

## SENATE—Wednesday, March 17, 1993

(Legislative day of Wednesday, March 3, 1993)

The Senate met at 10 a.m., on the expiration of recess, and was called to order by the President pro tempore [Mr. BYRD].

The PRESIDENT pro tempore. Leading the Senate in its prayer today to the Creator of life and life eternal will be the Senate Chaplain, the Reverend Dr. Richard C. Halverson.

Dr. Halverson.

## PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

*Come unto me, all ye that labour and are heavy laden, and I will give you rest.—Matthew 11:28.*

Gracious God, our Heavenly Father, the kind invitation of Jesus speaks to our condition. One of the burdens common to human nature is that of hiding something about ourselves from others. All of us have personal secrets—a desire, a fault, a failure, a habit, a sin. We do not want to be discovered in this secret and are haunted by the fear of its discovery. Often, the struggle is debilitating and futile. No matter how hard we try, the secret prevails.

Loving God, help us to realize we have no secrets from You. You know us infinitely better than we know ourselves, and we cannot hide from You. Help us heed Jesus' invitation to come to Him when we "labour and are heavy laden." Help us to count on His understanding, His love, His forgiveness, His renewal. Help us to stop hiding by coming to Him and finding His rest, His peace.

In His name we pray. Amen.

## RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. Under the standing order, the majority leader is recognized.

## SCHEDULE

Mr. MITCHELL. Mr. President, and Members of the Senate, this morning there will be a period for morning business until 11:30 a.m. Under the order, a number of Senators will be recognized to address the Senate for specific time periods.

At 11:30 a.m., the Senate will resume consideration of S. 460, the voter registration bill. There will be 30 minutes of debate between 11:30 a.m. and noon, equally divided and controlled between Senators FORD and MCCONNELL.

At noon, the Senate will vote on the motion to invoke cloture on the voter registration bill; that is, to end the filibuster on that bill.

With respect to the filing of amendments relative to the bill and prior to the cloture vote, first-degree amendments may be filed until 10:15 a.m.; second-degree amendments may be filed until 11:30 a.m.

Mr. President, I repeat that there will be another cloture vote to attempt to terminate the filibuster of the bill at noon today.

## RESERVATION OF LEADER TIME

Mr. MITCHELL. Mr. President, I reserve the remainder of my leader time and I reserve all of the time of the distinguished Republican leader.

The PRESIDENT pro tempore. The Chair apologizes. Leadership time is reserved based on an order entered yesterday.

## MORNING BUSINESS

The PRESIDENT pro tempore. Under the order entered yesterday, there will now be a period for the transaction of morning business.

Mr. THURMOND, the senior Senator from South Carolina, is recognized to speak for up to 10 minutes.

## PRESIDENT CLINTON'S DEFENSE BUDGET PROPOSALS

Mr. THURMOND. Mr. President, I rise today to discuss President Clinton's defense budget proposal and its importance to our Nation, our allies, and our future.

On February 17, President Clinton released a broad overview of his economic stimulus proposals in a document called "A Vision of Change for America." Within this document the President outlined his agenda and his plan for the future. It is a welcome first step in his responsibility of informing the American people of his views on where we, as a nation, should be heading. I look forward to reviewing the details of the President's vision so that the Congress can begin the process of transforming concepts into reality. In no other area is this more important than in the future of our national security.

Within the President's vision, he states:

This economic plan and the budget that will follow redirect and reinvest our na-

tional security priorities and institutions to meet new international challenges and take advantage of new opportunities.

Before the Congress can assess the ability of the budget to redirect and reinvigorate the national security priorities, the administration must articulate these priorities. The administration must express what the new threat is, and what changes in the national security infrastructure the President views necessary to address it. It is time to get to work in the tough business of governing the Nation. The Congress must have the specifics of the plan so we can get to work.

I agree that the international security situation has changed dramatically in the last few years, and that our national security infrastructure must adjust to these changes. However, as history has proven over and over again, there will always be despots who will attempt to force their will through violence on those too weak to stop them. This fact was the cause of great destruction in the first half of our century and was reinforced in our recent defense of Kuwait.

Despots do not reason; they do not share our values of sanctity of life and democratic traditions. They understand only the ability to forcibly oppose them. To maintain the peace, to create an environment where reason can prevail, our Nation must maintain a credible force.

While we cannot stop despots and hostile forces from acquiring weapons, we can, as we did in the cold war, prove the futility of investing in them. While we cannot force the values of a free-market democratic system on others, we can ensure that they will be defended against any who would attempt to destroy them.

In order to defend these values, we must have the ability to respond to crisis with a well trained and equipped military force. It is vitally important to realize that although the threat has changed, the nature and the root of that threat remains.

In "A Vision of Change for America" there is support for an "unquestioned American military power" as essential. However, real support comes from a budget that allows our Nation to transform words into reality. However, there has been a great deal of confusion on what baseline is being used and in what timeframe the reductions are to be made. This confusion serves no one, not the administration, not the Congress, and certainly not the American people. This confusion is obstructing

the process of fulfilling our most important responsibility—ensuring the national security of the United States for the future.

In remarks before the American Defense Preparedness Association, Secretary Aspin said that there would be a \$60 billion cut, matching the President's campaign promise. However the figures released showed that the \$60 billion in reductions did not include the \$7.5 billion that the Congress had already cut last year.

On February 17, Secretary Aspin changed the timeframe from 5 years to 4 years for the original reduction and called for an additional \$18 billion in pay cuts to the military and DOD civilians, and another \$10 billion cut to "offset projected underfunding in the Bush program." This suggests that the actual reduction is over \$88 billion.

But, apparently even these figures do not tell the whole story. The administration has adjusted the baseline for the Bush defense budget using a very favorable inflation index. While I hope this very low estimate is correct, if it is not, it will mean according to the latest CBO figures, additional reductions of up to \$24 billion, translating to a defense reduction of \$112 billion over the 4-year period—almost double the \$60 billion originally proposed.

To put budget reductions of this magnitude in perspective, it is important to remember that defense spending has been reduced by more than 27 percent since 1985. Without question the Department of Defense has taken the lion's share of spending reductions and is one of the only areas of the Federal Government where actual savings are being achieved.

President Clinton has stated that he wants to modernize the national security machinery. This must be done, and I am ready to work with him. However, the administration's defense spending proposals bring into question whether we will be able to modernize our force structure to counter new threats facing the United States.

I know from experience that it is easy to cut our forces and defense infrastructure but it is a long and difficult task to bring them back. Our Nation has had to relearn that lesson at places like Pearl Harbor, Kasserine Pass, the Pusan Perimeter, and at Desert One. It has always been an expensive lesson to relearn—and we have always had to pay for it in the same way—in the lives of American men and women.

Military preparedness does not justify a blank check for the Pentagon. The weapons, strategies, and formations that maintained the peace for the last four decades are unlikely to be appropriate for the 21st century. But the restructuring of our Nation's Armed Forces will cost more than envisioned by those who see America's defense budget only as a source of funding for

other agendas. The defense budget buys an insurance policy against unnecessary war, and if war is imposed upon us, it ensures that it will be ended quickly, sparing as much as possible the blood and treasure of the people of the United States. That Mr. President, is an insurance policy that I feel is worth the cost.

In conclusion, I urge the Congress and the administration to proceed with the restructuring of our national security infrastructure with all the care and due diligence it demands. That is why I oppose voting on a budget resolution until we have an opportunity to review, in detail, the proposals for defense spending. Before we make a decision, we should face the facts.

The PRESIDENT pro tempore. The Senator from Virginia [Mr. ROBB], under the order is recognized, together with Senator WARNER, for a total of 15 minutes.

How does the Senator wish to budget this time?

Mr. ROBB. Mr. President, I would like to proceed. My distinguished senior colleague will be joining me very shortly and I will yield to him at the conclusion of my remarks. It may be appropriate to request a very brief extension, asking unanimous consent at that time.

The PRESIDENT pro tempore. Very well, the Senator from Virginia [Mr. ROBB] is recognized.

Mr. ROBB. I thank the Chair.

(The remarks of Mr. ROBB pertaining to the introduction of S. 597 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. ROBB. Mr. President, I request that the remainder of the time be reserved for my distinguished senior Senator from Virginia [Mr. WARNER] who will be joining us shortly, and I yield the floor.

The PRESIDENT pro tempore. Five minutes and 35 seconds will be reserved for the senior Senator from Virginia.

Under the order previously entered, Mr. DURENBERGER, the Senator from Minnesota, is recognized to speak for up to 10 minutes.

Mr. DURENBERGER. I thank the Chair.

(The remarks of Mr. DURENBERGER pertaining to the introduction of S. 598 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. DURENBERGER. I thank the Chair. I yield the floor.

The PRESIDING OFFICER (Mrs. MURRAY). The Senator from Iowa is recognized.

Mr. GRASSLEY. I thank the Chair.

(The remarks of Mr. GRASSLEY pertaining to the introduction of S. 599 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas has 15 minutes under the previous order.

JOHN MCCAIN

Mr. GRAMM. Madam President, I want today to speak on two subjects. One is a very happy subject, and that is I want to talk about one of our dear colleagues because today is a very special day in his life, and since he is very special to our lives and to the life of our Nation, he is special to us. Then I want to continue to talk about the budget debate and what we are deciding and what that decision is going to mean to our fellow citizens.

Twenty years ago today JOHN MCCAIN was released from a prisoner-of-war camp in North Vietnam. I know that it is a day that he will never forget. It was a day that he came home after 5½ years as a POW.

Many people are not aware of the fact that when JOHN was taken prisoner and during his captivity for much of that time, his father was the chief of naval operations in the Pacific and was the commander of all American forces in the region. In fact, when JOHN's plane was hit by a antiaircraft missile he bailed out, broke both of his arms, and broke one of his legs.

When the North Vietnamese discovered who he was, they gave him medical treatment and fixed him up with the idea that they could ransom him. And when he refused, they rebroke his arms and his leg.

They then decided as a PR stunt that it would be beneficial to them to release JOHN MCCAIN. But JOHN MCCAIN refused to be released. When war protesters came to Hanoi, JOHN MCCAIN refused to meet with them.

During that whole period JOHN MCCAIN was a source of inspiration for those who were his fellow prisoners, and a very close bond has formed among those people. All of them to this day talk of JOHN MCCAIN's great courage.

But I am not here, Madam President, to simply talk about JOHN MCCAIN, war hero; JOHN MCCAIN who showed as a prisoner of war the kind of courage that as children we all read about in history books, the kind of courage that as children we all wished that we could grow up to have. And very few of us ever measure up to it.

The great thing about JOHN MCCAIN coming home is that he did not come home to wear his medals or to celebrate what he had achieved in terms of his own inner strength and the strength of his courage and his vision. He came home with the idea of continuing to serve his country.

He was elected to the House, he has been elected to the Senate.

I am fond of saying, Madam President, that of all the people I have known in my life, JOHN MCCAIN is the

toughest. Whenever I say that, people tend to say you are talking about what he did in the Hanoi Hilton. I say, no, I am not talking about what he did in the Hanoi Hilton. I was not there. I did not observe it. I read it about it. I heard about it from people who were there with JOHN. I am talking about what he does in the Senate. I am talking about his single-mindedness, I am talking about his willingness to stand up for the things he believes in. I am talking about how JOHN MCCAIN for 6 months stood up for retired Americans, or for people who are old enough to retire but who continue to work and who do not get the Social Security benefit that they are due because they do work. Because of JOHN MCCAIN, we are allowing those people to make more money now without losing their Social Security benefits, and I have no doubt that one day the good captain, JOHN MCCAIN, is going to lead the effort to repeal the unfair, so-called, earnings test on Social Security.

If you look back at the 1,800 or so people who have had the great privilege to serve in the U.S. Senate, it is always very humbling to recognize as you go down the names, most of them you do not remember. If you want to get an idea about the relative importance in the long view of what you do, open one of these Senate desk drawers and look at the names that are written or carved in them, and ask yourself how many do you recognize. For most of us the greatest thing we will be able to say about our service in the Senate is that we served with ROBERT BYRD, that we served with STROM THURMOND, that we served with BOB DOLE.

Very few people bring stature to the Senate with them when they come. Most of us simply hope that some rubs off on us, while we are here.

JOHN MCCAIN brought stature to the Senate with him. Those of us who serve here can take pride in the fact that we have an opportunity to serve with people like JOHN MCCAIN.

I am glad that he is here. He is a great man at a time when we need to be reminded that there are great people, that there are people who serve with great distinction. I am proud to call JOHN MCCAIN my friend. I am proud through this statement to commemorate the 20th anniversary of his release. I just want to say, Madam President, that we love JOHN MCCAIN and the Nation loves him, and the Nation is proud of him. He is a symbol of what America is capable of producing.

So I rejoice in this day as I am sure all of our colleagues do.

#### THE BUDGET

Mr. GRAMM. Madam President, I now want to talk about the budget.

Probably this afternoon, perhaps tomorrow, we will begin consideration of the President's budget as it has been reported out of the Budget Committee.

My colleagues will recall that back during the campaign, then candidate Governor Clinton said he wanted to cut spending \$3 for every dollar in new taxes. Then when Leon Panetta, who is now Budget Director, and Lloyd Bentsen, who is now Secretary of the Treasury, testified before the Senate, they said that the President was going to cut \$2 in spending for every dollar of taxes.

Then, in that great speech that President Clinton delivered to the joint session of Congress, the State of the Union Address, he said that his budget would cut \$1 of spending for every dollar of new taxes.

Madam President, the numbers are in. And using the scorekeeper, the Congressional Budget Office, which the President deemed as the judge and jury of what is honest budgeting in America, when you measure what the President's budget does relative to what current law would do, you find that the President's budget calls on Congress to raise taxes \$3.64 for every dollar of spending cuts.

One of the most consistent messages that I get from home, and I suspect all of our colleagues do because of what I hear people saying, is make the spending cuts first. In fact we have a little debate going on in the House, a little debate in the Senate, about exactly that subject; that is, the American people rightly are skeptical of Congress. Congress always promises the great spending cuts it is going to make if the people will simply give us more taxes. In the past, we promised \$2 or \$3 of spending cuts for every dollar of taxes. Congress gets the taxes, spends the money, never delivers on the spending cuts.

Certainly no one can say that the Clinton budget makes a false promise in terms of what it is going to do because by its very numbers it shows, to begin with, that if all the savings that are promised are delivered, there are still \$3.64 of taxes for every dollar of spending cuts.

But, Madam President, what most people do not realize is not only how unbalanced this budget is in terms of taxes and spending, but the fact that so little spending reduction occurs early on in the budget. We will, after the budget is adopted here in the Senate—assuming that it is adopted—vote on an emergency spending program called an economic stimulus package. If you take the extension of unemployment benefits and you take the stimulus package together, before \$1 of spending cuts are made anywhere, we will increase spending by \$21.5 billion of brandnew spending.

When you look at the proposed spending cuts in the President's budget, most of which are in defense, not until 1997 do we cut as much spending as we will increase spending in the next 2 weeks. Let me repeat that figure. If

you take all of the spending increases and all of the spending reductions, not until 1997, when you add them up, are there any net spending cuts in the President's budget.

We are talking about voting next week on increasing spending by \$21.5 billion. We are talking about taking the first vote, perhaps this week, on raising taxes by \$295 billion; and the promised spending cuts do not actually occur, if you just add them up year by year until 1997.

In 1997, the bulk of those spending cuts come from the fact that we are promising to spend less. I offered an amendment in the Budget Committee that said, since all this spending control is off in the future, and since it is all based on simply promises that are being made, and since Congress has not been very good in living up to its promises, why do we not pass a law that says you cannot spend more than those promised amounts, and let us have some mechanism to force Congress to live up to it?

I think it is important that the American people understand that that amendment was defeated on a straight party line vote.

In summary, Madam President, what we are looking at is a bigger gulf between the rhetoric and the reality of this budget than I have ever seen on any subject ever debated in the 14 years I have been in Congress. If you went out and asked the American people today: Is Congress going to cut spending before it raises taxes, or is it going to pass spending reductions before it adds new spending, most people would say, well, I hope so, and they would say that is what they think Congress is doing. How many people would realize that not until 1997, if you compare new spending with proposed spending cuts, will we actually end up on net, reducing any Government spending? I suspect very few people would realize that.

How many people understand that the final version of the President's budget that we are going to vote on here, perhaps starting today, raises taxes \$3.64 for every dollar in spending cuts? I will offer an amendment, when we consider the budget, that simply does this: freezes discretionary spending, drops all the President's add-on new spending programs, and requires that if any of them are higher priority than what we are spending money on, dollar for dollar, we drop some old programs, as we add new programs. Doing that saves enough money from the President's budget to let us get rid of the income taxes on individuals, the energy taxes, and the Social Security taxes.

I hope my colleagues will vote for that amendment. But let me tell you what that amendment shows. That amendment demonstrates very clearly that the income taxes, the energy

taxes, and the Social Security taxes are not being imposed on Americans to pay for deficit reduction. Every penny of individual income taxes, energy taxes, and Social Security taxes will go to fund new Government spending. And if we did not increase Government spending, we could have the same deficit reduction in the President's budget without imposing those taxes.

Well, I ask you to simply imagine, if we ask the American people, are you willing to raise income taxes, raise energy taxes, and tax Social Security recipients earning \$18,000 a year on their W-2 form—the President says \$25,000, but he is counting as income the value of the rent they would have to pay if they didn't own their home—if you ask that question, how many Americans would be willing to pay those taxes, so that we would increase spending? My guess is, Madam President, that not 1 out of 10 people in the land would say "yes."

Yet, by an incredible paradox, that is exactly what the President's budget does. The Bible, in its great admonition, "Ye shall know the truth and the truth will make you free," does not add the crucial piece of information that we need to know as we debate this budget, and that is: How are you going to know the truth?

One of the great frustrations of my political life has been getting people to look at the facts. People are mesmerized by the rhetoric, and there is a gulf between the rhetoric and the reality of this budget.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia [Mr. WARNER] is recognized.

Under the previous order, the Senators from Virginia had 15 minutes. Senator ROBB used all but 5 minutes 35 seconds of that time.

Mr. WARNER. I thank the Chair.

(The remarks of Mr. WARNER pertaining to the introduction of S. 597 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

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

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

#### PRIVILEGE OF THE FLOOR

Mr. BAUCUS. Mr. President, I ask unanimous consent that Margaret Goud Collins be allowed to accompany me on the Senate floor today, March 17, between the hours of 10:55 a.m. and 11:45 a.m.

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

The Senator is recognized to speak for up to 20 minutes.

#### NAFTA AND THE ENVIRONMENT: BREAKING NEW GROUND

Mr. BAUCUS. Mr. President, in 1961, Mexican Nobel Laureate Octavio Paz wrote that, "New facts radically contrary to the predictions of theory, demand a new set of instruments, or at least a sharpening of those we already possess."

In our rapidly changing world, these words still apply. And they apply with particular force to the global environment. Every day, we learn more about the environmental costs that economic development can bring. And as we sharpen our tools for international trade, we must keep this new environmental fact in mind. That is why it is so important that the groundbreaking North American Free-Trade Agreement, the so-called NAFTA, contain strong provisions to protect the environment.

Negotiations begin today on the NAFTA supplemental agreements. Today Ambassador Mickey Kantor is meeting with his counterpart to negotiate the side agreements. In testimony before the Environment and Public Works Committee yesterday, U.S. Trade Representative Mickey Kantor pledged to negotiate an environmental agreement with real teeth to enforce environmental goals. I hope he succeeds. If he does, we will be taking a critical step toward the goal of global sustainable development.

#### THE NEW FACTS

Mr. President, NAFTA truly is revolutionary.

If agreed to, it will link the economies of two of the world's most advanced nations—that is, the United States and Canada—with the struggling economy of a developing country, Mexico.

It also will be the first free-trade agreement completed in the post-Rio era. The Earth summit exposed the fact that economic growth has environmental costs. Costs to local populations, who must breathe the air and drink the water near the factories. And global costs, because the flow of water and the flow of air carries pollutants beyond their source.

Trade rules are the only global controls on economic development. NAFTA gives us a chance to move toward a new era in international relations, an era in which trade relations reflect ecological realities. We can use NAFTA to protect and encourage sound environmental practices.

#### A NEW VISION

Let me begin by stating that I believe NAFTA is a good idea. In general, I support the text as it stands.

I also must point out that NAFTA cannot solve all of North America's environmental problems. But it can help solve some of them, and help us to solve many more.

