPT. WILLIAM H. SNELL, JR. [redacted] U.S. NAVY.

NURSE CORPS

To be rear admiral (lower half)

CAPT. MARIANN STRATTON, [redacted] U.S. NAVY.

THE FOLLOWING NAMED REAR ADMIRALS (LOWER HALF) IN THE STAFF CORPS OF THE UNITED STATES NAVY FOR PROMOTION TO THE PERMANENT GRADE OF REAR ADMIRAL, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 624, SUBJECT TO QUALIFICATIONS THEREFOR AS PROVIDED BY LAW:

MEDICAL CORPS

To be rear admiral

REAR ADM. (LH) WILLIAM A. BUCKENDORF [redacted] U.S. NAVY.
REAR ADM. (LH) DAVID M. LICHTMAN, [redacted] U.S. NAVY.

SUPPLY CORPS

To be rear admiral

REAR ADM. (LIH) RAY R. SAREERAM [redacted] U.S. NAVY.
REAR ADM. (LH) EDWARD M. STRAW, [redacted] U.S. NAVY.

CIVIL ENGINEER CORPS

To be rear admiral

REAR ADM. (LIH) JACK E. BUFFINGTON [redacted] U.S. NAVY.

THE FOLLOWING NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN THE GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be vice admiral

VICE ADM. JAMES A. ZIMBLE, MEDICAL CORPS, U.S. NAVY, [redacted]

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF VICE ADMIRAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be vice admiral

REAR ADM. MICHAEL C. COLLEY, U.S. NAVY [redacted]

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS CHIEF OF CHAPLAINS AND APPOINTMENT TO THE GRADE OF REAR ADMIRAL UNDER TITLE 10, UNITED STATES CODE, SECTION 5142:

CHIEF OF CHAPLAINS

To be rear admiral

REAR ADM. (LH) DAVID E. WHITE, CHAPLAIN CORPS, U.S. NAVY, [redacted]

THE FOLLOWING NAMED REAR ADMIRALS (LOWER HALF) OF THE RESERVE OF THE U.S. NAVY FOR PERMANENT PROMOTION TO THE GRADE OF REAR ADMIRAL IN THE STAFF CORPS AS INDICATED, PURSUANT TO THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 5912:

MEDICAL CORPS

To be rear admiral

REAR ADM. (LH) PAUL T. KAYYE, [redacted] U.S. NAVAL RESERVE.

SUPPLY CORPS

To be rear admiral

REAR ADM. (LH) VANCE H. FRY, [redacted] U.S. NAVAL RESERVE.

CIVIL ENGINEER CORPS

To be rear admiral

REAR ADM. MELVIN H. CHIOGIOJI, [redacted] U.S. NAVAL RESERVE.

THE FOLLOWING NAMED CAPTAINS OF THE RESERVE OF THE U.S. NAVY FOR PERMANENT PROMOTION TO THE GRADE OF REAR ADMIRAL (LOWER HALF) IN THE LINE AND STAFF CORPS, AS INDICATED, PURSUANT TO THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 5912:

UNRESTRICTED LINE OFFICER

To be rear admiral (lower half)

CAPT. JOHN H. MCKINLEY, JR., [redacted] U.S. NAVAL RESERVE.
CAPT. JONES H. STANLEY, [redacted] U.S. NAVAL RESERVE.
CAPT. JOHN E. TILL, [redacted] U.S. NAVAL RESERVE.
CAPT. JAMES P. SCHEAR, [redacted] U.S. NAVAL RESERVE.

SPECIAL DUTY (INTELLIGENCE) OFFICER

To be rear admiral (lower half)

CAPT. BRUCE A. BLACK, [redacted] U.S. NAVAL RESERVE.

MEDICAL CORPS

To be rear admiral (lower half)

CAPT. JAMES R. FOWLER, [redacted] U.S. NAVAL RESERVE.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF VICE ADMIRAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be vice admiral

REAR ADM. ANTHONY A. LESS, U.S. NAVY [redacted].

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF VICE ADMIRAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be vice admiral

REAR ADM. EDWARD W. CLEXTON, JR., U.S. NAVY [redacted].

THE FOLLOWING NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN THE GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be vice admiral

VICE ADM. JAMES F. DORSEY, JR., U.S. NAVY [redacted]

THE FOLLOWING NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN THE GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be vice admiral

VICE ADM. RONALD M. EYTCHISON, U.S. NAVY [redacted].