Some environmental protections are included in the existing text: protection for health standards, a ban on reducing standards to attract investment, dispute resolution safeguards.

In the side negotiations, a North American Commission on the Environment, or NACE, was agreed on. It was seen as an environmental watchdog, but its duties were undefined. Since then, a number of proposals have suggested duties and responsibilities for NACE. I want to review and discuss those proposals briefly here.

The previous administration saw NACE as a consulting body. The Commission would meet at regular intervals. It would issue reports on environmental progress in North America. NACE could shed light on environmental concerns. It would create public pressure for solutions.

Now, I do not underestimate the power of the sunshine of public opinion. In many cases, publicity can drive real changes. In others, it can stimulate public debate on difficult choices. I certainly support this formal, report-writing side of the Commission.

Likewise, I agree that NACE should serve as a forum for consultation among the three Governments. NACE can head off environmental disputes and coordinate programs for sustainable development.

#### NACE WITH A BITE

But we have to go further.

And I must point out, Mr. President, at this point that sunshine alone will not have near the force and effect in Mexico that it does in our country, very simply because in the United States citizens have individual standing to sue. Once a report is issued, once it is made public, individual citizens can sue under American environmental statutes. Virtually every American environmental statute gives most American citizens standing to sue.

That is not the case in Mexico, a country where individuals do not have standing to sue. So the sunshine of a public report, even though it is publicly known in Mexico, does not have nearly the effect it would have in our country.

That is just one of the many examples of the differences between environmental enforcement in America versus environmental enforcement in Mexico.

That is why I think we have to go further.

We face concrete environmental problems that call for concrete solutions. Under NAFTA, American businesses will have direct competition from firms that have not borne the same environmental regulatory costs. Mexico's environmental regulators are playing catchup, and they are already

overburdened. Some companies may gamble that noncompliance will pay off.

We have to change the stakes. How do we do it? By using NACE to assure that environmental laws are enforced. Clearly this is difficult. It involves complex issues of sovereignty and of procedure. But assuring enforcement is necessary. Otherwise, the American people will not have confidence that NAFTA will not undermine environmental protection and undermine their own jobs in America.

Mr. President, I have proposed a structure for NACE, designed to respect sovereignty and maintain flexibility—but also to ensure enforcement and, therefore, to ensure, in fact, a level playing field.

The United States has good, strong environmental laws. Mexico has good, strong environmental laws. So what is the difference? The difference is we Americans enforce our environmental laws. Mexico, in the main, does not enforce its environmental laws.

So if we are going to have a true level playing field, not only to protect the environment but also provide jobs, we have to be sure that not only are the standards equal but the enforcement is also equal.

In a nutshell, NACE will receive and investigate complaints of violations of environmental laws. It will offer technical and financial consulting to help violators cut pollution. And it will gauge progress on compliance, so that the complaining nation can decide whether or not penalties should be imposed.

Mr. President, I ask that a more detailed description of my proposal be printed in the RECORD.

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

#### PROPOSED NACE COMPLAINT PROCESS

Mexico has made substantial progress in its handling of environmental problems. NAFTA and the economic development it promises will likely lead to further progress in the long term. However, Mexico cannot expand its technical community fast enough even to meet its present environmental needs, and industrial development encouraged by NAFTA will only worsen the situation. Industries may take advantage of this situation, and NAFTA might inadvertently lead to increased environmental degradation in Mexico, as well as providing a subsidy to industries that operate without the cost of environmental compliance. The plan proposed here will offer oversight and remedies for parties that might be injured by this non-compliance, as well as providing technical assistance to help firms meet environmental standards.

#### INITIATION OF COMPLAINT

The complaint process should take no more than 12 months. It begins when a complaint is lodged with NACE, providing evidence that a firm that produces goods traded under NAFTA is violating federal environmental regulations, or that a pattern of non-enforcement is underway. Standing to file a

complaint and the laws that fall within NACE's jurisdiction are negotiable. We suggest that NGOs, business, or government of a different nationality from the offending business be eligible to file, and that the Mexican Environmental Act of 1988 and corresponding U.S. and Canadian laws be within the NACE jurisdiction.

#### NACE INVESTIGATION

The NACE tri-national panel of experts rules on the complaint's trade impact (i.e., is the firm engaging in trade under NAFTA?) and merit (i.e., does the evidence filed with the complaint warrant further investigation?). If not, the complaint dies there. Otherwise, NACE begins its investigation. If searches and subpoenas are necessary, then NACE will act through the national enforcement body (EPA or SEDESOL). Though the national body will obtain necessary court orders and carry out searches, with a NACE observer, it may not block NACE requests. The investigation process will parallel EPA procedures, including public hearings.

#### ENFORCEMENT AND/OR CONSULTING

If a pattern of non-compliance or non-enforcement is found, then NACE notifies both the national enforcement body and the NACE consulting arm of its findings. The enforcement body then acts on the findings, using its normal procedures. On a parallel track, the NACE consultants work with the industry to identify technologies and processes that would bring its production process into compliance with environmental regulations. In order to assure that the industries are open with the consultants, they must be confident that their disclosures are confidential. The investigative and consulting arms of NACE must, therefore, be entirely separate.

#### DISPUTE RESOLUTION PROCESS

After a grace period of 4 months, the investigative arm of NACE conducts another inquiry to establish what progress has been made. The results are reported to the government of the complaining party, which evaluates the results. If there has been insufficient change in procedures or plans, then the government may decide to enact a penalty. Penalties might include snap-back or punitive tariffs, or denial of a company's right to export. However, if the government becomes convinced that progress has been made toward correcting the problem, the government may decide not to act. If penalties are imposed, a NAFTA dispute panel may rule on their fairness and compliance with the terms of the side agreement.

#### CONCLUSION

Mr. BAUCUS. This complaint process offers both a carrot and a stick. The threat of penalties provides impetus to the stubborn polluter. But the offer of assistance is the offer of partnership, an alliance between our governments, our businesses, and our citizens to respond to the new reality we face.

Mr. President, I ask my colleagues to work with me, to work with the administration and the other body to assure that NAFTA becomes an agreement that we, and the American people truly cannot only support, but an agreement that we are proud of.

Mr. President, I yield the floor and 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. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

#### NATIONAL VOTER REGISTRATION ACT OF 1993

The Senate resumed consideration of the bill.

Pending:

(1) Simpson Amendment No. 128, to provide for the imposition of civil penalties for misrepresentation or fraud concerning citizenship.

(2) Simpson Modified Amendment No. 129, to provide for a study to determine whether, after enactment, as many as 3.0 percent of persons who are registered to vote are non-citizens.

Mr. MITCHELL. Mr. President, under a previous agreement the Senate was scheduled to vote at 12 noon on a motion to invoke cloture on the voter registration bill. That motion is necessary to end debate on the bill and permit the Senate to proceed to complete action on the measure.

Since approximately this time yesterday I have had a series of discussions with the distinguished Republican leader, with the managers of the bill, and with other interested Senators. We are attempting to accommodate several concerns expressed by different Senators on the measure.

I have just discussed the matter with the distinguished Republican leader, and he has asked that the vote previously set for noon now be set for 2 p.m. I have agreed to do so, as is my custom with respect to requests of this type by the distinguished Republican leader. And I therefore now ask unanimous consent that the cloture vote previously scheduled for noon be rescheduled at 2 p.m. today.

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

Mr. DOLE. Will the majority leader yield?

Mr. MITCHELL. I certainly will.

Mr. DOLE. The majority leader correctly states we have had a number of discussions. I know the distinguished Senator from Kentucky [Mr. FORD], the manager of the bill, along with the junior Senator from Kentucky, [Mr. MCCONNELL], and others, have been trying to resolve a few of the differences that remain. It is my hope we can do that by 2 p.m. If not, when 2 p.m. comes we will not ask for any further extensions on the cloture vote. So I thank the majority leader.

Mr. MITCHELL. Mr. President, I appreciate the Senator's comments. For the information of Senators, it had been my intention following the cloture vote that if cloture were invoked to remain on the bill until we complete action on the bill. That still is my intention. If cloture is not invoked then it is my intention to proceed to the budget resolution shortly thereafter.

And I previously stated this publicly on many occasions, and of course I have discussed it with the Republican leader, so that intention remains. I hope we will get cloture and I hope we will finish the bill. But if we do not then we will proceed to the budget resolution which is of course a privileged matter and will deal with that at that time.

## MORNING BUSINESS

### ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, I now ask unanimous consent there be a period for morning business, during which Senators are permitted to speak, until 1:30 p.m. today. And that the time between 1:30 and 2 p.m. today be equally divided and controlled between Senators FORD and MCCONNELL, on the bill.

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

Mr. MITCHELL. Mr. President, I yield the floor and 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. BURNS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

### A FAIR CLINTON BUDGET

Mr. BURNS. Mr. President, I rise today and compliment my fellow western Senators on the other side of the aisle on what was apparently a successful meeting with President Clinton yesterday. The man in the chair today was a part of that meeting with the President.

Based on reports in western newspapers and reports from groups that met with the Democratic Senators yesterday after the meeting with the President, all indications are that President Clinton is willing to adjust his budget plan to make it more fair for Western and farm States.

I have been expressing my concerns about the negative impacts on my own State of Montana of the Clinton budget plan ever since it was unveiled, nearly a month ago. I was pleased to see my colleagues Senator BAUCUS, Senator CONRAD, Senator DORGAN, Senator CAMPBELL, Senator BINGAMAN, Senator DECONCINI, Senator BRYAN, and Senator REID all agreed with me when they wrote both to the OMB Director Panetta, and President Clinton and said:

We are, however, convinced that several features of the present plan—particularly when taken together—would harm the economies of the farm belt and the American West. With its heavy cuts in the current

farm programs and increased fees on extractive resource industries, we believe the plan in its current form would have a disproportionate negative impact on our home States.

These words are nearly identical to my comments about the budget proposal and its impact on my home State of Montana when it was unveiled.

Mr. President, I ask unanimous consent to have the letters from the western Democratic Senators to President Clinton and to OMB Director Panetta printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

U.S. SENATE,

Washington, DC, March 9, 1993.

Hon. WILLIAM J. CLINTON,  
President of the United States, The White House, Washington, DC.

DEAR MR. PRESIDENT: In your address to Congress, you put forth a bold plan to create jobs, stimulate investment and bring down the deficit.

We respect your leadership and we are writing as friends who share your vision of America's future. We are eager to work with you to pass an economic plan that is both fair and achieves the goals you spoke of in your address.

Moreover, we appreciate your good faith attempts to spread the burdens of this proposal across the different regions of this country. We support many of the savings, investments, and job creation measures called for in your plan.

We are, however, convinced that several features of the present plan—particularly when taken together—would harm the economies of the farm belt and the American West. With its heavy cuts in the current farm program and increased fees on extractive resource industries, we believe the plan, in its current form, would have a disproportionate negative impact on our home States.

Along with the people we represent, we are ready to heed your call for sacrifice—so long as that sacrifice is fairly borne by all Americans. In its present form, we believe your plan falls short of meeting this fundamental goal. However, we also believe these problems can be solved with relatively minor modifications that also achieve a serious reduction in the federal deficit.

In closing, we ask for an opportunity to personally discuss these concerns with you in greater detail later this week. We believe this meeting is an essential first step toward building a solid Democratic consensus behind your plan when it comes before the Senate.

Sincerely,

MAX BAUCUS, BEN NIGHTHORSE CAMPBELL,  
JEFF BINGAMAN, DENNIS DECONCINI,  
HARRY REID, RICHARD H. BRYAN.

U.S. SENATE,

Washington, DC, March 2, 1993.

Hon. LEON E. PANETTA,  
Director, Office of Management and Budget,  
Old Executive Office Building, Washington, DC.

DEAR DIRECTOR PANETTA: In his address to Congress, President Clinton put forth a bold plan to create jobs, stimulate investment and bring down the deficit.

Like the vast majority of the people we represent, we want the President's plan to succeed. For the sake of our future, we must work together to reach agreement on an economic plan that is both fair and achieves the

goals outlined in the President's Address. Above all else, we would like to back the President and do what is best for this nation.

Moreover, we appreciate the Administration's good faith attempts to spread the burdens of this proposal across the different regions of this country. As westerners, we support many of the savings, investments, and job creation measures outlined in the President's plan.

We are, however, convinced that several features of the present plan—particularly when taken together—would cripple the economy of the American West. With its cuts in the current farm program and heavy fees on extractive resource industries, the President's plan would have a disproportionate negative impact on the West.

During his address, the President stated: "Our immediate priority must be to create jobs, create jobs now." We are concerned, however, that the economic plan as it now stands would cost jobs throughout the West. For instance, deep reductions in a number of programs threaten to eliminate thousands of jobs and drain income from resource dependent western communities. While the economic base in each of our states is unique, the programs of concern include: farm price supports, public lands grazing, hard rock mining, the Forest Service timber program, and rural electrification. In addition, while the details remain unclear, we are concerned that the proposed energy tax may disproportionately impact several key industries in the West.

We note that the New York Times of February 19 ran an article entitled "Clinton Tax Package is Seen as Net Gain For New York." In contrast, the New York Times of February 24 ran a front page article outlining some of the sweeping impacts this proposal will have on the land and the people of the American West.

We do not mention this to single out New York or any other state. Rather, Americans in every region of this country must pull together and bear their fair share of the sacrifices called for by the President. We are willing to carry our fair share of the load. However, we are convinced that the West—particularly rural communities in the West—would be particularly hard hit by the current Administration plan.

We ask for an opportunity to personally discuss these concerns with you in greater detail. The relatively small costs of many of the programs we have mentioned—a total of approximately \$1 billion over five years—do not reflect their critical importance to the economic stability of the West. Furthermore, we are open to other ways of achieving similar savings. Still, we remain firmly convinced that the present plan must be modified if it is to be truly fair to the people we represent.

In last year's election, President Clinton made significant gains throughout the West. For example, he became the first Democrat in over two decades to carry Montana, Nevada, New Mexico, and Colorado. Moreover, he enjoys significant support in each of our states today. With relatively slight modifications, we believe the President can build on this base of support and change the face of politics in the American West.

Thank you for your consideration. We look forward to meeting with you as soon as possible. We must begin to build a solid consensus behind the President and his economic policies.

Max Baucus, Richard Bryan, Dennis DeConcini, Harry Reid, Ben Nighthorse Campbell, Byron Dorgan, and Kent Conrad.

Mr. BURNS. It is gratifying to see the senior Senator from Montana agrees with me that these would hurt the State of Montana. I congratulate him on bringing his concerns to the President. I know he is under considerable pressure from the majority leader and of course President Clinton to simply support the party line and vote for the package. But our concerns are not based on whether you are a Democrat or Republican. They are based on what is fair and what is not fair.

The Clinton budget plan simply does not treat the residents of the West in a fair manner. Agriculture and natural resources, along with westerners who drive long distances, have long winters, are being asked to do more than other Americans.

While I am bothered that the plan relies too heavily on tax increases and too little on spending reductions, I am most concerned, like my western Democratic colleagues, about the energy taxes which hit large rural, energy-producing and agriculture-producing States like Montana. It hurts us very hard, and doubly if you are an energy producer and you are also an energy user.

Agriculture ranks fifth in the use of energy in its production of food and fiber for this Nation. Not only do Montanans have longer distances to drive, we have colder, longer winters than most, but the large part of our economy is based on energy production. The Clinton plan is weighted against western coal and its impact on the price of hydroelectric power which is put into the same category with Eastern States. Of course Eastern States do not rely on hydro for their electrical power.

Furthermore, agriculture, which is our State's No. 1 industry, will bear the largest part of the burden. Agriculture is energy-intensive. It ranks, as I said, fifth across the Nation. It will cost American farmers almost \$500 million more each year to produce the food and fiber for this country.

While the Senate Budget Committee has slightly reduced the \$8 billion of spending cuts being asked for from American farmers and ranchers that was in the Clinton package, I agree with my friends Senator CONRAD and Senator DORGAN from North Dakota, that it is unfair to our Nation's farmers and ranchers who feed this Nation. That is our primary and first goal. All this, coupled with increases in mining fees, increases in grazing fees, changes in below-cost timber sale policy and the like, adds up to trouble in the Western States and it is trouble for Montana's economy.

Every facet of our national resource based economy will be impacted. I for one want to work with Senator BAUCUS and my fellow Democratic Senators on making the budget more balanced for the West. It is imperative that we en-

courage the President to arrive at a more balanced approach when dealing with this deficit. I am pleased to see President Clinton's apparent willingness to consider such changes.

So I would like to see the details on what changes were discussed yesterday at the White House, and I stand ready to work in a bipartisan effort with my good friends in the Senate and with President Clinton to make those changes in that budget plan a reality.

I thought it was a very positive step yesterday. I congratulate my colleagues in the U.S. Senate.

Mr. President, I yield the floor.

#### IRRESPONSIBLE CONGRESS? HERE IS TODAY'S BOXSCORE

Mr. HELMS. Mr. President, the Federal debt—run up by the U.S. Congress—stood at \$4,212,527,303,400.68 as of the close of business on Monday, March 15.

Anybody remotely familiar with the U.S. Constitution is bound to know that no President can spend a dime of the taxpayers' money that has not first been authorized and appropriated by the Congress of the United States. Therefore, no Member of Congress, House or Senate, can pass the buck as to the responsibility for this long-term and shameful display of irresponsibility. The dead cat lies on the doorstep of the Congress of the United States.

During the past fiscal year, it cost the American taxpayers \$286,022,000,000 merely to pay the interest on reckless Federal spending, approved by Congress—spending of the taxpayers' money over and above what the Federal Government has collected in taxes and other income. This has been what is called deficit spending—but it's really a form of thievery. Averaged out, this astounding interest paid on the Federal debt amounts to \$5.5 billion every week, or \$785 million every day—just to pay, I reiterate for the purpose of emphasis, the interest on the existing Federal debt.

Looking at it on a per capita basis, every man, woman, and child in America owes \$16,400.15—thanks to the big spenders in Congress for the past half century. The interest payments on this massive debt, average out to be \$1,127.85 per year for each man, woman, and child in America. Or, looking at it still another way, for each family of four, the tab—to pay the interest alone, mind you—comes to \$4,511.40 per year.

Does this prompt you to wonder what America's economic stability would be like today if, for the past five or six decades, there had been a Congress with the courage and the integrity to maintain a balanced Federal budget? The arithmetic speaks for itself.

#### USE OF CHLOROFLUOROCARBON PROPELLANTS

Mr. D'AMATO. Mr. President, many people will be reminded of green things on this March 17. But let me move beyond shamrocks and leprechauns and point out a special "green" theme we should all recognize on this date.

On March 17, 1978, the Environmental Protection Agency took an important step toward protecting our environment when it promulgated regulations prohibiting the further use of chlorofluorocarbon [CFC] propellants from almost all aerosol products manufactured and sold in the United States. At that time, the theory that CFC's may play a role in ozone depletion was relatively new. Responding to consumer concern, however, many U.S. manufacturers of aerosols had already, voluntarily, begun to introduce alternatives to CFC propellants.

In recent years, with growing public debate—indeed worldwide debate—about the impact of chlorofluorocarbons on the Earth's atmosphere, the importance of this step is clear. Under the international agreement we call the Montreal protocols, CFC's are due to be phased out of existence worldwide by the year 2005.

Changing the basic formula of a product is never easy. In the case of aerosol products, changing from one propellant system to another was indeed a complex undertaking. Hundreds of products had to be reformulated and retested in order to assure that new kinds of propellants would work as well as CFC propellants had. For some products this was an extremely difficult procedure and costly to undertake. But the U.S. aerosol industry complied fully with the 1978 regulation and, in fact, led the way for the rest of the world. CFC's have now also been banned from aerosol products in Canada, Britain, Mexico, and most European countries.

The sad thing is, though, that public perception has not caught up with reality. Public opinion polls, taken as recently as last year, indicate that 86 percent of the American people are not aware that aerosol products do not contain CFC's. And it's no wonder this is the case. Newspaper and television stories about CFC's often strengthen the myth by illustrating articles about CFC's with a picture of an aerosol can, totally misrepresenting the real situation.

Recently, children's television programs, books, and comic books have concentrated on environmental issues as part of a welcome trend to educate kids about our Earth. An investigation of these influential communications tools, however, will show that they too frequently contain information that is simply wrong. Many, for instance, point to aerosol products and tell their young readers that these products are bad because they contain CFC's, that using aerosol products helps to burn

holes in the ozone layer. Some of these materials are provided to teachers to use with young students. We are building a generation of environmentally conscious children who have been taught a false set of facts.

On this 15th anniversary of the prohibition of CFC's in U.S. produced aerosols, I want to commend the industry which produces these important products for their efforts at environmental education. The industry is working directly with the media and with school systems to remind the American public that aerosols are not harmful to the ozone layer, that they are free of CFC's, and that children—and their parents—don't have to avoid aerosol products.

In addition to being CFC free, U.S. aerosols are also recyclable in many communities around the United States from Washington, DC, to Pittsburgh and Phoenix. Most aerosols are packaged in steel cans and the rest in aluminum, all of which can be recycled like other empty steel and aluminum cans. The steel used to make aerosol cans contains about 25 percent recycled steel.

The companies in the aerosol industry have worked hard to produce products which are efficacious and environmentally sound; in other words, they work and they don't hurt the ozone layer. The more than 100,000 Americans directly employed in the aerosol industry are proud of their companies and of their products and rightly so.

March 17 may be a day when we think green means Irish. But green on this date should also remind us that U.S.-produced aerosols have been CFC free since 1978.

#### UNCONVENTIONAL RIGHTS: CHILDREN AND THE UNITED NATIONS

Mr. HATCH. Mr. President, recently, the following monograph was written by Dr. James P. Lucier and published by the Family Research Council in Washington, DC. This paper is entitled "Unconventional Rights: Children and the United Nations." Jim Lucier served for 25 years on the staff of the U.S. Senate and is the former minority staff director for the Foreign Relations Committee. His knowledge of treaty law is outstanding, as a result of years of practical experience, and he demonstrates that knowledge in his remarkable analysis of the U.N. Convention on the Rights of the Child. While I do not agree with everything that is stated, I believe his ideas are worthwhile and important to consider.

#### U.N. CONVENTION ON THE RIGHTS OF THE CHILD

There has been much discussion lately about the rights of children. It is a discussion, I believe, which is not so much about whether children have rights as about which institutions in society should have first priority in protecting those rights. It is my belief,

and I believe the belief of the vast majority of the American people, that the traditional family unit is best equipped for the nurture and upbringing of the next generation.

This is not to say that every family is successful. Nor is it to deny that there are occasions when society must intervene to protect children from abusive or incompetent parents. Nor is it just a question of where to draw the line. Rather, it is a presumption, as the U.S. Supreme Court has indicated many times, that the family is the first and best center for child development.

The danger in establishing the principle that the rights of the child are somehow separate and independent from the rights of the family is that it sets up a potentially divisive principle that will lead to the accelerated break-up of families, often through the intervention of the state or child welfare agencies.

Although there are always hard cases, when a child may be endangered by his or her parents and needs protection, the acceptance of a legal principle that all children, not just a few endangered children, have autonomous rights that may be asserted against the family it diminishes the authority of every parent, whether it is a single parent or a traditional family unit. It brings the dubious authority of the state, often in the guise of court decisions, to bear on every relationship between parent and child.

Since the child is in a state of rapid development, often exploring opportunities of asserting increasing independence, the intervention of the state in areas of moral decisionmaking on a secular, value-free basis cannot help but affect the child in a detrimental way. The debate should be framed not in terms of the rights of the child of the parent, but in terms of the rights of the family—including the rights of the child—against the authority of the state. The danger to children as a whole is much greater than state norms and state intervention than it is from the occasional failure of specific families to function.

These issues are still the object of lively debate in the United States, as we see in the media every day. Yet, if we are not alert these issues could well be imposed upon the United States without debate if this country were to sign and ratify the U.S. Convention of the Rights of the Child. Although the Convention was approved by the U.N. General Assembly on November 20, 1989, and entered into force on September 2, 1990, as soon as the first 20 nations had ratified it, the United States is not a signer and of course, does not intend to ratify it.

Former President Bush was wise in rejecting the U.N. Convention on the Rights of the Child, despite the pressure of a noisy group of so-called child's rights advocates. Indeed, many

of the so-called rights which states-parties to the treaty are required to adopt are contrary to the national consensus on the rights of families; and others contrary to the U.S. Constitution. Moreover, it would require the U.S. Government to adopt measures which undermine the Federal principles of the republic, as well as U.S. national sovereignty, in determining domestic matters.

Indeed, the principles set forward in the Convention are contrary not only to the U.S. Constitution, but to the fundamental basis of our legal system, the common law. Most nations in the world, except for those first organized by British colonialism, follow an entirely different system of law, commonly called the civil law or the Romano-Germanic system. Although the goal of justice is presumably the same, the legal concepts underlying each one are quite different, if not incompatible. Our ideas of freedom, based on Magna Carta, are highly suspicious of the sovereign, whether it was King John in the old days, or the Federal Government today. The common law believes that freedom and justice are more apt to be brought about by an adversarial system. The Romano-Germanic system takes a much more sanguine view of the ability of judges, bureaucrats, and technocrats to bring about social justice. Yet the U.N. Convention on the Rights of the Child is rooted in the alien concepts of Romano-Germanic law.

#### SOUTH DAKOTA AUTO DEALERS EXCEL

Mr. PRESSLER. Mr. President, today, I congratulate two exceptional South Dakotans—James Lust of Aberdeen and Bill Willrodt of Chamberlain. These two businessmen serve as sterling examples to automobile dealers across America. They are accomplished entrepreneurs and service providers.

Recently, Jim Lust was elected president of the National Automobile Dealers Association [NADA]. He has worked with NADA for years, both at the State and national levels. Bill Willrodt recently received Time magazine's Quality Dealer Award [TMQDA]. Bill was 1 of only 67 dealers nationwide to be nominated for the magazine's award.

In the midst of tough economic times, these two South Dakota entrepreneurs continued to prosper. I applaud their sound business sense. Keeping all of South Dakota's small businesses healthy is a top priority of mine. As a fellow South Dakotan, I am proud of Bill's and Jim's accomplishments. I applaud their dedication to the auto industry. I am confident they will continue to represent their field with distinction.

Mr. President, I ask unanimous consent that an article in Automotive Executive featuring Jim Lust and an arti-

cle in the South Dakota Automobile Dealers Association Report featuring Bill Willrodt be printed in the RECORD immediately following the conclusion of my remarks.

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

[From Automotive Executive, Feb. 1993]

#### JIM LUST'S NEW HORIZONS

(By Ted Orme)

The expression "as far as the eye can see" could have been invented in Aberdeen, S. Dak. Under a brilliant sun, without a trace of smog, the vast, flat prairie stretches uninterrupted to the horizon. It's land where the Sioux and the buffalo once roamed, now carved into perfect squares that produce endless acres of grain and tons of beef. The "hub" city of Aberdeen sprang from the prairie in the 1880s, when four railroad lines converged here. Today, it's a hospitable city of 28,000, where high school sports still make the front page. A visit here will tell you a lot about incoming NADA president Jim Lust.

"I know we're not at the center of the universe," says Lust, a Chevrolet/Buick/Geo dealer who was born and raised in Aberdeen. "But that's why we Dakotans tend to look outward. We believe in horizons."

The climate can change fast in the Dakotas and people are used to adjusting quickly. Lust says dealers are going to have to do the same thing in the 1990s. "We will have to continually shift our focus to meet current market conditions," he says. "We can do that because we are entrepreneurs. We can use market forces to our advantage and make adjustments quickly. [Dealers] succeed because we're fast on our feet."

#### THE MAN

Those who think of dealers in stereotypical terms will not like Jim Lust. A Dartmouth College graduate, Lust is often in his 1,500-book home library reading such works as the biography of Alexander the Great. When not listening to Chopin or Beethoven, he's playing them on his grand piano. He's also a hunter, golfer, and all-around sportsman.

But at 55, the athlete's curse—bad knees—has caught up to him, and he is forced to enjoy the more rigorous sports vicariously through his children. Despite a busy schedule, he never misses a chance to cheer his kids on.

That's no surprise. Family gets top priority. He and his wife, Dawn, had seven children before she died in 1979. (That was the same year his dad, Loel Lust, died and only a year after his brother, Jerry died in an auto accident.) Lust threw himself into single parenting with his usual energy and innovation. To help maintain discipline and order among his children, then ranging in age from 4 to 17, Lust devised the "bed monster," who could tear up your room if you didn't make your bed. To keep internecine squabbling over favoritism under control, there was the "FC [favorite child] list," which got a new ranking every week according to good or bad deeds. "To this day, even my grown children ask how they currently rank on the FC list," Lusts says.

But he could not give his children a mother's touch. That came in 1982, when Jim married Vicki, who had one child of her own. Today, only the two youngest sons, John and Jamie, remain at home. His son Steve works at the dealership; the other Lust kids have scattered around the country "to do their thing," as Lust puts it.

#### THE STORE

When he left for the Ivy League, Lust didn't expect to come back to Aberdeen, and

certainly not to the dealership his father bought in 1937. At Dartmouth, he studied history and economics, not business, and he wanted to become a college professor. But his father suffered a heart attack and asked Jim to run the business.

"I made it clear this was only going to be temporary," says Lust. But it wasn't long before his latent entrepreneurial tendencies blossomed. Later, his brother Jerry helped run the business until 1962, when Jim, then 26 bought out his brother.

The store now has 50 employees, sells 1,400 new and used cars a year, and has annual total sales of \$19 million. All departments of Lust Chevrolet/Buick/Geo are profitable and, during a year when the average dealership had a net profit on sales of only 1.3 percent, this store made 4 percent. The store also has a 96 CSI and low staff turnover.

In 1990, Lust and two members of his NADA 20 Group acquired a struggling Chevrolet/Oldsmobile dealership in Corvallis, Oreg. Lust became president, and under his new management team the store will make money this year. He did the same thing in the 1970s, when he bought a failing Pontiac/GMC store in Bismark, S. Dak., sent his general sales manager there to restore it to profitability, then sold it to the manager five years later.

What's Jim Lust's secret of success? Simple. It's a long history of focusing on the customer, commitment to the community, and having employees make their own decisions. A good example is the dealership's "We Care Committee," made up of 11 managers and representatives from all six departments, who meet once a month to explore ways to improve dealership operations, employee benefits, and, most of all, customer relations. Each department contributes \$100 per month to a fund that allows managers to quickly make "goodwill" adjustments to keep customers satisfied.

Going that extra mile for their customers, Lust employees convert to "Code Blue" when temperatures in Aberdeen drop as low as minus 30 degrees. That's when salespeople and managers spend the whole day out helping customers start their cars or giving them rides.

Education and training are also key. All senior techs are ASE certified, as is the owner relations manager. The sales force recently completed NADA's Salesperson Certification program. And the store also encourages employees to contribute to the community and pays membership fees for them to belong to civic and charitable organizations. "We think if you do a good job in the community, you have an obligation to pay back," says Lust, a leader in Aberdeen's civic and business community.

#### THE PLAN

Lust has no illusions about changing the image of dealers overnight, but says a better image and improved profits are linked to a commitment to customers, community, and ethical practices. "It's not Pollyanna-ish," he says. "It's good business."

He wants dealers to use their entrepreneurial skills to take advantage of an expanding market, but warns, "We don't want to forget the hard-learned lessons of this recession—namely, we've got to stay lean and mean even in good times, and profitability is more important than market share, for both dealers and [makers]."

In addition to boundless optimism and energy, Lust also brings to the NADA presidency his down-home Dakota style. "I want to keep the vision simple," he says.

[From the South Dakota Automobile Dealers Association Report, February 1993]

#### WILLRODT HONORED BY TIME

Time Magazine has named Bill Willrodt, President, Willrodt Motor Company, Inc., Chamberlain, South Dakota, as a recipient of the 1993 Time Magazine Quality Dealer Award (TMQDA). The announcement was made February 6 by Edward R. McCarrick, Associate Publisher of Time Magazine, during the National Automobile Dealers Association Convention in New Orleans. Mr. Willrodt and other award winners were honored at the opening business meeting of this year's NADA Convention.

Mr. Willrodt is one of only 67 dealers nationwide to be nominated for the magazine's award, sponsored in cooperation with NADA since 1970.

A Chamberlain native, Bill began his automotive career in 1952 when he and his father, Harold, purchased Nelson Motor Company. Today, Willrodt Motor Company markets the Chrysler, Plymouth, Dodge and GMC automotive lines. Under Mr. Willrodt's leadership, his dealership has been presented with many Chrysler sales and service awards over the years.

Mr. Willrodt is active in his local community, as a member of the Chamber of Commerce and the Lake Francis Case Development Corporation. In 1979, Bill provided the land and service access needed to build a new hospital in Chamberlain. Built in 1981, the hospital has expanded twice since then.

Bill and his wife Mary are the parents of six children. Two of their sons, Peter and Paul, are active in the day-to-day operations of Willrodt Motors.

On behalf of the entire membership of SDADA, we extend our congratulations to Bill and Mary Willrodt, their family, and the personnel at Willrodt Motor Co.

#### A CHRISTIAN AMERICA

Mr. HELMS. Mr. President, we live in an era when it is fashionable to pretend that our Founding Fathers were neither religious nor Christians, nor anything else having to do with a belief that God played a major role in the creation of America. The atheists and agnostics have managed to dominate the major media of America—and a great many textbooks used in our schools. They have, in my judgment, done great harm.

But I was overjoyed to see an op-ed piece in this morning's Charlotte (NC) Observer written by a Baptist minister who obviously felt obliged to speak out—and speak out he did, eloquently, forcefully and without equivocation. The minister is Rev. M. Doyle Holder, pastor of Bethel Baptist Church in Bethel, NC.

The Charlotte Observer headed the Reverend Mr. Holder's remarks, "A Christian America" and immediately below was a subheading reading, "From the words of our Founding Fathers to those of the High Court, our roots in religion are indisputable."

Mr. President, immediately upon reading the Reverend Mr. Holder's piece, I called him to express my deep appreciation for his having been willing to stand up to be counted and I

commend the Charlotte Observer for its willingness to provide space for this fine minister's remarks.

Mr. President, I ask unanimous consent that the text of the Reverend Mr. Holder's article be printed in the RECORD at the conclusion of my remarks.

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

A CHRISTIAN AMERICA: FROM THE WORDS OF OUR FOUNDING FATHERS TO THOSE OF THE HIGH COURT, OUR ROOTS IN RELIGION ARE INDISPUTABLE

(By M. Doyle Holder)

America is witnessing a concerted effort to rewrite history and redefine how our Constitution's framers envisioned their new nation. We are being led to believe that Americans practiced Christianity openly for some 175 years against the Founding Fathers' wishes and intentions.

The Supreme Court continues to adjudicate cautiously while ignoring history and compromising rights that have long been taken for granted. As history is rewritten, these protected freedoms vanish.

The Christian compassion of our Founding Fathers is evident in their writing; they believed in the personal God of the Scriptures even if they denied the deity of Christ.

FROM FRANKLIN . . .

Witness a plea for public prayer made by Benjamin Franklin on June 28, 1787, at the Constitutional Convention. Dissension had developed in the convention, and Franklin offered a solution:

"We have not hitherto once thought of humbly applying to the Father of lights to illuminate our understanding. In the beginning of the contest with Great Britain, when we were sensitive to danger, we had daily prayers in this room for divine protection.

"Our prayers, sir, were heard, and they were graciously answered . . . Do we imagine that we no longer need His assistance? I have lived, sir, a long time, and the longer I live, the more convincing proofs I see of this truth—that God governs the affairs of men.

"And if a sparrow cannot fall to the ground without His notice, is it probable an empire can rise without His aid?"

Franklin then asked that prayers be held each morning before Congress proceeded with its business, and the practice continues to this day. It continued in our public schools until 1962. And it continued at many sporting events and school graduations until the high court realized that this practice was, apparently, not the intent of our Founding Fathers.

Thomas Jefferson shared Franklin's view: "Can the liberties of a nation be sure when we remove their only firm basis, a conviction in the minds of the people, that these liberties are the gift of God? That they are not to be violated but with His wrath? Indeed, I tremble for my country when I reflect that God is just; that His justice cannot sleep forever, that revolution of the wheel of fortune, a change of situation, is among possible events; that it may become probable by supernatural influence! The Almighty has no attribute which can take side with us in that event."

God is not seen by these men as a mere absentee clockmaker (as true, deism suggests), leaving the world to founder. He is seen as someone worthy of their appeal and fear.

. . . TO DOUGLAS

The historical case for Christian America continues.

In 1892 the U.S. Supreme Court studied the connection between Christianity and government. After reviewing hundreds of volumes of historical documents, the court asserted, "These references . . . add a volume of unofficial declarations to the mass of organic utterances that this is a religious people . . . a Christian nation."

In 1931, Supreme Court Justice George Sutherland reviewed the 1892 decision in the course of another case and said again that Americans are a "Christian people." And in 1952, Justice William Douglas affirmed that "we are a religious people and our institutions presuppose a Supreme Being."

The Christian religion was the faith of early America. In 1835, French historian Alexis de Tocqueville, while visiting the United States, reported, "Upon my arrival in the United States the religious aspect of the country was the first thing that struck my attention." And in 1848 he eloquently remarked:

"America is still the place where the Christian religion has kept the greatest real power over men's souls; and nothing better demonstrates how useful and natural it is to man, since the country where it now has the widest sway is both the most enlightened and the freest. . . . They (the clergy) are at pains to keep out of the affairs and not mix in the . . . parties. One cannot therefore say that in the United States religion influences the laws or political opinions in detail, but it does direct mores, and by regulating domestic life it helps to regulate the state."

Until the drafting of the Constitution and beyond, state laws forbade anyone from holding office unless he was a Christian.

In most states there were religious requirements for citizenship and voting; laws prohibiting blasphemy; laws requiring a trinitarian faith, or a firm belief in the infallibility of Scripture; and laws barring non-Christians as witnesses in court. Many states also called for the imprisonment of anyone who was an atheist.

HISTORY AS IT HAPPENED

History proves, without doubt, the Christian roots of America.

The Supreme Court, state officials and school boards would do well to study history as it happened before suppressing or removing rights that have been practiced and guaranteed by our Founding Fathers.

FRIENDS OF IRELAND—ST. PATRICK'S DAY STATEMENT, 1993

Mr. KENNEDY. Mr. President, the Friends of Ireland in Congress join annually in a St. Patrick's Day statement to bring attention to issues relating to Ireland and to the problems which continue to plague Northern Ireland.

The Friends of Ireland is a bipartisan group of Senators and Representatives dedicated to strengthening the relationship between the United States and all of Ireland. More than 44 million American citizens trace their ancestry to Ireland and are proud of their Irish heritage.

We are also deeply concerned about the violence and terrorism which continues in Northern Ireland and which has claimed the lives of more than 3,000 people in the past quarter century. More than ever, it is essential to achieve a peaceful, negotiated solution

to the conflict, and all of us hope that the United States will play an effective role in encouraging the parties to achieve it.

This year's Friends of Ireland statement covers many aspects of these important issues. I believe it will be of interest to all Members of the Senate, and I ask unanimous consent that it may be printed in the RECORD.

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

STATEMENT BY THE FRIENDS OF IRELAND, ST. PATRICK'S DAY, 1993

On this St. Patrick's Day, the Friends of Ireland in the United States Congress join with all Irish Americans, and indeed Irish people everywhere, in celebrating Irish heritage and in calling for renewed efforts to achieve peace, reconciliation, and justice in Northern Ireland. We welcome the Prime Minister of Ireland, An Taoiseach Albert Reynolds, to Washington and look forward to working closely with him, with the Deputy Prime Minister, Tanaiste Dick Spring, and with their British counterparts, in seeking ways to achieve these ends over the coming years.

We also take special note of the recent gains made by the women of Ireland. The historic election of President Mary Robinson in 1990, the victories of twenty women in the recent parliamentary elections, and the appointment of the first woman to the board of directors of the International Fund for Ireland are all developments which will enhance the important role of women in the political life of Ireland.

Our concern for a peaceful and just solution in Northern Ireland springs not only from our personal commitment to Ireland but also from our awareness of the exceptional contributions that generations of Irish men and women have made to the building of this nation. The recent census records 44 million Americans who claim Ireland as the home of their forebears. It reminds us how significant an impact that small island has had on our nation and how disproportionate it has been to its size. It is a source of great sadness, therefore, that this celebration of our common Irish heritage is overshadowed by the continuing tragedy of violence in Northern Ireland.