THE FOLLOWING NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN THE GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be vice admiral

VICE ADM. JOHN K. READY, U.S. NAVY [redacted].

THE FOLLOWING-NAMED CAPTAIN IN THE COMPETITIVE CATEGORY OF CHAPLAIN CORPS OF THE U.S. NAVY FOR PROMOTION TO THE PERMANENT GRADE TO REAR ADMIRAL (LOWER HALF), PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 624, SUBJECT TO QUALIFICATIONS THEREFOR AS PROVIDED BY LAW:

CHAPLAIN CORPS

To be rear admiral (lower half)

CAPT. DONALD K. MUCHOW, [redacted] U.S. NAVY.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF VICE ADMIRAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 5137:

CHIEF OF THE BUREAU OF MEDICINE AND SURGERY AND SURGEON GENERAL

To be vice admiral

REAR ADM. DONALD F. HAGEN, U.S. NAVY [redacted].

THE FOLLOWING NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN THE GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be vice admiral

VICE ADM. PETER M. HEKMAN, JR., U.S. NAVY [redacted]

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF VICE ADMIRAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be vice admiral

REAR ADM. RICHARD C. MACKE, U.S. NAVY [redacted].

IN THE AIR FORCE

AIR FORCE NOMINATIONS BEGINNING MAJ. DAVID W. BAUMANN, [redacted] AND ENDING MAJ. JOHN R. CARNAHAN, [redacted] WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JANUARY 4, 1991.

AIR FORCE NOMINATIONS BEGINNING MAJ. DOUGLAS S. ANDERSON, [redacted] AND ENDING MAJ. VALERIE SCHILLER, [redacted] WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JANUARY 4, 1991.

AIR FORCE NOMINATIONS BEGINNING GEORGE NICHOLAS, JR., AND ENDING GEORGE NICHOLAS, JR., WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JANUARY 4, 1991.

AIR FORCE NOMINATIONS BEGINNING ANTONIO A B MATABAN, AND ENDING JOHN R. HEBERT, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF FEBRUARY 19, 1991.

AIR FORCE NOMINATIONS BEGINNING JOHN A ANDERSON, AND ENDING DAVID A ZVARA, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF FEBRUARY 19, 1991.

AIR FORCE NOMINATIONS BEGINNING MAJ. CHRIS A. ANASTASSATOS, JR., [redacted] AND ENDING MAJ. MARK W. PARKER, [redacted] WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF FEBRUARY 26, 1991.

AIR FORCE NOMINATIONS BEGINNING MAJ. DANIEL P. ANDERSON, [redacted] AND ENDING MAJ. ANTHONY J. MASKELL, [redacted] WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF FEBRUARY 26, 1991.

AIR FORCE NOMINATIONS BEGINNING MICHAEL A AIMONE, AND ENDING DEWAYNE H WALKER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF FEBRUARY 26, 1991.

AIR FORCE NOMINATIONS BEGINNING WILLIAM P ALEXANDER, AND ENDING LINA S RUPPEL, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF FEBRUARY 26, 1991.

AIR FORCE NOMINATIONS OF CARL J. MEADE, WHICH WAS RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF MARCH 5, 1991.

AIR FORCE NOMINATIONS BEGINNING MICHAEL G KING, AND ENDING BRETT J MCMULLEN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF MARCH 5, 1991.

AIR FORCE NOMINATIONS BEGINNING RICHARD E AARON, AND ENDING THOMAS C ZYROLL, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF MARCH 5, 1991.

AIR FORCE NOMINATIONS BEGINNING EDDWARD L MCGOVERN, AND ENDING LLOYD R SCHNEIDER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF APRIL 9, 1991.

AIR FORCE NOMINATIONS BEGINNING THOMAS D ACCOLA, AND ENDING RONALD D WARNER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF APRIL 9, 1991.

AIR FORCE NOMINATIONS BEGINNING ROBERT A ABENDSCHEIN, AND ENDING CHARLES M WORMINGTON, III, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF APRIL 9, 1991.

AIR FORCE NOMINATIONS BEGINNING MAJ. JOHN B. COOPER, [redacted] AND ENDING MAJ. JOHN R. HALUCK, [redacted] WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF APRIL 11, 1991.

AIR FORCE NOMINATIONS BEGINNING MAJ. GEORGE W. BOWEN, [redacted] AND ENDING MAJ. PAUL M. STROMBORG, [redacted] WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF APRIL 11, 1991.