On this day of Irish affection and friendship, the Friends of Ireland warmly welcome and endorse last year's round-table talks between the Irish and British governments and the constitutional parties in Northern Ireland. We reiterate our full support for the earliest possible renewal of such talks, and their ambitious objective of bringing about a new beginning for relationships within Northern Ireland, within Ireland, and between Ireland and the United Kingdom. The people of Northern Ireland today are crying out for an end to the bitterness and hatred of the past. They demand a political agreement that can bring an end to the violence. They know there can be no real political progress without genuine dialogue between those of all traditions who seek a constitutional way forward towards solving the problems of Ireland.

We unreservedly condemn the violence of the IRA and Loyalist paramilitary groups. Violence begets only more violence and, with it, a cycle of reprisal and revenge. We abhor the violence perpetrated by terrorists through their indiscriminate bombing and shooting campaigns and the misery they

bring to ordinary people's lives. Such violence fosters division, bitterness, and distrust. It seeks to destroy the bridges between the two communities which are an essential avenue to a peaceful political compact by Irish men and women of all political persuasions or allegiances. We are convinced that terrorism will never bring justice and peace and so urge all terrorists to lay aside their arms if they truly wish to achieve their goals.

While recognizing that the primary responsibility for resolving the problems of Northern Ireland lies with the Irish and British governments as well as the constitutional parties in Northern Ireland, the Friends believe that the United States can play a constructive role in advancing the political process. We enthusiastically welcome the interest that President Clinton has shown in Irish affairs, and we join with him in offering our support as the people of Ireland search together to find a way forward. We share the view of the Taoiseach that the constructive interest and support of the President and Congress of the United States has the potential to be uniquely helpful. There should be thorough consultation to ensure that this concern is structured in the most effective and helpful manner possible.

The Friends of Ireland attach great importance to the continued and active implementation of the Anglo-Irish Agreement by the two governments. The Agreement, and in particular the role in Northern Ireland assigned to the Irish Government under it, has introduced a new dynamic into the situation through its effort to give formal recognition to the legitimacy and status of the political, economic, and social aspirations of the nationalist community. The Agreement should remain in force until transcended by new arrangements acceptable to the two governments and the constitutional parties in Northern Ireland.

We also continue to have serious concerns involving human rights, most particularly the murder of Irish men, women, and children from terrorist attacks. In addition, Amnesty International and Helsinki Watch have documented incidents involving the use of lethal force by the security forces, collusion between these forces and loyalists paramilitary groups, harassment of young nationalists by the British Army, and the denial of basic civil liberties. Such abuses must end, specific cases of abuse must be independently investigated, and those responsible must be punished.

Confidence in the forces of law and order, and in the impartial administration of justice, is fundamental to the construction of a just and peaceful society in Northern Ireland. We strongly urge the British Government, acting pursuant to consultations in the Anglo-Irish Conference, to put in place a series of measures to respond to the lack of confidence which so clearly exists in the nationalist community. A first step in this direction would be to ensure that all military patrols which come into contact with the public are accompanied by experienced and trained police officers, as agreed in the 1985 arrangements between the two governments.

The British Government should also work to address the recommendations made in reports by Amnesty International, Helsinki Watch, and most recently, by the Lawyers Committee for Human Rights, and the Committee on the Administration of Justice, which is based in Northern Ireland.

In addition, an end to discrimination in employment would help greatly to establish hope and confidence among the nationalist

community, especially the young people. We are encouraged by the terms of the 1989 Fair Employment Act and support its implementation with all necessary powers to redress decades of discrimination.

The Friends are convinced that new investment from overseas can also be a positive catalyst for change. We are very pleased that Congressional support for the International Fund for Ireland has enabled it to play a constructive role in economic development, especially in the disadvantaged areas of both Northern Ireland and the border counties of the Republic. In fostering economic and social progress, and building a record of success through cooperation and incentive, the Fund is providing a measure of real hope for those who have suffered the most from the conflict in Northern Ireland. It has, most importantly, become a concrete force for reconciliation and healing through the creation of thousands of permanent jobs and with them, a constructive alternative for those who otherwise might have chosen the path of violence.

We believe the International Fund for Ireland with its independent Board jointly appointed by both governments can be a model for other efforts of cooperation and confidence-building between the two great traditions and the two political communities of Ireland. We welcome such initiatives that offer the prospect of reinforcing reconciliation among the Irish people.

We are hopeful that the process of healing and reconciliation can be advanced in Ireland over the next twelve months. It is now critical that both communities reach out to, and further reassure, one another. The Irish and British governments have the central responsibility to encourage and develop this process. In doing so, they will have our full and enthusiastic support. As Friends of Ireland, it is our dearest wish to see all of Ireland at peace, reconciled, and newly energized, free from the dissensions of the past, playing its full, distinctive, and dynamic part on the European and world stage.

On this St. Patrick's Day, the Friends of Ireland in the United States Congress join friends of Ireland everywhere in urging all parties to make special efforts this year to bring about peace and reconciliation in Northern Ireland.

#### RECESS UNTIL 1:30 P.M.

The PRESIDING OFFICER. The Chair, in his capacity as a Senator from North Dakota, asks unanimous consent that the Senate stand in recess until 1:30 p.m., and that is the order of the Senate.

Thereupon, at 12:55 p.m. the Senate recessed until 1:30 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mrs. FEINSTEIN].

#### NATIONAL VOTER REGISTRATION ACT OF 1993

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. The Chair recognizes the distinguished Senator from Kentucky.

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

The PRESIDING OFFICER. S. 460 is the pending business.

Mr. FORD. Madam President, we have attempted, since this time yesterday, to work out something with our colleagues on the other side. We were very close. This is one that neither side is very happy with.

So we are hoping that we can arrive at a conclusion prior to 2 o'clock, when we will have our cloture vote.

Madam President, I ask unanimous consent that the time under the quorum call be equally charged against both sides.

The PRESIDING OFFICER. There being no objection, it is ordered.

Mr. MCCONNELL. Madam President, let me just second the observation of my friend from Kentucky. We are continuing to work in the hope that we can reach an agreement here by the time to vote at 2 o'clock. Stay tuned.

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

The PRESIDING OFFICER. The absence of a quorum has been suggested. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mrs. BOXER. Madam President, I ask unanimous consent to speak as if in morning business for 5 minutes, with the time evenly divided between both sides.

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

#### RAPES IN BOSNIA AND HERZEGOVINA

Mrs. BOXER. Madam President, I rise today to express my grave concern about the systematic rapes that are being committed in Bosnia and Herzegovina and to commend those that have taken the necessary first steps to stop this horror and help its victims.

Madam President, as you and I work as hard as we can to focus on the critical issues that face California today, it is very tempting to turn away from these horrors that we see around the world. But, I want to tell my distinguished colleagues that it was a group of leaders in Los Angeles, by some very direct action, that brought me to the floor of the U.S. Senate today.

I want to thank the Women's Coalition Against Ethnic Cleansing for their critical work. Comprised of 19 Los Angeles community, health, and religious groups, this groundbreaking coalition has members that are Christian, Moslem, and Jewish.

I believe that this unity, Madam President, is a model for all of us.

Today, six of their fine leaders will travel from Los Angeles to Croatia to meet with rape victims and counselors in the refugee camps, provide them

with counseling and medical information, and conduct a study to ascertain our best method of helping them.

I was deeply touched by the news of their journey and the letter that they sent me.

Madam President, I ask unanimous consent that the text of this letter be printed in the RECORD.

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

WOMEN'S COALITION  
AGAINST ETHNIC CLEANSING,  
Los Angeles, CA, March 4, 1993.

Senator BARBARA BOXER,  
U.S. Senate, Washington, DC.

DEAR SENATOR BOXER: We are writing to you as members of the Women's Coalition Against Ethnic Cleansing, to urge you to speak out and take action against the atrocities that have been inflicted upon the women of the former Yugoslavia over the last ten months. Bosnian women and girls are victims of organized rape, torture, and forced impregnation by the Serbian paramilitary troops. Rape has always been a horror of war, but this time it is being used as a deliberate strategy to "ethnically cleanse" the Balkans.

The Women's Coalition Against Ethnic Cleansing was called together by the Muslim Women's League, American Jewish Congress, and the Religious Sisters of Charity of the L.A. Catholic Archdiocese specifically to address these outrages. We are comprised of nineteen Los Angeles community organizations and dozens of active citizens. We have come together because we are horrified by the stories we are hearing about our sisters in the Balkans. One of the many, many stories goes as follows:

"Z.N., age 40

"As soon as we entered a camp, "marticevic" [followers of Milan Martić, a Serbian leader] came in with guns and selected younger women and girls. They put them in the hall and told the Chetniks [Serbs] to do with the women what they pleased.

"There was silence. Then the crazy, dirty, stinking Chetniks jumped at the women like animals; they tore off their clothes, pulled their hair, cut their breasts with their knives. They'd cut the belly of the women who wore the traditional Muslim baggy trousers. Those who screamed would be killed on the spot.

"New York Times, December 13, 1992."  
As a woman, and as a compassionate human being, we know that you can not be unmoved by the above testimony. The numbers of victims are vast—20,000 to 50,000 women and girls as young as seven years old have been raped and gang raped in this conflict. The statistics are so varied because many of the victims have been killed and many are too ashamed to tell others of the atrocities inflicted upon them.

The mission statement of the Coalition Against Ethnic Cleansing is attached. We are proud to be a part of such a diverse coalition, and hope you will support our work.

Can we count on you to use your influence in the Senate, on behalf of your constituents in California, and on behalf of the voiceless women of Bosnia-Herzegovina, to help put an end to these atrocities? We would very much appreciate a response to this appeal.

Thank you very much,  
Dr. LENA AL-SARRAF,  
Rabbi LAURA GELLER,  
Sister ANN GIBLIN.

WOMEN'S COALITION AGAINST ETHNIC  
CLEANSING—STATEMENT OF PURPOSE

This coalition was formed to speak out and take action against the atrocities taking place in Bosnia-Herzegovina, with a specific focus on acts of violence against women. By working with the appropriate individuals and organizations in the U.S. government, the U.N. and the former Yugoslavia we hope to achieve the following goals:

1. To publicize that rape is a war crime, breaching the fourth Geneva Convention, which provides that women shall be protected against rape, enforced prostitution, or any form of indecent assault.

2. To officially document the sexual violence against women and children so the crimes can be prosecuted.

3. To acknowledge the devastating impact of rape and the urgent need to provide treatment services for the survivors.

4. To close all concentration camps with particular attention to liberating sequestered women.

5. To heighten public awareness of the plight of the Bosnian people who are the victims of "ethnic cleansing" and are currently receiving little or no foreign assistance.

6. To insist that the United States government use its influence in the United Nations to put an end to the human rights violations and foster negotiations for a peaceful and just settlement.

Mrs. BOXER. Members of this coalition know that even when this war ends—and we all pray that it ends soon—it will still wage on for the victims of rape and forced pregnancy who must live with these consequences. As you know well, Madam President—because we are working together to stop the violence against women in this country and around the world—for victims of rape there is no end.

From girls as young as 6 to women in their eighties, it is estimated that as many as 50,000 women have had their lives and dignity swept away. Madam President, these women are much more than simple casualties of war.

In a place where rapes are carried out as military orders and rape victims are either killed or shamed into silence, it is difficult for us to know how many tens of thousands of women have been sentenced to live with this physical and psychological pain.

We have all heard the horror stories: Rapes of young girls in front of their fathers, mothers, siblings, and children; gang rapes so brutal that the victims die; Moslem women raped by soldiers in prison camps and forced to bear their children.

In a New York Times article, one rape victim recounted her story, saying:

[They] jumped at the women like animals; they tore off their clothes, pulled their hair, cut their breasts with their knives. They'd cut the belly of the women who wore the traditional Muslim baggy trousers. Those who screamed would be killed on the spot.

As the world watched Bosnia's first war crimes trial unfold last weekend, the Serbian defendant described how, under orders, he gang-raped and murdered nine Moslem women. Madam President, this is incomprehensible brutality.

So, although we need to look at the problems facing California and our Nation, we must also open our eyes to this brutality.

I was gratified by the U.N. Security Council vote in February to set up an international tribunal to prosecute people accused of war crimes, including rape, in the former Yugoslavia.

Make no mistake about it. Under International Law, these atrocities are "crimes against humanity." They are a horrific extension of the Serbian military policy of ethnic cleaning, a campaign designed to humiliate, degrade and destroy the lives, and cultural identity of people living in the former Yugoslavia.

We in this distinguished body must work with the Clinton administration and with key community groups like the Coalition Against Ethnic Cleansing to offer long-term assistance to these victims.

I am proud to join my distinguished colleagues, Senator LAUTENBERG, Senator DANFORTH, and Senator DECONCINI in their efforts to secure recognition of these atrocities, punishments for its perpetrators and assistance to its victims.

Madam President, I do not relish the thought of talking about these crimes here on the U.S. Senate floor. But I know we must continue to call attention to them until they end.

I yield the remainder of my time.

NATIONAL VOTER REGISTRATION  
ACT OF 1993

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. FORD. Madam President, I suggest the absence of a quorum and ask unanimous consent the time be equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Madam President, I now ask unanimous consent that the cloture vote scheduled for 2 p.m. today be vitiated.

I further ask unanimous consent that the bill be considered under the following agreement: The Senate vote back to back on or in relation to each of the two pending Simpson amendments numbered 128 and 129 without intervening action or debate; that following the disposition of the Simpson amendments, Senator MCCAIN be recognized to offer his amendment No. 112, relative to military registration and vot-

ing, on which there will be 10 minutes for debate to be equally divided in the usual form; that following the disposition of the McCain amendment, Senator HELMS be recognized to offer his amendment No. 111 on which there will be 15 minutes of debate equally divided in the usual form; that following the disposition of the Helms amendment, the managers offer the balance of the core package on which there will be no time for debate, and following the offering of the core package, the amendment be deemed to have been agreed to and the motion to consider be laid upon the table; that following the adoption of the core package, the bill be advanced to third reading and the Rules Committee be discharged from further consideration of H.R. 2 and the Senate proceed to its immediate consideration; that all after the enacting clause be stricken and the text of S. 460, as amended, be inserted and H.R. 2 be advanced to third reading and final passage occur immediately, all without any intervening action or debate.

I further ask unanimous consent that upon the completion of that vote, the Senate, without any intervening action or debate, insist on its amendment, request a conference with the House and the Chair be authorized to appoint conferees.

The PRESIDING OFFICER. Is there objection?

Mr. WALLOP. Reserving the right to object, and I do not intend to. This does not preclude a recorded vote on the final passage?

Mr. MITCHELL. No, it does not, and it is my intention that there will be a recorded vote on final passage.

Mr. WALLOP. I have no objection.

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

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The distinguished minority leader.

Mr. DOLE. Mr. President, first I thank the majority leader and the two managers of the bill, the two Senators from Kentucky, and others who have been wrestling with this bill for some time. I have visited with the majority leader, and I think I know the answer to the question but for the record I would like to propound the question: It will be the intent of the Senate conferees to insist on the Senate provisions? I think that is one of the critical areas. I know the majority leader will not be a conferee; this Senator will not be a conferee. But it is important that we try to prevail in conference. And I appreciate the majority leader's response.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. MITCHELL. Although, as the Republican leader has correctly noted, I will not be a conferee, I do commit to making a good faith effort to see that the Senate position is maintained in conference.

Mr. DOLE. Would it be fair for me to ask the same question of the distinguished Senator from Kentucky?

Mr. FORD addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. FORD. I have pledged for some time now to make a good faith effort in the conference. I suspect I will be a conferee. And under those circumstances, I pledge to my colleagues—and I have done that for some time; it is now on the record—that I will make a good faith effort to see that the Senate's position is maintained.

Mr. DOLE. I appreciate that response from both the majority leader and the distinguished Senator from Kentucky [Mr. FORD]. We are prepared to proceed. I think we can complete action on this bill in the next couple of hours and then move on, as the majority leader would like, to the budget resolution.

Mr. MCCONNELL addressed the Chair.

The PRESIDING OFFICER (Mr. ROBB). The Chair recognizes the Senator from Kentucky [Mr. MCCONNELL].

Mr. MCCONNELL. Mr. President, let me say to my colleagues on this side of the aisle that we have now gained concurrence to the core package that was offered by this Senator to the manager on the other side last Friday. I appreciate the cooperation of the majority leader, the Republican leader, and my colleague from Kentucky in reaching this point. I also want to express my gratitude to Senator MITCHELL and Senator FORD for their willingness to stand firm in support of the Senate version of this measure once it reaches conference.

Mr. President, I yield the floor.

#### AMENDMENT NO. 128

Mr. FORD. I now move to table amendment No. 128 and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. SIMPSON. I announce that the Senator from Rhode Island [Mr. CHAFEE] and the Senator from South Dakota [Mr. PRESSLER] are necessarily absent.

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

The result was announced—yeas 58, nays 40, as follows:

[Rollcall Vote No. 34 Leg.]

#### YEAS—58

Akaka	Boxer	Byrd
Baucus	Bradley	Campbell
Biden	Breaux	Conrad
Bingaman	Bryan	Daschle
Boren	Bumpers	DeConcini

Dodd	Kerrey	Nunn
Dorgan	Kerry	Pell
Durenberger	Kohl	Pryor
Exon	Krueger	Reid
Feingold	Lautenberg	Riegle
Feinstein	Leahy	Robb
Ford	Levin	Rockefeller
Glenn	Lieberman	Sarbanes
Graham	Mathews	Sasser
Harkin	Metzenbaum	Shelby
Heflin	Mikulski	Simon
Hollings	Mitchell	Weilstone
Inouye	Moseley-Braun	Wofford
Johnston	Moynihan	
Kennedy	Murray	

#### NAYS—40

Bennett	Gorton	McConnell
Bond	Gramm	Murkowski
Brown	Grassley	Nickles
Burns	Gregg	Packwood
Coats	Hatch	Roth
Cochran	Hatfield	Simpson
Cohen	Helms	Smith
Coverdell	Jeffords	Specter
Craig	Kassebaum	Stevens
D'Amato	Kempthorne	Thurmond
Danforth	Lott	Wallop
Dole	Lugar	Warner
Domenici	Mack	
Faircloth	McCain	

#### NOT VOTING—2

Chafee	Pressler
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So the motion to table the amendment (No. 128) was agreed to.

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

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

The motion to lay on the table was agreed to.

#### AMENDMENT NO. 129

Mr. FORD addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky [Mr. FORD].

Mr. FORD. Mr. President, I move to table amendment No. 129 and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Ohio [Mr. METZENBAUM] is necessarily absent.

Mr. SIMPSON. I announce that the Senator from South Dakota [Mr. PRESSLER] is necessarily absent.

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

The result was announced—yeas 58, nays 40, as follows:

[Rollcall Vote No. 35 Leg.]

#### YEAS—58

Akaka	Dodd	Kennedy
Baucus	Dorgan	Kerrey
Biden	Durenberger	Kerry
Bingaman	Exon	Kohl
Boren	Feingold	Krueger
Boxer	Feinstein	Lautenberg
Bradley	Ford	Leahy
Breaux	Glenn	Levin
Bryan	Graham	Lieberman
Bumpers	Harkin	Mathews
Byrd	Hatfield	Mikulski
Campbell	Heflin	Mitchell
Conrad	Hollings	Moseley-Braun
Daschle	Inouye	Moynihan
DeConcini	Johnston	Murray

Nunn	Robb	Simon
Pell	Rockefeller	Wellstone
Pryor	Sarbanes	Wofford
Reid	Sasser	
Riegle	Shelby	

**NAYS—40**

Bennett	Faircloth	McConnell
Bond	Gorton	Murkowski
Brown	Gramm	Nickles
Burns	Grassley	Packwood
Chafee	Gregg	Roth
Coats	Hatch	Simpson
Cochran	Helms	Smith
Cohen	Jeffords	Specter
Coverdell	Kassebaum	Stevens
Craig	Kempthorne	Thurmond
D'Amato	Lott	Wallop
Danforth	Lugar	Warner
Dole	Mack	
Domenici	McCain	

**NOT VOTING—2**

Metzenbaum	Pressler
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So the motion to table the amendment (No. 129) was agreed to.

Mr. **FORD**. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. **MCCONNELL**. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The **PRESIDING OFFICER**. Under the previous order, the Chair recognizes the Senator from Arizona [Mr. **MCCAIN**] for the purpose of offering an amendment.

**AMENDMENT NO. 112**

(Purpose: To require procedures to be developed and implemented to register voters upon their being inducted into the Armed Forces and to allow members of the Armed Forces to vote by absentee ballot)

Mr. **MCCAIN**. Mr. President, I call up amendment No. 112.

The **PRESIDING OFFICER**. The clerk will report.

The legislative clerk read as follows:

The Senator from Arizona [Mr. **MCCAIN**], for himself, Mr. **GRAMM**, and Mr. **THURMOND**, numbered 112.

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

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

The amendment is as follows:

At the appropriate place, insert the following:

**SEC. . REGISTRATION AND VOTING BY MEMBERS OF THE ARMED FORCES.**

(a) Each State and the Secretary of Defense shall jointly develop and implement procedures—

(1) in the case of persons who are inducted into the Armed Forces of the United States after the date that such procedures have been developed and implemented, to register those persons to vote at the time and place of induction;

(2) in the case of persons who are members of the Armed Forces of the United States on that date, to register those persons to vote at their place of duty; and

(3) that the Secretary of Defense annually forward to the States the names and places of duty of every individual registered to vote and serving in the Armed Services;

(4) that the States treat the list designated in (a)(3) of this Section as a request for an absentee ballot.

(b) Absentee Voting.—(1) Each State shall—

(A) accept Federal write-in absentee ballots from members of the Armed Forces of the United States and their spouses and dependents for both special and general elections for Federal office;

(B) treat each request for an absentee ballot by a member of the Armed Forces of the United States or their spouses or dependents as a request for an absentee ballot to vote in all special and general elections for Federal office held during the calendar year in which the request is made.

(2) A State shall not impose or enforce any requirement that a request for an absentee ballot by a member of the Armed Forces of the United States or their spouses or dependents be made within a certain length of time prior to the date of a special or general election for Federal office.

The **PRESIDING OFFICER**. Under the previous order, debate is limited to 10 minutes, with the time equally divided.

Who yields time?

Mr. **MCCAIN**. Mr. President, I yield myself 4 minutes.

The **PRESIDING OFFICER**. The Senator from Arizona is recognized accordingly.

Mr. **MCCAIN**. Mr. President, this amendment mandates that all individuals inducted into the military be automatically registered to vote at the time they are inducted; that all men and women currently serving in the military be registered to vote at their place of duty; that the Secretary of Defense annually send to the States a list of all individuals serving in the military who are registered to vote; and that the States treat this list as an official request for an absentee ballot.

Mr. President, there are further provisions to the amendment, but that is basically the thrust of it.

The fact is that there are as many as 200,000 men and women in the military who sought to vote in the 1988 election and were unable to do so, for a variety of reasons—printing of the ballots, late delivery of ballots, confusion over the dates of primaries, and other reasons.

We are depriving the men and women in the military of one of the most precious rights solely because of the fact that they happen to serve in the military.

There is no reason, in my view, to vote against this amendment. To do so would be to go against the words of the distinguished majority leader. The majority leader yesterday said:

It is a very simple issue here: whether Americans will be able to register and vote. And they are afraid to have more Americans registering and voting because they think they will not vote for them. What a lack of confidence in democracy; what a lack of confidence in their own message; \* \* \* Fewer people registering, fewer people voting, that is the message that this opposition sends.

Mr. President, any opposition to this amendment contradicts directly the majority leader's words of yesterday. The men and women who serve in the military should be given every oppor-

tunity to register to vote and to vote. The same opportunities that any non-serving citizen of this country will possess under this legislation.

The fact is that men and women in the military are forced to live under very inconvenient circumstances. Normally, these men and women do not reside in the States or districts in which they would be voting. I believe it is our job, in our efforts to make this legislation inclusive, to include the men and women who are in the military.

Mr. President, if this amendment is voted down, then the intent of this law is to exclude the men and women in the military. Because the fact is a "no" vote on this amendment will make it more difficult for them to register to vote and to vote than any other segment of our society.

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

The **PRESIDING OFFICER**. The Senator's time is reserved.

Who yields time?

Mr. **FORD**. Mr. President, I yield myself 3 minutes.

The **PRESIDING OFFICER**. The Senator is recognized for up to 3 minutes.

Mr. **FORD**. Mr. President, the distinguished Senator indicated that if you vote against this you are voting against heaven, home, motherhood, and apple pie.

We accepted his original amendment—it is now in the bill—to register at the required military recruitment offices. That is included in the mandatory base registration program. We accepted that. We had no problem with that. So now he wants to expand it. It is always something different.

This would mandate—mandate—that a service man or women be registered at induction centers.

Well, if they do not want to register, they do not have to under our bill. But, under this one, it mandates it.

This goes beyond the bill because it makes an individual a registered voter at their place of duty. It takes away from individuals their choice on whether to register or not. It takes away the responsibility of registrars to register citizens. It mandates that the Secretary of Defense forward the list of registered voters at military bases to the States. This list will serve as a request for an absentee ballot. The individual has no choice under this legislation.

And it would override State law—override State law on absentee ballots. When they want something over there we hear so much about States' rights. Now they want to override State law. This amendment goes beyond registering people to vote.

S. 460 deals with voter registration, not voting. And that is what is being mandated in this amendment. This amendment would seriously override—and I underscore again seriously override—State law. There is already a cur-

rent law, and the Senator knows that, for assisting military personnel to register a vote. On every military base and on every ship there is a designated officer whose responsibility it is to assist actively—and I underscore the word actively—uniform personnel to register and to vote.

One other item: If they go into the service and they have a driver's license, they are already registered. So this one mandates that you register again. The registrar has to send this duplicate registration. He has to send that in. So we are just overloading registrars. We are overriding State law. And people, I believe, have a right to decline to vote; decline to register. That is their right. This mandates it, whether you like it or not.

He does that by waving the flag. I hope I am as patriotic and supportive of the military as I can possibly be. But under these circumstances the Federal Voting Assistance Program—I ask for 1 more minute.

The PRESIDING OFFICER. The Senator is recognized for 1 additional minute.

Mr. FORD. This program that we now have works directly out of the Office of the Secretary of Defense. This office has developed a universal registration form. It is a program that works well in the military. In fact during the gulf war this office worked to provide that registration requests and absentee ballots were even faxed. So they have worked well. The House is already considering amendments to the Uniformed and Overseas Citizens Absentee Voting Act. If the Senator believes the program is not working well in the military, he should offer his amendment to that bill.

I am not trying to say it should not be changed. But this is mandating it. They have to register whether they want to or not. They have to apply for an absentee ballot whether they want it or not. And if they are already registered, they register a second time. This is redundant in my opinion. I hope the appropriate vehicle is the Uniformed and Overseas Citizens Absentee Voting Act.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator's remaining time is reserved. The Chair recognizes the Senator from Arizona.

Mr. MCCAIN. Mr. President, I yield myself whatever time I have remaining.

The PRESIDING OFFICER. The Senator has 2 minutes 16 seconds remaining.

Mr. MCCAIN. I will go ahead and use it.

Mr. President, obviously no one questions the patriotism or love of country of the distinguished senior Senator from Kentucky. He has proved that many times. But I do question his knowledge of the facts.

When he says a designated officer is there in a unit to assist in voting, he should know, as I know the distinguished President does, that the voting assistance duty is 1 of about 15 collateral duties that the most junior officer in the unit must undertake. The facts are the facts. Over 200,000 men and women who wanted to vote in the 1988 election did not. They were not given that privilege, according to the Department of Defense. And the reasons were delays in printing and mailing absentee ballots. This amendment is trying to cure that.

I have not the foggiest notion what the distinguished Senator from Kentucky is talking about. Put it on another bill? This bill is about registering and voting. The distinguished majority leader yesterday said this legislation is about voting. I am trying to allow these men and women in the military—not the ones who are taking from this country, not those on the welfare rolls, but those who are giving to this country, many times at the risk of their very lives—I am trying to give them the opportunity to vote. That is what this amendment is all about.

If the Senator from Kentucky feels they should not have that right to vote and he disagrees with the fact that over 200,000 of them were not allowed to vote in the 1988 election, that is fine. But the facts are the facts. And the facts are 200,000 men and women in uniform should have been able to exercise their right to vote. They were unable to do so because of their service, their giving to our country at the risk of their lives. I believe this amendment clearly is appropriate and should be passed. I yield the remainder of my time.

The PRESIDING OFFICER. The time of the Senator is yielded back. Who yields time?

The Senator from Kentucky, Senator FORD, has 52 seconds remaining.

Mr. FORD. Mr. President, I understand where the Senator is coming from. I understand his language very well.

I am not trying to prevent anyone from voting. I am trying as best I can—the prevention of voting has been in that arena and not over here. We have been trying to expand it. I am just trying to point out the duplication that he is bringing about, and the mandatory way in which he is saying they will register, they will apply for an absentee ballot whether they want one or not. I am not trying to prevent them from voting.

I have seen the company commanders assign it to the platoon leaders and assign it to the squad leaders to make sure everybody in that company is registered. Then they have to bring the slip back. When they bring the slip back they have to prove they have voted, also. So there is a real military effort. I have seen that happen.

The PRESIDING OFFICER. The time has expired.

Mr. FORD. Mr. President, I move to lay the amendment on the table.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the amendment of the Senator from Arizona. The clerk will call the roll.

The bill clerk called the roll.

Mr. SIMPSON. I announce that the Senator from Utah [Mr. BENNETT] and the Senator from South Dakota [Mr. PRESSLER] are necessarily absent.

I further announce that, if present and voting, the Senator from Utah [Mr. BENNETT] would vote "nay."

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

The result was announced—yeas 58, nays 40, as follows:

[Rollcall Vote No. 36 Leg.]

YEAS—58

Akaka	Ford	Mitchell
Baucus	Glenn	Moseley-Braun
Biden	Graham	Moynihan
Bingaman	Harkin	Murray
Boren	Hatfield	Nunn
Boxer	Heflin	Packwood
Bradley	Hollings	Pell
Breaux	Inouye	Pryor
Bryan	Johnston	Reid
Bumpers	Kennedy	Riegle
Byrd	Kerrey	Robb
Campbell	Kerry	Rockefeller
Conrad	Kohl	Sarbanes
Daschle	Krueger	Sasser
DeConcini	Leahy	Shelby
Dodd	Levin	Simon
Dorgan	Lieberman	Wellstone
Exon	Mathews	Wofford
Feingold	Metzenbaum	
Feinstein	Mikulski	

NAYS—40

Bond	Faircloth	McCain
Brown	Gorton	McConnell
Burns	Gramm	Murkowski
Chafee	Grassley	Nickles
Coats	Gregg	Roth
Cochran	Hatch	Simpson
Cohen	Helms	Smith
Coverdell	Jeffords	Specter
Craig	Kassebaum	Stevens
D'Amato	Kempthorne	Thurmond
Danforth	Lautenberg	Wallop
Dole	Lott	Warner
Domenici	Lugar	
Durenberger	Mack	

NOT VOTING—2

Bennett	Pressler
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So the motion to lay on the table the amendment (No. 112) was agreed to.

Mr. FORD. I move to reconsider the vote by which the motion was agreed to.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the Senator from North Carolina [Mr. HELMS] is recognized.

AMENDMENT NO. 111

(Purpose: To exempt from the Motor Voter Act, any State which would have to raise taxes to comply with the mandates of this Act)

Mr. HELMS. Mr. President, I thank the Chair. I have an amendment at the desk. I ask that it be called up and stated.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from North Carolina [Mr. HELMS], for himself, Mr. PRESSLER, Mr. SMITH, Mr. BROWN, Mr. COATS, Mr. COCHRAN, Mr. COVERDELL, Mr. D'AMATO, Mr. DOLE, Mr. FAIRCLOTH, Mr. GRAMM of Texas, Mr. GREGG, Mr. HATCH, Mr. LOTT, Mr. MACK, Mr. MCCAIN, Mr. MCCONNELL, Mr. MURKOWSKI, Mr. SIMPSON, Mr. STEVENS, Mr. THURMOND, and Mr. WALLOP, proposes an amendment numbered 111:

At the appropriate place in the bill, add the following:

"SEC. . . Notwithstanding any other provision of this Act, a State shall be exempt from this Act, if its Governor determines and so certifies to the Attorney General of the United States that compliance with this Act would force it to expend additional public funds, making it necessary for the State to increase taxes on its citizens."

Mr. HELMS. Mr. President, as I understand it, the UC calls for me to have 7½ minutes. Is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. HELMS. I respectfully ask the Chair to notify me when I have used 4 minutes of that 7½.

The PRESIDING OFFICER. The Chair will so do.

Mr. HELMS. I thank the Chair. During the past couple months, President Clinton has made clear his plans to sock it to the American people with a Federal tax increase of \$360 billion or more.

Now comes this so-called motor-voter bill before us which could very well force the States to increase their taxes as well.

Now, Mr. President, this pending bill requires the States to register voters by mail, in driver's license offices, welfare offices, so forth and so on, ad infinitum. It mandates the States to comply with a host of requirements that will cost the States millions of dollars.

Mr. President, Congress finds pure delight in passing mandating legislation and forcing the States to pick up the tab. Congress passes the bill and Congress passes the buck. The pending amendment forbids this buck-passing under this unwise piece of legislation. It tells the States that if they do not have the funds to meet the mandates in the so-called motor-voter bill, and if one or more Governors certify that their States will have to raise taxes to comply, then the deal is off—kaput, kaput. These States will not be forced to comply.

Mr. President, the mandates in this bill will cost the States a lot of money, as I have indicated.

The CBO estimates it will cost the American taxpayers at least \$20 to \$25 million a year. That certainly does understate it. The States will have to pay for the mailings, for printing materials, and a plethora of other burdensome costs.

For example, North Carolina election officials have already requested from the North Carolina Legislature \$3.1 million just to buy a computer system so that they will have a chance to fight election fraud made possible by this legislation. These officials tell me that it will cost \$0.5 million a year to maintain and operate the computer system. This may be chicken feed to the big spenders in Washington, DC, and in the U.S. Senate, but it is a chunk of money to the folks back home in North Carolina.

Mr. President, CBO admits that it has not included in its estimate the cost of computer systems. Computers will be imperative because the bill allows a person who has moved to vote in his or her current or former polling place.

Several States have attempted to estimate the cost of implementing this bill. California, for example, estimates that this bill will cost the taxpayers of California \$26 million; Illinois projects a cost of \$30.4 million; New Jersey estimates \$20.3 million; Virginia, \$5 million; and so on.

I have counted far more than \$87 million in additional costs to the taxpayers form this one bill—far more than that little old \$20 million that had been bandied about by the proponents of this legislation.

Mr. President, the Congress should not push States into a corner and leave the States with no alternative to raising taxes. That is the purpose of this amendment.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator has 3½ minutes remaining.

Mr. FORD. Mr. President, my distinguished friend from North Carolina mentioned all of the costs in California. I have a letter from the comptroller general of the State of California. I ask unanimous consent that the letter be printed in the RECORD.

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

CONTROLLER OF THE  
STATE OF CALIFORNIA.

Sacramento, CA, March 4, 1993.

HON. WENDELL H. FORD,  
Chair, Senate Committee on Rules and Administration, Russell Senate Office Building, Washington, DC.

DEAR SENATOR FORD: I wish to lend my support to S. 460, the National Registration Act of 1993.

Opponents of the legislation have raised the issue of cost as a reason to block this important initiative. As California's chief fiscal officer, I believe their concerns are overstated and should not overshadow the clear benefits of this bill.

Exact costs will only be calculated once a specific implementation plan is determined.

Furthermore, many of the costs will be one-time start-up costs, not on-going program expenditures. In any case, the cost would be but a fraction of the overall expense of holding an election.

Much of the additional expense is associated with having more people on the voter rolls—an estimated 2.2 million new registrants. I believe we should not put a price tag on citizen participation, so long as those costs are within reason—which in this case they clearly are.

In the case of S. 460, the costs of registering more voters is very modest, especially compared to the overall administrative costs of holding an election.

I strongly urge passage of this legislation to expand participation in the electoral process.

Sincerely,

GRAY DAVIS,

Controller, State of California.

Mr. FORD. But the exact cost, Mr. President, according to this letter, will only be calculated once the specific implementation plan is determined. Further, many of the costs will be one-time startup costs, not ongoing program expenditures. In any case, the cost will be but a fraction of the overall expense of holding an election.

So here is a letter from the comptroller of the State of California. I think that speaks volumes for California, and they are not putting it into the tens of millions of dollars that we talk about here.

I think the distinguished Senator from Illinois has made some right good, valid points this afternoon on the mandates. The CBO estimates that this will cost approximately \$20 million. CBO also estimates that the States will save \$10 million. That is half of it. Then we give them credit as it relates to mailing, and et cetera. That brings it almost back to a balance. So in essence, we are not imposing this on the States, and the cost is minimal.

Texas, for instance, implemented motor-voter, and it did not add a dime to the appropriations bill in Texas. And already this year, they have added almost 50,000 new voters to the rolls, at no cost to the State of Texas.

As it relates to computers, this bill does not require computers. This bill does not say anything about computers. If States want to have computers, most States do. Poor little old Kentucky has computers. All of our voter rolls are on computers today. They have been on the rolls by computer for 20 years. So I do not think we would have any expansion of computers as it relates to the cost.

I do not think we can put a price tag, however, on democracy. All we are doing here is encouraging people to register, and we are increasing the number of people to vote. Many of the States say that the cost is minimal, if anything. So I think Texas is a good criteria here. It is a large State, with no increase in appropriations.

So I hope that this bill seeks only to expand opportunities for citizens to

register. Voting is the essential right to participate in democracy.

It is hard for me to understand why people want to oppose this bill and deny the individual citizen the right to reconnect to the Government.

I hope that we can defeat this amendment, Mr. President.

I reserve the remainder of my time.

Mr. McCONNELL addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. HELMS. I yield 2 minutes to the distinguished Senator from Kentucky.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. Mr. President, I want to commend my friend and colleague from North Carolina for this most important amendment. There is not any question this is an unfunded mandate, and it is going to cost a lot of money. Even the secretaries of state—I say to my friend from North Carolina—who support the bill, have a letter here dated January 25, 1993, to Congressman AL SWIFT from the president of the National Association of Secretaries of State endorsing the bill. But in the final paragraph, the president of this organization says:

There is no one caveat, however, in our support of H.R. 2. As an organization of State officials, we are understandably concerned about the fiscal impact of any unfunded Federal mandate, no matter how laudable the intent. Therefore, as you will note in the resolution, our support as an association for motor voter is conditioned on the appropriation of funds to implement its requirements.

There is no question, I say to my friend from North Carolina, that this is going to bring about tax increases in some States. This ridiculous argument that it is not going to cost anything is just simply not supported by the facts. Senator MCCAIN pointed out that in Maricopa County, AZ, alone, they estimate \$900,000.

My friend from North Carolina referred to California, with an estimate of \$26 million. We have here a letter from the county clerk in one county in California that estimates a one-time implementation cost of \$182,000, and annual costs of over \$300,000. There is not any question there are going to be higher taxes mandated as a result of this.

Finally, let me say, Mr. President, since there will be no debate, apparently, on final passage, there is just one other point I want to make. We received just today a communication from a county clerk in Illinois with regard to the bill. The communication indicates as follows: It has come to our attention that there may be some limiting language placed in an amendment to the motor-voter bill. In essence, this would allow grandfathering those States with election day registration.

Let me just paraphrase what this county clerk from Illinois, in a communication to us today, said.

He is disappointed that in the core amendment, which we will adopt shortly, the possibility of opting out of motor-voter and going to same-day registration or no registration will apparently be removed.

You know why he is disappointed? He is letting us know that is what they are going to do in Illinois. They have already introduced legislation in Illinois indicating they are going to same-day registration, or will simply allow voters to come up and swear out an affidavit and vote.

So I say to my friend from North Carolina, the core package which we are about to adopt is essential to prevent same-day registration, or no registration at all, all across America in the coming years.

Mr. HELMS. How much time do I have remaining?

The PRESIDING OFFICER. One minute.

Mr. HELMS. I yield to my distinguished colleague from North Carolina.

Mr. FAIRCLOTH. Mr. President, in last year's campaign, one of the issues in the campaign was replacing welfare with workfare.

The taxpayers of this country do not mind helping someone who is unable to work. But the taxpayers are equally firm in their conviction in believing that anyone who can work should work in exchange for welfare benefits.

The bill before us, the so-called motor-voter bill, deals with welfare, but instead of registering welfare recipients for work, this bill uses tax dollars that the counties must put up to register welfare recipients to vote. I do not think any Senator is against anybody registering or exercising their right to vote. Nobody is against that. But this bill discriminates against the taxpayer in favor of the welfare recipient. If you go to the welfare office to apply for welfare, under this bill, you will be automatically registered to vote—contrast that with the treatment of the taxpayer who goes to the tax office. Under this bill, a taxpayer will not automatically be registered to vote if he or she goes to the tax office to pay taxes. Welfare recipients are in effect automatically registered to vote so they can vote for politicians who promise a bigger benefit. But the taxpayers who have to pay for the benefits are treated as second-class citizens under motor-voter.