AIR FORCE NOMINATIONS BEGINNING MAJ. JAMES L. ABERNATHY, [redacted] AND ENDING MAJ. WILLIAM C. LUBKEN, [redacted] WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF APRIL 16, 1991.

AIR FORCE NOMINATIONS BEGINNING MAJ. MICHAEL R. BACHMAN, [redacted] AND ENDING MAJ. CLARENCE J. HINDMAN, [redacted] WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF APRIL 16, 1991.

IN THE ARMY

ARMY NOMINATION OF MAJ. CHARLES D. GEMAR, WHICH WAS RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF MARCH 5, 1991.

ARMY NOMINATIONS BEGINNING MARSHALL V.C. DRESSEL, AND ENDING MICHAEL J. WILSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF MARCH 5, 1991.

ARMY NOMINATIONS BEGINNING JOSEPH S BATLUCK, AND ENDING T *YUKO, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF MARCH 22, 1991.

ARMY NOMINATIONS BEGINNING DENISE J *ARN, AND ENDING NANCY A *ZAVACKI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF MARCH 22, 1991.

ARMY NOMINATIONS BEGINNING THOMAS R. HAWKS, AND ENDING JAMES D. STANTON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF APRIL 9, 1991.

ARMY NOMINATIONS BEGINNING ROBERT A COCROFT, AND ENDING DENNIS P PRYOR, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF APRIL 9, 1991.

ARMY NOMINATIONS BEGINNING MARGARE APPLEWHITE, AND ENDING DANIEL A *ZELESKI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF APRIL 9, 1991.

ARMY NOMINATIONS BEGINNING CAREY M ALUMBAUGH, AND ENDING ANTHONY E ZERUTO, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF APRIL 9, 1991.

ARMY NOMINATIONS BEGINNING ANTHONY P AARON, AND ENDING WARREN T JONES, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF APRIL 9, 1991.

ARMY NOMINATIONS BEGINNING RAFAEL A. ACEVEDO, AND ENDING SAMUEL P. BOEHM, III, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF APRIL 16, 1991.

ARMY NOMINATIONS BEGINNING BARBARA G. COVINGTON, AND ENDING THOMAS J. MULYCA, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF APRIL 18, 1991.

IN THE MARINE CORPS

MARINE CORPS NOMINATIONS BEGINNING WILLIAM V ARBACAS, JR., AND ENDING BRIAN M YOUNGS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JANUARY 22, 1991.

MARINE CORPS NOMINATIONS BEGINNING RAYMOND ADAMIEC, AND ENDING PHILIP A YOUNG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF MARCH 19, 1991.

MARINE CORPS NOMINATION OF LT. COL. ROBERT D. CABANA, WHICH WAS RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF APRIL 9, 1991.

MARINE CORPS NOMINATIONS BEGINNING JOHN L ALBERS, AND ENDING MARC A ZINNER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF APRIL 16, 1991.

MARINE CORPS NOMINATIONS BEGINNING ROBERT J ABBLITT, AND ENDING ROBERT M ZEISLER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF APRIL 17, 1991.

IN THE NAVY

NAVY NOMINATIONS BEGINNING FRANK L. CULBERTSON, JR., WHICH RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF MARCH 5, 1991.

NAVY NOMINATIONS BEGINNING VICTOR H ACKLEY, AND ENDING CARL EMORY RHUDY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE ON MARCH 11, 1991, AND APPEARED IN THE CONGRESSIONAL RECORD OF MARCH 12, 1991.

NAVY NOMINATIONS BEGINNING CLINTON E ADAMS, AND ENDING LUCY MENDOZA VANBELOIS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF MARCH 19, 1991.

NAVY NOMINATIONS BEGINNING GARY T. AMBROSE, AND ENDING JEROME A. BEHRENS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF APRIL 9, 1991.

NAVY NOMINATIONS BEGINNING CHARLES LLEWELLYN ADAMS, AND ENDING JAMES FIELDING SMITH, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF APRIL 9, 1991.

NAVY NOMINATIONS BEGINNING STEPHEN R LUOMA, AND ENDING DAVID JOSEPH DOWELL, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF APRIL 9, 1991.

NAVY NOMINATIONS BEGINNING ROBERT S. BARON, AND ENDING MARILYN A. MOITANO, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF APRIL 16, 1991.

NAVY NOMINATIONS BEGINNING ROBERT DAVID ABEL, AND ENDING GEORGE K ZANE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF APRIL 23, 1991.