Mr. FORD. Mr. President, let me say, since all time has expired—and I will be very quick—the core amendment eliminates the Senator's argument. We have an amendment here right now that eliminates agency-based. So your argument as it relates to this bill now is eliminated, I say to my friend.

Mr. FAIRCLOTH. I ask unanimous consent for 2 minutes to finish the speech.

The PRESIDING OFFICER. Is there objection?

Mr. FORD. Mr. President, I am reluctant to not object to it, and I probably will not, but we have made agreements to do this and many of the Senators are going to meetings and to hearings.

The PRESIDING OFFICER. The Senator from Kentucky has 3½ minutes remaining.

Mr. FORD. I yield a minute of my time to the Senator.

Mr. FAIRCLOTH. Mr. President, in answer to the distinguished Senator from Kentucky, it may be true that this bill no longer requires the designation of welfare offices to register recipients to vote, but it still allows the States to require welfare offices to register persons to vote. Welfare recipients, in effect, automatically are registered to vote. So they can vote for politicians who promise a bigger benefit, but the taxpayers who pay the taxes are treated as second-class citizens and are not automatically registered to vote.

We have far too many mandated programs. By your most conservative estimate, this is going to cost \$25 million. We know it will cost much more than \$25 million, and every county and city in the State is going to have to come up with the ad valorem taxes to pay for it.

There is no room in the budget of State and local governments to pay for this. The State and local officials are going to have to raise property taxes or sales taxes or some kind of tax to get the money to pay for this. Maybe it should be called the motor-voter tax because of the likelihood that property taxes will almost certainly be raised to pay for this. At the very least, this bill should be amended so that any Governor who certifies it will force a tax increase in his State will not be forced to carry it out.

I think it is time we get on with what we came up here to do; that is, to work on the economy, cut the budget, and quit working on motor-voter. The people back home tell me to cut spending, cut taxes, and reduce the deficit. They want workfare, not welfare. I am going to listen to the people.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Kentucky has all of the remaining time.

Mr. HELMS. I ask unanimous consent that Senator KEMPTHORNE be added as a cosponsor.

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

Mr. HELMS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. FORD. I reiterate that my friend's argument is now removed, because in the unanimous-consent agreement that we arrived at earlier, only the States may have agency based. So

his argument, basically, is moot. If your State does not want it, under the unanimous-consent agreement we have, they do not have to use the welfare agencies, unemployment agencies, and things of that nature. I wanted him to know that. In this agreement, that is out of the piece of legislation.

Mr. President, it is awful hard. I talked to our two new Senators from California. They basically want this everywhere. A few disgruntled States, or county clerks, and some others, do not want to do it. But the State controller talks about the very minimal costs. We have the secretary of state that will handle this, who is very much in favor of it. I was a little bit amused at the letter from the president of the National Secretaries of State group when they were disappointed in the amendment that you all wanted to put on, and that was to eliminate the same-day registration. So he would prefer that we go to that. We have acceded to your side to accept that amendment, and that clerk is a little bit unhappy with you now, that they wanted to go the other route. I am glad that we took that and look forward to working on this piece of legislation in conference, as we agreed to earlier.

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

The PRESIDING OFFICER. The Senator from Kentucky has yielded back the remaining time.

Mr. FORD. Mr. President, I move to table the amendment of Senator HELMS and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second. The yeas and nays were ordered.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk called the roll.

Mr. FORD. I announce that the Senator from Hawaii [Mr. INOUE] is necessarily absent.

Mr. SIMPSON. I announce that the Senator from South Dakota [Mr. PRESSLER] is necessarily absent.

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

The result was announced—yeas 59, nays 39, as follows:

[Rollcall Vote No. 37 Leg.]

YEAS—59

Akaka	Exon	Leahy
Baucus	Feingold	Levin
Biden	Feinstein	Lieberman
Bingaman	Ford	Mathews
Boren	Glenn	Metzenbaum
Boxer	Graham	Mikulski
Bradley	Harkin	Mitchell
Breaux	Hatfield	Moseley-Braun
Bryan	Heflin	Moynihan
Bumpers	Hollings	Murray
Byrd	Jeffords	Nunn
Campbell	Johnston	Packwood
Conrad	Kennedy	Pell
Daschle	Kerrey	Pryor
DeConcini	Kerry	Reid
Dodd	Kohl	Riegle
Dorgan	Krueger	Robb
Durenberger	Lautenberg	

Rockefeller	Sasser	Wellstone
Sarbanes	Simon	Wofford

NAYS—39

Bennett	Domenici	McCain
Bond	Faircloth	McConnell
Brown	Gorton	Murkowski
Burns	Gramm	Nickles
Chafee	Grassley	Roth
Coats	Gregg	Shelby
Cochran	Hatch	Simpson
Cohen	Helms	Smith
Coverdell	Kassebaum	Specter
Craig	Kempthorne	Stevens
D'Amato	Lott	Thurmond
Danforth	Lugar	Wallop
Dole	Mack	Warner

NOT VOTING—2

Inouye	Pressler
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So the motion to table the amendment (No. 111) was agreed to.

Mr. FORD. Mr. President, I move to reconsider the vote by which the motion was agreed to.

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

The motion to lay on the table was agreed to.

Mr. WELLSTONE. Mr. President, may we have order in the Chamber?

The PRESIDING OFFICER. The Senate will be in order. There are a number of Senators seeking recognition.

The manager of the bill is recognized.

AMENDMENTS NOS. 176 AND 177

Mr. FORD. Mr. President, I quote from the unanimous-consent agreement:

Following the disposition of the Helms amendment, the manager will jointly offer the balance of the core package, on which there be no time for debate, and following the offering of the core package, the amendment be deemed to have been agreed to and the motion to reconsider be laid upon the table.

So, in accordance with the unanimous-consent agreement, I send those two amendments to the desk on behalf of the managers of the bill.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. FORD] proposes amendments numbered 176 and 177.

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

The PRESIDING OFFICER. Without objection it is so ordered.

The amendments are as follows:

AMENDMENT No. 176

In section 7(a)(2), strike the word "shall" and insert the word "may".

AMENDMENT No. 177

At the appropriate place insert the following:

Any provision of this Act to the contrary notwithstanding, if State law permits the registrant to vote in the current election upon oral or written affirmation by the registrant of the new address, at the polling place described in section 8(e)(2)(A)(i), or at a central location as described in section 8(e)(2)(A)(ii)(I), or at a polling place described in section 8(e)(2)(A)(ii)(II), voting at the other locations described in section 8(e)(2)(A) need not be provided as options.

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

So the amendments (Nos. 176 and 177) were deemed agreed to.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. WELLSTONE. Thank you, Mr. President, and I thank the Senator from Kentucky.

I just want to make it clear that if we had a recorded vote—Mr. President, could I have order in the Chamber?

The PRESIDING OFFICER. Will Senators cease their conversations in the Chamber?

Mr. WELLSTONE. I will just wait, Mr. President.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Thank you, Mr. President, I thank my colleagues for their courtesy.

I want to make it clear that my vote would have been "no," if we had a recorded vote. I want to make it clear that I think we have made a mistake. I am disappointed, that, in order to pass this bill, we had to essentially change the language when it comes to agency-based registration.

I want to make it crystal clear that I know this is a step in the right direction. I thank Senator FORD, from Kentucky, for all of his work.

But above and beyond motor-voter are citizens in our country who do not have enough money to own an automobile, who would not be able to be registered that way.

The agency-based registration was an attempt to reach out to try and register low-income people, as well. It was the right thing to do, for anyone who wants to expand democracy. It dealt with an economic bias. We should have done it.

I would have voted "no." I hope we can work hard in some way, shape, or form to make sure this becomes ultimately a part of the voter registration bill passed by the U.S. Congress.

I thank the Senator from Kentucky.

Mr. KENNEDY. Mr. President, I urge my colleagues to support the National Voter Registration Act.

The right to vote is the cornerstone of our democracy. Without it, all our other rights are in danger. We are proud of our democracy, and our history has been marked by continuing progress in the effort to extend the franchise to all Americans.

In the past two centuries, a number of key amendments to the Constitution have enlarged the right to vote:

The 15th amendment in 1870 prohibited voting discrimination because of race.

The 19th amendment in 1920 prohibited voting discrimination because of sex.

The 23d amendment in 1961 granted citizens of the District of Columbia the right to vote in Presidential elections.

The 24th amendment in 1964 prohibited the use of poll taxes to restrict the right to vote.

And the 26th amendment in 1971 lowered the voting age to 18.

But while the ideal of broad-based voter participation was being incorporated into the Constitution, registration procedures were adopted in many States that had the effect—and often the intent—of denying the right to vote to many groups, especially racial, religious, and ethnic minorities.

The turn-of-the-century registration laws that swept the country had the good-government purpose of preventing ballot fraud. But those laws also served the ulterior motive of reducing access to the ballot box to the waves of new immigrants reaching our shores.

Under these laws, voters were frequently required to register many months before election day, and registration was often further restricted by limiting the number and the hours of registration sites.

In 1959, the first report on voting rights by the U.S. Commission on Civil Rights revealed a disturbing gap between democratic principles and actual practice with respect to voter registration.

In March 1963, President Kennedy created the President's Commission on Registration and Voting Participation to study the reasons for low voter turnout and recommend solutions. One of the Commission's principal findings was that, "Restrictive legal and administrative procedures in registration and voting are disenfranchising millions."

The words of the Constitution are not always self-enforcing, and in many cases it has been left to Congress to enact statutes to carry out the intent of the Constitution. In 1965, Congress took a giant step in that direction, when it passed the Voting Rights Act to prohibit practices that limit the right to vote on account of race or color.

While we have written the right to vote into our national laws, we have not done enough to ensure that it can be exercised in practice. For millions of Americans, particularly in minority communities, cumbersome and inefficient registration procedures have posed insurmountable barriers to the exercise of this fundamental right. Nearly a quarter century after passage of the Voting Rights Act, the Citizens' Commission on Civil Rights, in its 1988 report, "Barriers to Registration and Voting: An Agenda for Reform," found that, "Substantial barriers to registration and voting continue to exist in many areas of the country. \* \* \* it appears that discriminatory practices inhibit the participation of citizens in the electoral process on account of race, sex, age, income level, and physical disability."

The legacy of these antiquated voter registration laws continues to plague

us. In the 1992 Presidential election, only 54 percent of the voting age population actually voted.

At least partly because of excessive registration requirements, the United States has one of the lowest voter turnout rates among all the major democracies of the world—24th out of 25, according to one study. For all Americans who are justly proud of our role as the world's leading democracy, these low turnout rates are an embarrassment and a disgrace. And there is little doubt that restrictive registration procedures account for much of the lower turnout in the United States.

When we compare the voting rates of registered voters, however, the United States fares better among the other major democracies, ranking 11th out of 24. Thus, although registration reform will not raise voter turnout to the levels in countries where voting is mandatory, it is likely to increase voter participation; one study estimates that easing registration requirements would permit as many as 13 million additional persons to vote.

The National Voter Registration Act is a thoughtful, balanced measure to simplify voter registration procedures and make the ballot box more accessible to millions of Americans. At the heart of the bill is the requirement that States adopt so-called motor-voter, mail, and agency-based registration.

Automatic motor-voter registration can register up to 90 percent of eligible voters. Today, 27 States and the District of Columbia currently permit some form of motor-voter registration.

Motor-voter will have a substantial impact on voter registration. But it cannot do the job alone, since many eligible voters do not drive. For that reason, the bill also encourages States to permit registration at Government agencies that provide public assistance or unemployment compensation, and at other agencies that serve the general public. The bill also requires States to permit registration by mail, a practice now used by 27 States and the District of Columbia.

In addition, the bill bars States from purging persons from the registration rolls for failing to vote. At the same time, the bill permits States to engage in uniform, nondiscriminatory procedures to verify that voters continue to reside in the jurisdiction, if those procedures assure that voters who have changed their residence are still given the opportunity to vote if they have not moved outside the jurisdiction.

The contention that the bill will encourage voter fraud or voting by non-citizens is simply wrong. The bill requires everyone who applies to register to vote to attest that they are U.S. citizens and are eligible to vote. Those who lie can be prosecuted for perjury. The bill also contains tough new Federal criminal penalties for voter fraud.

Those who commit such fraud face up to 5 years in jail.

The experience of registration officials in States across the country that use motor-voter registration confirms that the procedure will not lead to voting by noncitizens or other forms of voter fraud. Instead, it will increase registration and voting by millions of American citizens.

For the 70 million eligible citizens who did not vote in the 1992 election, burdensome and unfair registration procedures are among the biggest obstacles to wider voter participation. This legislation is one of the most effective steps we can take to strengthen our democracy. It is gratifying that the logjam delaying this legislation is finally broken, and I urge the Senate to pass this long-overdue good-Government reform.

Ms. MOSELEY-BRAUN. Mr. President, in a democracy like ours, participation by Americans in our electoral process should be—indeed, must be—encouraged. That is what I tried to do in the State of Illinois when I authored legislation expanding simplifying the registration process. That is what S. 460 attempts to do nationwide now, and that is why I so strongly support it.

Statistics indicate that about 90 percent of Americans who are registered to vote cast their ballots, but that only about 60 percent of the voting age population is registered. S. 460, by making the registration process more accessible, will increase the number of registered voters, and therefore also likely increase the number of Americans who cast their votes on election day.

S. 460 is thus fundamentally a pro-people, pro-democracy bill, and as such, it merits the support of every Member of this body.

S. 460 is not a radical bill. It simply makes the voting registration process easier by requiring States to permit voter registration in three basic ways:

- When applying for a driver's license;
- By mail; and
- In person.

I do not know which candidates and which political party would benefit if more Americans come to the polls. That, however, is not the issue, and must never be the issue on which this bill is judged. Instead, the Senate must keep its focus on what is really important—ensuring that every American has the opportunity to cast his or her ballot.

I am confident that making registration easier and more straightforward will bring more Americans to the polls. Some may dispute that, but what is beyond dispute is that unregistered Americans cannot vote. Public policy, therefore, must be designed to register the largest number of people possible. To do otherwise is to suggest that ballot access only belongs to some Americans, and not all voting-age Americans.

I am encouraged, Mr. President, that the Congressional Budget Office has found that the annual direct cost of the bill is less than \$20 million nationwide. I also understand that CBO estimates that S. 460 will enable local election officials to save between \$7 and \$10 million in part-time employees costs that are now incurred to handle preelection registration rushes. I also think it is important to note that the bill provides approximately \$4 million in annual savings by providing reduced postal rates for mailings required by the bill.

I know some Senators have expressed concern about the possibility of fraud, Mr. President. However, I do not think that fraud is a real problem, and I think the weight of evidence demonstrates that fact fairly conclusively. The Congressional Research Service has studied States that have mail registration programs. CRS, I am pleased to say, found little or no evidence of fraud, and several States reported that fraud was no more prevalent with mail registration than with in-person registration.

It is important to note that the figures on likely costs and the studies on fraud are not merely academic creations; they are based on substantial real-world experience. Twenty-seven States and the District of Columbia now have some form of motor-voter registration in place. In addition, 27 States and the District of Columbia have a process allowing registration by mail. This State experience is one of the foundation stones of S. 460, and it ensures that the structure that S. 460 proposes is both solid and sensible.

Frankly, Mr. President, based on the evidence, I do not understand why some Senators seek to filibuster this bill. I think the evidence of the merits of S. 460, is not just adequate; it is overwhelming and compelling.

I want to conclude, Mr. President, by restating what I said at the outset. It is critically important to our democratic system to provide every voting-age American with the opportunity to cast a ballot. Voting is part of being an American. It is critically important both to individual voters and to our country at large.

This is not a country where we tell people that they have to vote. We do not have the kind of phony 99 percent plebiscites here that we have seen in some other countries. But providing the opportunity to vote is what America is all about. The history of our country is a history of expansion of the voting franchise. Our country is built on giving people the opportunity to vote. That is what S. 460 is all about, and that is why this simple, low-cost, prudently designed bill deserves prompt enactment by the Senate.

Mr. SIMPSON. Mr. President, I rise to express my opposition to S. 460, the National Voter Registration Act. There

are several significant problems with this bill.

This legislation, also called the motor-voter bill, is based on a faulty premise—that low voter turnout is the result of perceived barriers to voter registration. I am fully convinced that when citizens feel that their vote will have an impact, they will indeed, register and cast their ballots. I believe that the greatest reason for low registration is subjective, not objective: It's called voter apathy. The folks outside the beltway hear about the PAC money and the sewer money pouring in, and in some States, they just stay away from polls—in droves.

Instead of targeting the root cause of voter apathy, this bill would create a Federal mandate calling for all sorts of things that sound good in Washington, but would simply be an administrative nightmare back there at home.

As reported by the Senate Rules Committee, this bill calls for motor-voter registration, mail registration, and registration in other Federal and State offices which provide services or benefits. This bill, would create tremendous opportunity for fraud, is once again an important leg of the National Democratic Party trioka: A campaign finance bill to protect their incumbent advantage through taxpayer financing of elections, a so-called Hatch Act reform bill which would allow Federal employees greater opportunities to solicit Democratic PAC contributions, and this dazzling bill which would allow those same Government employees who belong to organizations which since 1985 have contributed over 90 percent of their PAC money to Democrat candidates, the opportunity to provide the additional service of now being voter registrars. Come on. The American people can see through this stuff. It's the brainchild of inside the beltway Democratic Party planners. However, it is strongly opposed by many Democrats and Republicans at the State and local level who will have to pick up the tab for this ill conceived measure.

In Wyoming, all 23 county clerks and our secretary of state, who is a loyal and concerned Democrat, have throughout this bill's legislative history expressed to me their deep objections with regard to this legislation. Let me share with you some of the thoughts of Wyoming's Secretary of State, Kathy Karpan, regarding this bill:

I am wary of any law where a person who is helping dispense or deny public service or assistance is the very same person who is registering voters. Clearly, the public official will encourage the applicant to register. May that same official not make some suggestion, subtle or not, about which party to join? The temptation may be remote, but why create it at all?

How true.

Overlooked by the advocates of this bill are the costs of training all of the additional registrars. Under this bill,

not one Federal dime is authorized for these training costs. I anticipate significant additional costs will be incurred in order to maintain an ongoing training program for new hires, for additional State personnel to supervise compliance with the law, and to increase the salaries of those employees who didn't bargain for Uncle Sam tossing additional registration responsibilities in their lap.

S. 460 is a bill in the truest sense of the word. The State and local governments will be forced to pick up the tab for this one. This is another embrace by the long and intrusive arms of the Federal Government—one arm meddling in an issue best handled locally and the other arm picking their pockets. And for what purpose? To increase voter registration in a State like Wyoming where nearly 73 percent of voting age citizens are already registered to vote, and where 87 percent of those registered actually voted in the 1992 general elections. And that was done without the help of any Federal directive.

If there is anything wrong with our voter registration system, it is best left to our States to fix and fine tune, using their expertise to improve the system. That is exactly what the legislature of Wyoming has done. The Federal bill exempts from its requirements States in which all voters may register at the polling place at the time of voting in a general election for Federal office. In this session of the Wyoming legislature, a law was enacted to allow for such registration. It had the unanimous support of the county clerks and the secretary of state. At least with that alternative, trained registrars, and not others who lack the training and experience, will be registering Wyoming voters. The motor-voter mandates were considered too costly in my State. New motor vehicle laws would have had to be enacted. There would be substantial coordination and training costs. As well, the bill was signed into law on March 5, 1993. Of interest: The Wyoming law contains an automatic repealer if our motor-voter bill by some quirk of fate happens not to be enacted by this Congress. I think that says a great deal about the level of affection that the voter registration experts in my State have for the bill we are considering.

Mr. President, in my opinion campaign finance reform legislation which was authored by our fine Republican leader, and which I was pleased to co-sponsor, would go much further toward reducing voter apathy in this country than this ill-conceived bill. Our bill would ban special interest PAC's. It would ban unreported contributions to campaigns in the form of labor union phone banks which is called soft money, but is more commonly known as sewer money. It would reduce the amount of money a candidate could accept from those individuals who do not

live in that candidate's State. In short, it would severely limit the financial clout of special interests in Federal elections which tends to make the average in-State voter feel insignificant, apathetic and, therefore, remain unregistered.

The motor-voter bill is an unnecessary, obtrusive, mandate to State and local governments. It would impose significant costs on these governments, and would greatly increase the potential for vote fraud. I urge my colleagues to oppose this bill.

Mr. GRAHAM. Mr. President, I rise in support of the National Voter Registration Act. This is a timely and important issue. Voter registration reform is long overdue.

In 1992, only 55 percent of all eligible voters participated in the election process. The percentage of registered voters who participated in the 1992 election, however, was 85 percent. Passage of this legislation could dramatically increase voter participation by ensuring that every citizen has the opportunity to register and vote.

Nearly 70 million adult Americans are unregistered. This number constitutes approximately 40 percent of those eligible to vote, and most of us would agree that number is too high. This bill would make it easier for citizens to register by providing more options for potential voters.

Part of the current discontent with Government is that it alienates its citizens with its complex, difficult forms and programs. While business is going to great lengths to accommodate consumers, Government is not taking the steps to facilitate participation in the political process. By passing this legislation, we have a chance to make Government more accessible to our citizens.

The unique nature of the 1992 election brought many disaffected voters back into the process. Motor-voter will help to attract many other new voters, particularly young and mobile voters. The rock the vote campaign encouraged and registered many young first-time voters. We should continue to encourage their participation.

In addition, the bill establishes a uniform and convenient registration procedure. This is important; we live in an increasingly mobile society. Nearly one-third of all adult Americans will move within a 2-year period.

Furthermore, too many eligible voters became interested in the 1992 election only to find that they were too late—they had missed the registration deadline. It is time for reform.

Voluntary compliance with the law and the performance of civic duty are the foundations of our democratic system. We all benefit when everyone participates. We know that civic duty leads people to register, but registration itself also leads to higher commitments to civic duty. We need to in-

crease registration. We will all benefit if we do.

Mr. President, I ask unanimous consent that two letters on the subject be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

SUPERVISOR OF ELECTIONS,  
HILLSBOROUGH COUNTY,  
Tampa, FL, March 2, 1993.

Senator BOB GRAHAM,  
U.S. Senate, 241 Dirksen Building, Washington, DC.

DEAR SENATOR GRAHAM: I welcome an opportunity to express my support for H.R. 2, the "National Voter Registration Act of 1993." As you and your colleagues deliberate on this legislation, you may want to be aware of how its passage would benefit the residents of Hillsborough County, Florida.

Current registration in Hillsborough County is 378,087, which is 59% of the voting age population. These numbers were achieved after an intensive registration effort for the 1992 Presidential election, when 82,000 new registrants were added to the rolls and our country had a record 85% voter turn-out. Despite these efforts however, it is clear that 41% of the voting age population, or 259,000 individuals are not registered to vote.

In Hillsborough County, it is estimated that 95% of the voting age population holds a driver's license. Thus, the "Motor-Voter" provision of the bill would enable us to capture a potential of 222,000 additional registrations. If then, the Hillsborough County experience tracks that of the District of Columbia, where 49.1% of those registered under the "Motor-Voter" program actually voted in the 1992 Presidential election, our county could then expect at least an additional 109,000 voters participating in future elections.

Two other provisions in the bill regarding mail-in registration and agency-based registration would also be helpful tools for our office in reaching out to all parts of this county. Our current outreach program of providing voter registration in libraries and bank buildings would be greatly enhanced by providing forms in commonly traveled destinations such as malls, grocery stores, or health clinics. Having mail-in registration forms and agency-based registration would greatly reduce our reliance on the current deputy registrar program, and allow us to focus instead on special outreach projects such as Spanish language groups, high school seniors, or new United States citizens, to name just a few.

I have heard criticism of this bill, the most common being the potential for fraud and increased costs. Regarding fraud, I see no greater potential under this bill than what currently exists, in that, today, we take at face-value the information that a new registrant gives us. As long as the penalties for registering to vote when one is not qualified to do so are made abundantly clear, then I believe that actual cases of fraud will track what currently exists.

As for costs, there will certainly be more registered voters and more voters at the polls, and that will undoubtedly increase costs. But one would think that would be a cost gladly borne in order to see more people interested and involved in our election process.

Thank you for this opportunity to express my view on this important piece of legislation.

Sincerely,

PAM IORIO,  
Supervisor of Elections.

SUPERVISOR OF ELECTIONS,  
Tallahassee, FL, March 2, 1993.

Hon. BOB GRAHAM,  
U.S. Senator, 241 Dirksen Senate Office Building, Washington, DC.

As Leon County's elected Supervisor of Elections, it is my job to administer the voting rolls and ensure our citizen's participation in the electoral process. That's why I'm supporting passage of S. 460, the "National Voter Registration Act of 1993."

Voter registration at driver license bureaus, other agencies and mail registration are all procedures currently used in many jurisdictions around the country.

Unfortunately, Florida is not one of these jurisdictions and my analysis of S. 460 leads me to conclude hundreds of thousands of new voters could be added to our voter registration rolls with the implementation of this Act.

As a Floridian, I am particularly concerned about the issue of non-citizen registration; I am pleased that Section 9(b)(2) allows Florida's elections officials to continue our efforts to make sure registration lists are properly maintained in Florida; the bill does not alter our state's current procedure to ensure the appropriateness of our voters' status.

I support this measure. It will only add to our efforts to reconnect our citizens with our government. If I can be of any further assistance to you regarding this legislation, please feel free to contact me.

Sincerely,

ION V. SANCHO,  
Supervisor of Elections.

Mr. ROCKEFELLER. Mr. President, today I rise to support one of our most treasured rights as U.S. citizens: the right to vote. Every American over the age of 18, no matter whether they are male or female, black or white, has a voice in our democracy. The right to vote is not a privilege for the select few, rather, it is a fundamental right guaranteed by the Constitution to all citizens.

While all Americans have that protected right, almost 70 million voters could not cast their vote in the last Presidential election simply because they had not been registered to vote. In fact, only 55 percent of the voting age population voted. Granted that figure reflects an encouraging 5-percent increase from the 1988 election, but having only a little over half of our population showing up at the voting booth does not adequately represent the collective voice of the American people.

In West Virginia, we have been fortunate that individuals like Becky Cain, the current president of the National League of Women Voters, have spoken out about the need for increased voter registration so that more citizens can participate in government. Thanks to leadership from Becky Cain, the League, and many others, our State has already adopted its own version of the motor-voter concept. Through such tremendous efforts, voter turnout increased in West Virginia by 4 percent from the last Presidential election.

However, we need a national effort to promote greater participation so West Virginians and all Americans will have

their fair opportunity to have their voices heard by our Government.

Declining voter participation jeopardizes the very roots of our democratic system. Confusing registration forms, lack of convenient access to registration offices, and demanding registration requirements have led to the ineffectiveness of our current registration system. Something must be done now to get our country to the voting booths so that we can hear all Americans' voices. And I think the National Voter Registration Act does just that.

I am proud to be a cosponsor of the National Voter Registration Act and believe that it will encourage voter participation by making it simpler for all eligible Americans to register to vote. As a former secretary of state in West Virginia, I have personally experienced the difficulty involved in the administration of Federal election law. I am very pleased, however, that Senators FORD and HATFIELD have carefully drafted this bill to guard against voter fraud and eliminate some of the costs and procedural difficulties encountered by local election authorities.

In a day and age when we have a renewed commitment to a government "for the people and by the people," we cannot underestimate the importance of the American voter. The National Voter Registration Act cannot guarantee that all Americans will vote. It does ensure, however, that all Americans who are eligible to vote can now have an easier opportunity to do so. I strongly support the National Voter Registration Act and believe it will be an important step in encouraging all Americans to vote and exercise their most fundamental rights to play an essential role in our democratic system.

Mr. MCCONNELL. When President Clinton visited Los Angeles in the wake of the riots last year, he suggested a few solutions to deal with the violence that had exploded in the inner city, a solution to the looting, a solution to the entrenched poverty that was evident everywhere. And among the solutions he offered was: motor-voter legislation.

Well, I am glad that President Clinton thinks that motor-voter legislation will address these problems, because I cannot think of another good reason to be wasting time on this bill.

The Rules Committee, in marking up this bill, tossed to the Senate yet another legislative softball. Doesn't cost Congress anything. Our political and financial capital will not be expended because the bill is a mandate—on States. We are just going to dump the cost on States.

Motor-voter? Mail registration? No problem. States like California can just issue a few more IOU's to pay for it.

Meanwhile, congressional leaders and the President can point to motor-voter as an accomplishment. We did it! Look

how effective we are. Hallelujah, gridlock is over.

Yet at a time when Americans are ringing our phones off the hook beseeching us to step up to the plate and deal with the real problems facing this nation, Congress is looking for the easy victory. Easy for Congress. Hard on States. Hard on taxpayers.

Motor-voter is not a priority for anyone outside of Washington, DC. And it is a very untimely burden for States.

As David Broder wrote in the Washington Post Sunday, February 14, it is the kind of: "underfunded, overhyped legislation that gives Congress and Washington a bad name."

Mr. Chairman, CBS News has a segment called Reality Check that examines various Government programs and contrasts their cost with what that money could buy in terms of school lunches, vaccinations, USDA meat inspectors and other worthy endeavors.

We need a reality check in Congress. The costs we can so easily dismiss through mandates is not an inconsiderable problem for States who must—by law—balance their budgets.

Granted, to those in Congress who have become accustomed to treating millions of dollars as mere decimal points, cost is rarely a big concern.

But the fact is that this bill imposes millions of dollars in new costs on the States, yet it does not ante up a penny to offset the tax increases, or the cuts that States will have to make in programs or services.

Proponents say the cost is not a problem—that it's a cheap bill. In that case, then finding a way to pay for it should not be a problem. The Federal Government could pony up and sacrifice only a little.

If it is not so cheap, as Republicans contend, then Congress should feel a moral obligation to pay for it, because this could be the straw that breaks their state's financial back.

It is faintly amusing that we hear all these passionate calls for reform. Reform voter registration, reform campaign finance. Then, when reform is at hand, the reformers do not want to pay for it.

There is an old saying that goes: If it's worth having, it is worth working for. We should adopt a version of that credo around here: "if it's a reform worth Congress enacting or mandating, it's a reform worth Congress paying for."

But, no. We have seen reform proponents jump through all kinds of hoops to avoid paying for their bills. Witness campaign finance reform, where efforts to avoid paying for the bill were extraordinarily imaginative.

In 1992, rather than pay for the Democrats' taxpayer-funded campaign finance bill, a budget neutrality provision was added, putting off how it would be paid for.

The bill also included a sense-of-the-Senate provision, which promised that:

Subsequent legislation effectuating this Act shall not provide for general revenue increases, reduce expenditures for any existing Federal program, or increase the Federal budget deficit.

Maybe they were just planning to print some extra money to pay for the bill. But the states can't just print money to pay for this bill.

I believe it is the sense of the States that they do not need any more congressional mandates—including motor-voter—which will increase their taxes, reduce their expenditures for existing programs, and increase their budget deficits.

So reason No. 1 to oppose this bill is the costs it will impose on our States.

A question must also be asked: Why this bill? As I have said on many occasions to the dismay of professional reformers, this bill is a solution in search of a problem.

There is nothing stopping states from adopting these provisions—today. States are at liberty to provide motor-voter, mail registration, and agency-based registration. They do not need us, or this bill, to do so.

Many States already have in place some combination of these registration procedures, tailored to their own needs and desires.

Now, some have criticized these various registration procedures as a hodgepodge. Mr. President, the structure of this Nation dictates that we are a hodgepodge in many regards: A hodgepodge of 50 States with 50 different sets of laws on a lot of issues.

We could get into a lengthy debate on federalism and why we have States, but I will leave that for another time. Suffice to say that the hodgepodge critique is not a credible argument for mandating voter registration procedures. It is an argument against States as an entity.

Unquestionably, the motor-voter bill would make registering easier. Let us not, however, confuse easier with better.

It is not particularly hard, at present, to register. Three or four weeks out, less in some States, one has to have a fleeting thought about the upcoming election and perhaps go down to the courthouse or the library to register.

Not too hard. Yet, registration procedures such as going to a centralized location prior to a certain date serve an essential purpose—to protect the integrity of the electoral process.

The motor-voter bill was drafted under the presumption that registering in that manner is too hard and therefore is the reason why voter turnout has been dropping.

But, Mr. Chairman, while turnout has been dropping—over the last 30 years—registration has been getting easier.

The bipartisan Committee for the Study of the American Electorate stud-

ied voter registration and turnout. Conclusion: "Declining voter registration cannot be attributed to problems in registration and voting law, since it has occurred during a time when registration and voting law generally has been altered to make registration and voting easier."

The Congressional Research Service studied States with motor-voter registration. Conclusion: there is no evidence that motor-voter increases turnout.

The General Accounting Office studies voter registration and turnout in Europe and Latin America. Conclusion: coercion and bribery are the only sure means of increasing turnout.

So, reason No. 2 to oppose this bill is that it will not be effective in increasing voter turnout. It may increase registration; it will not increase turnout.

Even if this bill would increase turnout among just Republicans, I would oppose it. I do not believe that low voter turnout constitutes a crisis. I certainly do not believe it justifies a new unfunded mandate on the States.

There are a few courageous people out there who have openly stated that relatively low voter turnout is a sign of a content democracy. Low voter turnout is not necessarily indicative of a nation in decline or a democracy on the rocks.

Charles Krauthammer expressed this view eloquently in an editorial for Time magazine:

When almost every pundit wrings his hands in despair at low voter turnout—some even feel obliged to propose creative schemes to induce people to vote—I am left totally unmoved.

Low voter turnout means that people see politics as quite marginal to their lives, as neither salvation nor ruin. That is healthy. For a country founded on the notion that that government is best that governs least, it seems entirely proper that Americans should register a preference against politics by staying home on Election Day.

Mr. Krauthammer went on to say the following:

A few weeks ago, a producer from public television came to ask my advice about planning coverage for the 1992 elections. Toward the end, she raised a special problem: how to get young adults interested in political coverage.

I offered the opinion that 19-year-olds who sit in front of a television watching politics could use professional help. At that age they should be playing ball and looking for a date. They'll have time enough at my age to worry about the mortgage and choosing a candidate on the basis of his views on monetary policy.

To say that, of course, is to violate current League of Women Voters standards of good citizenship. Let others struggle valiantly to raise the political awareness of all citizens. They will fail, and when they do, relax. Remember that indifference to politics leaves all the more room for the things that really count: science, art, religion, family and play.

Respected political analyst George Will observed in a Washington Post column on September 5, 1991, the following:

Low turnouts often are signs of social health. Low political energy can be a consequence of consensus about basics. When society is not riven by deep fissures about fundamental questions, nonvoting may be passive consent, reflecting contentment.

Many potential voters abstain because electoral outcomes do not determine the shape of their lives. Which is the way it should be: In a good society, politics is peripheral to happiness.

Like these observers, I do not advocate low turnout, I just recognize it for what it is. And what it is not. It is not the most pressing issue of our time. It is not even in the top ten.

There is considerable irony in the horror which my Democratic colleagues profess over low political participation. Their campaign finance bill would block citizens from participating in the process through limited and disclosed contributions to the candidates of their choice. To completely force individual citizens out of campaigns, 39 Democrats voted in 1991 for full taxpayer funding of general election campaigns.

Actually, by killing the Democrats' campaign finance bill last year, Republicans did more to preserve voter participation and turnout than this motor-voter bill could hope to create.

Their campaign finance bill would virtually shut down the political parties' ability to conduct grassroots political activities like voter registration and get-out-the-vote drives—so-called soft money activities.

Curiously, the Democrats' bill did nothing about labor union soft money—the real sewer money in the system. And Democrats ask what Republicans are afraid of?

I ask my colleagues across the aisle—what are Democrats afraid of? A fair fight?

If there is a sincere desire on the part of Democrats in increasing political participation by all Americans—not just among the members and political activists in labor unions—then they would join Republicans in passing a campaign finance reform bill that increases competition and public interest in politics.

They would join Republicans in strengthening the political parties' ability to register voters and turn them out on election day. They would join Republicans in freeing up the political parties so that they can run advertisements letting voters know there is a clear choice and a reason to vote on election day.

Samuel Popkin, a professor of political science at the University of California in San Diego, published an op-ed to this effect in the Washington Post. Mr. Popkin wrote:

\*\*\* critics are once again calling for reforms that would curb campaign advertising and spending to protect gullible Americans from the spiritual pollution of political snake-oil merchants.

The fact is, our campaigns aren't broken, and don't need that kind of fixing.

If we really want to increase voter interest and participation—as well as the capacity of government to tackle our problems—the best strategy may well be to increase our spending on campaign activities that stimulate voter involvement.

As for the argument that America already spends too much on elections, the fact is that American elections are not costly by comparison with those in other countries.

But I digress.

The most disturbing aspect of the motor-voter bill its potential to foster election fraud and thus debase the entire political process in this country.

Several provisions of this bill have caused alarm among State and Federal officials who are charged with ensuring the integrity of our electoral process. That is why the motor-voter bill has acquired the nickname auto-fraudo.

The election-day registration escape clause, motor-voter registration, mail registration, and agency-based registration would not make just voting easier. They also would make fraud easier.

Politics is a high-stakes game. Lowering the threshold of effort required for voter registration makes fraud a more viable means of influencing elections.

Mr. President, my home State of Kentucky has many traditions. Among the more infamous is election fraud. It is a persistent problem and one which certainly is not confined to Kentucky. This is one critical reason many States oppose this bill.

One of the most dangerous provisions is the escape clause for States that cannot afford to comply with the bill. The bill allows States which adopt election day registration to opt out of the more financially burdensome requirements contained in the bill.

Those who served in the Senate in the late 1970's will recall that there was an extended debate in both Chambers over whether to mandate election day registration—a proposal advanced by President Jimmy Carter. This mandate was defeated short of a floor vote out of concern over election fraud.

President Carter's proposal had one thing over the motor-voter bill—it provided funding to the States to offset the cost of changing over to election day registration. Under Carter's proposal, any complying State would receive 35 cents per voter in the 1976 Presidential election.

The bill before us today, on the other hand, is simply a back-door means of mandating election day registration, without costing Uncle Sam anything.

This bill's mandates regarding motor-voter, agency-based, and mail registration will just not be worth the trouble to some States, prohibitively expensive to others. The alternative: election day registration.

Let me read the escape hatch provision which is found on page 4, section 4(b), "Nonapplicability to Certain States":

This Act does not apply to a State described in either or both of the following paragraphs:

(1) A State in which there is no voter registration requirement for any voter in the State with respect to an election for Federal office.

(2) A State in which all voters in the State may register to vote at the polling place at the time of voting in a general election for Federal office.

Mr. President, politicians faced with the enormous budget pressures so common in States today will conclude that election day registration is the only politically and financially viable means of complying with this bill.

Election officials on the front lines, who actually carry out the election laws, oppose election day registration because of the potential for long lines, election fraud, and general chaos.

Senators from election day States may defend their systems, but the fact remains that demographics and cultural differences account for much of the current variety in State registration procedures—with good reason.

The Justice Department testified in 1991 that the election day escape clause: "would greatly impair the ability of the Department and the States to combat voting and election fraud \* \* \* [and] would totally preclude meaningful verification of voter eligibility, and thus allow easy corruption of the election process by the unscrupulous."

The Department delineated the dangers of forced election day registration in a letter to the Chairman of the Rules Committee in 1991:

Of all the registration reforms which Congress has considered over recent years, from a law enforcement perspective this idea is by far the most troubling. Our objections to election-day registration rest on the following considerations:

(1) Registering voters at the polls on election day totally eliminates the ability of election registrars to confirm a voter's identity, place of residence, citizenship status, felon status, and other material factors bearing on entitlement to the franchise.

(2) Requiring voters to provide some form of identification does not respond to the fraud problem. Most commonly used identification can be used by the same voter to cast ballots under assumed names at numerous polling locations.

(3) Merging into one simultaneous act both the registration process and the voting process dramatically increases the risk of voter bribery, since corrupt political operatives will no longer be confined to the preexisting names on registration lists. This problem is exacerbated by the fact, as we have observed in prosecuting and supervising hundreds of vote-buying cases, that individuals who accept payment for their votes do not have a strong interest in candidates and issues, nor do they tend to see the act of voting as a civic duty. Thus, for a few dollars, they are easily manipulated into giving up their franchise.

(4) The ballots of election day registrants are liable to be tabulated before an irregularity can be ascertained. There is thus the realistic danger of irreversible damage to the integrity of the election, even in those in-

stances where illegal registration and voting are later discovered.

(5) Although election day registration may work reasonably well in rural and sparsely populated States, it is extremely doubtful that it would be at all successful in many States with mobile and urbanized populations which have experienced significant levels of local and State governmental corruption.

As the Department of Justice concluded:

Voter registration laws are one of the principal protections against election fraud, and any changes to registration requirements must take into account the potential for increased fraud resulting from the changes.

Many State officials have expressed concern over election fraud under this bill. Governor Wilder of Virginia stated in a letter to Senator WARNER that this bill would "open the door to fraudulent voting."

Even the executive director of the D.C. Board of elections, which already has motor-voter registration, pointed out that this bill would open up the possibility of "inadvertently and routinely bringing on underaged drivers, noncitizens, nonresidents, felons, and other persons not qualified to vote."

This bill also piles more responsibilities on the FEC. Mr. President, it took 4 years to audit campaigns from the 1988 Presidential election. To do a credible job of carrying out the provisions of this bill and regulate 535 congressional races under the taxpayer-funded spending limits proposed by Democrats, the FEC would have to hire an army of auditors, accountants, and lawyers. In downsizing the military and building up the FEC, we may as well have them switch buildings—give the Pentagon to the FEC.

A March 25, 1993 Roll Call headline illustrated the FEC's plight: "FEC Claims It's 'Overwhelmed,' Asks 10 percent Hike for Motor Voter, Campaign Reform."

All this, Mr. President—costs in the millions of dollars and increased fraud potential—for what? A bill that we have established will probably not increase turnout. It will increase registration. It will not increase turnout. George Will recently noted that:

In 1963 President Kennedy appointed a commission to suggest reforms to increase voter turnout. Seventeen of its eighteen recommendations to make voting easier were fully or partially adopted. Since then, turnout has declined steadily.

Now in another exercise in missing the point, reformers are trying to pass the motor-voter bill, to require States to ease, still further, voter registration. States would be required to register anyone applying for or renewing a driver's license. And to mail registration forms requiring neither notarization nor other formal witness. And to have registration available at all offices that provide public assistance, unemployment compensation, programs for the disabled, and other agencies, which may include libraries, schools, fishing, hunting and marriage license bureaus, revenue offices and some private sector locations.

"Well, now," George Will writes. He goes on to say the following:

Most States are running deficits and raising taxes. Another unfunded mandate from Washington will require still more cuts in education, health, and other programs.

In 27 States it is possible to register through driver's license offices. In 7 of the 10 States that have made that possible since 1972, voter turnout has declined. What has increased is voter fraud.

Proponents of this bill say they just want to make it easier to vote. This bill certainly makes it easier to register. How easy should it be? Should voting be effortless?

Some think it should be. They will be thrilled if States opt out of this bill by opting for election day registration. It does not get much easier than that.

Last year, I hypothesized that a Home Voters Network on television, or a 900 telephone service, could facilitate those whose goal is to make voting as easy as possible.

To further stimulate turnout, voters could automatically be eligible for a national lottery. We could just pay people to vote. That's what they have done in parts of Kentucky.

Last year, I suggested these were extreme examples. Looking at the bill before us, I am not so sure.

Mr. President, voting is already pretty easy in this country. It doesn't require an advanced degree or a great effort.

What has been missing is motivation. Candidates, political parties, the media, and community organizations are the means by which we can motivate more people to vote.

I asked earlier: "What are the Democrats afraid of?" Why do they continue to block campaign finance reform that would increase competition? Why do they propose gutting the political parties' ability to motivate people to vote?

Increased electoral competition requires increased campaign spending. Noisy campaigns. Angry voters. Those factors will do far more than this bill will ever do to increase voter turnout. Witness 1992.

Turnout in the 1992 election increased more than 5 percent over 1988. Millions more voters turned out in 1992. Why? Because they were motivated by anger, frustration, contested races, charismatic candidates like Ross Perot, and a desire for change.

The strong feelings expressed by the voters in 1992 demand strong action. We need to improve our economy, create jobs, cut the deficit, and ensure our long-term competitive strength in the world economy. Motor-voter has nothing to do with any of those serious objectives.

No one should be deluded into thinking that voting for this bill will take the heat off of Congress in terms of public opinion.

Congress is held in low esteem because it has created and perpetuated

wasteful, unproductive Government programs; taxpayers see 40 percent of their paychecks going to taxes: the \$4 trillion Federal debt continues to rise; and yet Congress persists in passing meaningless, expensive proposals like the motor-voter bill.

Voters and perhaps most especially nonvoters, do not trust Congress. This bill will do nothing to change that.

#### MOTOR-VOTER OUT OF GAS

Mr. DOLE. Mr. President, this morning in a session with reporters, the distinguished majority leader summed up the motor-voter debate by saying that Democrats want more people to vote, and the Republicans want less.

With all due respect to my friend from Maine, that's not what this debate has been about at all.

This debate is about who wants more Government, and who wants less.

It's about who wants more heavy-handed Washington mandates, and who wants less.

It's about who trusts Government more and trusts the people less.

Let's face it, our Governors, our State legislatures, our county officials, our city mayors, and our town supervisors have plenty of problems of their own without being forced to implement another multi-million-dollar mandate from Washington politicians who think they always know what is best for the people back home, especially when they don't want to pay for it.

In fact, I probably would have voted for the bill if Congress had come up with the cash to pay for it.

Last week, Senator NICKLES and I offered an amendment to do just that, but the amendment was defeated on an almost straight party-line vote.

You know, I've heard a great deal this week about how this bill has come up from the grassroots.

This bill is not from the grassroots. It's from the crassroots: crassroots politics.

Forget about fraud, forget about citizenship—let's throw the bodies onto the motor-voter wagon and stick it to the States—no matter what the cost.

And, Mr. President, how else would one explain why the Senate rejected, along straight party-line votes, the commonsense amendments that were offered today.

Even the amendment offered by my colleague from Arizona, Senator MCCAIN, which would have made registration easier for members of the Armed Forces, met defeat at the hands of party-line politics.

Mr. President, I want to commend my distinguished colleague from Kentucky, Senator MCCONNELL, for all his work on holding the line, and indeed, improving this bill with the core package of amendments.

This bill is substantially better because of the good work of the junior Senator from Kentucky.

I am also pleased that the distinguished majority leader and the senior

Senator from Kentucky have both agreed to do their very best to ensure that the core package is preserved in the conference report.

If this commitment is kept—and I have no doubt it will be kept—the conference report will be a significantly better product than the original House and Senate versions of the bill.

Mr. President, no doubt about it, the right to vote is among the most precious rights of American citizenship. But overlooked in all the motor-voter exhaust has been an important fact: Along with that right comes a certain level of personal responsibility. No matter how hard the Government tries—or no matter how hard some proponents of this bill hope—it can't make anyone vote. People have to take it upon themselves to fulfill their obligations of citizenship.

The motor-voter bill may not be out of gas—yet—but the American people have no interest in refueling it.

Mr. MCCAIN. Mr. President, I ask unanimous consent that a letter from Ms. Helen Purcell, the Maricopa County Arizona Recorder appear in the RECORD before the vote on final passage on S. 460, the motor-voter bill.

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

OFFICE OF THE  
MARICOPA COUNTY RECORDER,  
Phoenix, AZ, March 17, 1993.

Hon. Senator JOHN MCCAIN,  
U.S. Senator, Russell Senate Office Building,  
Washington, DC.

DEAR SENATOR MCCAIN: Once again Arizona is on the brink of being penalized for meeting federal standards ahead of time.

S-460, a piece of federal legislation on voter registration, is about to be slammed through Congress and appears to have gained favor of the President.

The basic theory of this "new legislation" has been around for years. Provide a positive atmosphere for voter registration; registration while applying for your driver's license; registration forms available at all agencies of state and local government; registration by mail through self-registration. Arizona already meets each of these qualifications.

You can register to vote while applying for your driver's license; pick up a voter registration form at any motor vehicle location, as well as most state or local agencies. There are more than 1,000 locations (including all post offices) in Maricopa County where forms are available. Grocery stores, banks, libraries and town halls are also a part of the growing list. Arizonans already have the right to self-registration by mail.

The new version of S-460 throws the current system right out the door and mandates that each person applying for a driver's license be automatically registered to vote. Applicants must formally decline in order to not be registered. While this sounds like a panacea for registration, this bill specifically prohibits government from asking the applicant to fill out a voter registration form. All information must be contained in the driver's license document. This means, at best, that the entire driver's license forms and procedures must be reworked and re-automated.

Currently a voter registers and the original copy of the form is filed in the County

Recorder's/Election Office. Under the new provisions of S-460, the Election Department would receive a second or third generation carbon copy of the driver's license/voter registration form. It will prove interesting trying to satisfy the U.S. Justice Department mandate of bi-lingual translation of all voter related information, especially the drivers license form.

Currently each voter registration form in both Maricopa County and Pima County is scanned onto a computer disk. In this high-tech world it makes sense that we can accomplish this exchange of data electronically to update the computer files. However, because of this legislation, we will be re-recording data that is already placed in the system. This duplication of efforts will be cost prohibitive to both the Driver's License Division of State Government, the Recorder's Offices for each of Arizona's Counties and ultimately, you the taxpayer.

The basis for voter participation in Arizona has always been registration and voting in the precinct where the voter resides. It seems inherently unfair for voters to return to their "old" voting place and cast their ballot for candidates that do not represent them at their current location. S-460 allows this to happen on a continuing basis.

In a time when government is making an honest effort to react to a need to a mandate for the public for more fiscally responsible management, it is unfortunate that we are being led down the primrose path in the name of "easier accessibility". The cost for Maricopa County's participation in the program is estimated to exceed \$900,000 in additional tax payer dollars annually. This cost will no doubt continue and escalate every year. This does not include State Motor Vehicle Department costs.

Arizona, and any other state that already provides for easy access to voter registration, deserves exemption to this legislation.

Don't be fooled by quick fix solutions. In order to protect our precious right to vote, election laws must continue to provide security in order to insure the absence of fraud. This "convenient, ease at all costs" approach is not the answer.

Arizona law already meets any reasonable standards for registration.

Sincerely,

HELEN PURCELL,  
Maricopa County Recorder.  
JIM SHUMWAY,

Elections Director, Maricopa County.

Mr. LEVIN. Mr. President, I am pleased to be a cosponsor of S. 2, the National Voter Registration Act of 1993, which was the foundation for S. 460, the original bill reported by the Rules Committee. I think it will significantly expand voter participation, which is vital to our democracy.

I do have one practical question that I would like the chairman to comment upon. Section 7 of the bill lists the possible "voter registration agencies," including unemployment offices. Subsection (a)(6) indicates that a voter registration agency that provides services in addition to voter registration shall distribute a voter registration application "with each application for such service or assistance, and with each recertification or renewal."

The committee report accompanying S. 2 provides further clarification regarding how this requirement applies

to unemployment offices. The committee report states:

For example, in the case of a program such as unemployment compensation, where eligibility must be recertified on a frequent (i.e., weekly or biweekly) basis, the committee intends that the agency be required to provide voter registration materials and assistance at the time of initial application, upon any change in the address or eligibility status of the applicant, and upon an extension in the eligibility for benefits.

My question for the chairman is whether even with this clarification the requirements on unemployment offices are somewhat excessive. I think it certainly makes sense to require that voter registration information be provided at the time the initial application and upon any change of address. However, is it really necessary for the unemployment offices to also provide this voter registration information at the time there is an extension of benefits in which there has been little if any break in time between the original benefits and the extension of benefits. For example, it is possible that a worker who has exhausted 26 weeks of State unemployment benefits will receive additional unemployment benefits under a program of emergency benefits, such as the one that is now in place, without experiencing an interruption of more than a couple of weeks of benefits. When there is such an extension of benefits with little or no time lag, I think it is unnecessary to require unemployment offices to send out additional voter registration material. I do not think that the unemployment worker's situation is likely to have changed during such a small timeframe so much so as to justify putting this additional burden on unemployment offices.

Would it be possible for unemployment offices to meet the requirements of the law by providing voter registration information at the time of the initial application for benefits or at the time of a change of address or when there has been a substantial period of time between the original application for unemployment benefits and a subsequent application for an extension of benefits.

Mr. **FORD**. I understand the concern of the Senator from Michigan. My view is that in the case of unemployment offices, it should be adequate to comply with this law if the offices provide voter registration information at the time of initial application for benefits, and at the time of a change of address, and when there has been a substantial period of time between the original application for the unemployment benefits and a subsequent application for an extension of benefits.

Mr. **LEVIN**. I thank the Senator for this clarification.

Mr. **AKAKA**. Mr. President, as a cosponsor of S. 460, the National Voter Registration Act of 1993, I urge my colleagues to bring our debate to a close and vote in favor of this bill. The need

to implement uniform voting procedures is not a new issue for this Chamber. Last May, we adopted S. 250, a bill championed by our distinguished colleagues, Senator **WENDELL FORD** and Senator **MARK HATFIELD**. The House followed suit and passed a companion bill in June. Only 2 days shy of the Fourth of July, President Bush vetoed the measure. Unfortunately, we were unable to override the President's veto.

In the 103d Congress, the House has already acted on a companion bill and is waiting for the Senate to complete action on our measure. No one in the Senate disputes the power of the ballot. In fact, the 1992 elections proved that Americans are determined to be personally involved in the political process at all levels of government.

Although voter turnout in 1992 was about 5 percent higher than previous elections, 45 percent of eligible citizens chose not to vote. We know that when people are registered, they vote. But when approximately 40 percent of all eligible voters are not registered, overall turnout will remain low. An estimated 38 percent of those eligible to vote in the past Presidential election were not registered.

In order to register to vote, individuals now must contend with a variety of local registration laws and procedures that may inhibit voter participation. Enacting uniform national registration procedures would, I believe, be the most practical way to register eligible voters. By making voter registration more accessible, we would increase the number of registered voters and expand the most fundamental right of all Americans.

Critics of this measure contend that the provisions of S. 460 would increase the risk of voter fraud and place an unfair financial burden on the States. I disagree with these assumptions. The Congressional Budget Office [CBO] estimates that the total direct cost of S. 460 to all 50 States would be \$20 million. However, CBO has concluded that States could save \$10 million in a Presidential election year and \$7 million in a non-Presidential election year. Added to this \$7-\$10 million savings is an approximate \$4 million annually saved in postage costs because S. 460 would reduce the postal rate for all mailings required by the bill. Further savings could be realized by using the Postal Service's National Change of Address Program and other computerized savings. I wish to point out that this measure neither requires nor necessitates the computerization of the voter registration process. In fact, the District of Columbia quite successfully operates a motor-voter registration program without computerization.

Opponents also argue that the measure would increase the possibility of voter fraud. States with mail registration programs have found little or no fraud, according to a congressional re-

search survey study. Moreover, S. 460 contains provisions to prevent and reduce fraud and gives the States the option to guard against fraud by requiring mail registrants to vote in person the first time.

Mr. President, last year I was pleased to cosponsor S. 2236, which extended provisions of the Voting Rights Act to ensure language assistance to citizens who would otherwise be prevented from voting by their limited proficiency in English. That measure, which became Public Law 102-344 on August 26, 1992, reconfirmed Congress' commitment to enfranchising all eligible Americans.

I strongly believe that any barrier which prevents American citizens from exercising their right to vote must be eliminated. The National Voter Registration Act of 1993 would be another step toward improving voter registration processes and increasing effective registration mechanisms. S. 460 would make voter registration more accessible, less burdensome and more uniform throughout the Nation. We should support every effort to assist our citizens in participating in Government. I urge all Members to support S. 460.

Mr. **SIMON**. Mr. President, I wish to commend my friend the assistant majority leader **WENDELL FORD** for his leadership and diligence on this important legislation.

Passage of the motor-voter bill has taken several Congresses. In the 101st Congress, as chairman of the Constitution Subcommittee, I held a hearing on and cosponsored the Equal Access to Voting Act of 1989. The reforms embodied in the motor-voter bill that we will pass today directly address the barriers to voter registration and participation that significantly hamper our ability to carry out our democratic principles.

When we advance the right to vote, we advance our Nation. As Justice **Black** wrote in one of the celebrated voting rights cases:

No right is more precious in a free country than that of having a voice in the election of those who make the laws; other rights, even the most basic, are illusory if the right to vote is undermined.

Most recently, in the heated November 1992 election only 55 percent of America's voting age population voted for President. This low rate of voter participation clearly indicates that the American people are discouraged with the political process. We need to do whatever we can to restore faith in our Government. Removing barriers to voter participation is one way to do so.

Mr. President, I am pleased that in my home State of Illinois there is strong support for the motor-voter legislation. Obviously, nothing that comes before us gets universal support or opposition. A number of the vigorous and active county clerks in Illinois support the changes in S. 460.

As David Orr, Cook county clerk has stated, "More than ninety percent of

eligible voters would be reached by the National Voter Registration Act. Now, approximately 178 million Americans are eligible to vote yet 70 million people are not registered to vote." In his recent testimony, Mr. Orr stated, "I know of no other single measure or strategy that will allow me to extend the opportunity to vote to so many of the eligible citizens of Cook County at such minimal costs."

The motor-voter bill also commands the support of more than 100 organizations including: the U.S. Conference of Mayors, the American Association of Retired Persons, the League of Women Voters of the United States, the American Bar Association, the NAACP, the Mexican American Legal Defense Fund, Disabled American Veterans, and People for the American Way.

Some have suggested that this bill is costly. In fact, the opposite is true. It is estimated that deputy registrars cost anywhere from \$1 to \$15 per voter registered. Motor-voter programs average between 3 cents and 33 cents cost per voter registered. And, Mr. President, we cannot afford the costs to our society when people do not participate in the civic process.

Another concern which has been raised is that the bill increases the possibility of voter fraud. The bill provides numerous provisions, including tough penalties, against voter fraud. In addition, motor-voter has been working successfully in 12 States and the District of Columbia, without any increase in fraud.

Much discussion has been waged about the prospects of noncitizens voting as a result of the reforms contained in this legislation. We studied this issue in the context of the extension of the Voting Rights Act of 1965 last year and concluded that the issue of noncitizens voting is an exaggerated one.

Clearly, any illegal voting by an ineligible individual hurts the political process. Nonetheless, the reforms contained in this bill in no way encourage noncitizen voting. In fact, many local officials have reported that the motor-voter system, since it involves the photographing and fingerprinting of prospective drivers, makes it unlikely that someone who is illegally in this country to come forward to register and vote. It is equally unlikely that a permanent resident would jeopardize his or her chances for citizenship simply to cast a vote at an election.

This bill safeguards against the potential problem and the provision permitting States to require documentary evidence of citizenship at registration time is at best unnecessary and at worst may be implemented in a discriminatory fashion that may violate the Voting Rights Act. Accordingly, it is my hope the conferees look at this provision closely and seriously reconsider it.

Enlarging the electorate is not and should not be a partisan issue. Our

goal, as Democrats and Republicans, as citizens, should be to make sure that as many people as possible are brought into the political process. A vote for the motor-voter bill is nothing less than a vote for democracy.

Mr. DURENBERGER. Mr. President, in my home State of Minnesota we have been ahead of the game on voter registration. We have voter registration at drivers' license stations, agency-based voter registration by mail and, in fact, Minnesotans can register to vote on election day, a fact that exempts our State from coverage under the motor-voter bill.

As a result, at least until this election, we were leading the Nation in voter participation, having lost that honor to the home State of our majority leader, Senator MITCHELL, the State of Maine.

I also recognize, particularly during the course of this debate, that not every State is Minnesota. What works in one State may be a disaster in another. What seem to be needless restrictions in one State may be important measures to prevent that the chief author and the chief opponent of S. 460 are from the same State, the State of Kentucky, which bears a fair weight in indicating that political experience and expertise may lead people to differing conclusions about voter participation.

Last week my Republican colleagues and I presented eight improvements to the Democratic leadership that they wanted on this bill. None of these provisions, in my opinion, would have weakened motor-voter. I would not have supported it. These amendments were designed to accomplish three important objectives.

First, the amendments were designed to ensure that in encouraging and expediting voter registration we do not open the door to increased voter fraud. Nothing will threaten this country more than the loss of confidence in the integrity of the electoral process.

Second, the amendments were designed to ensure that in enabling people to register to vote we do not open them up to coercion, pressure, or invasion of their privacy, in the offices where they have gone basically for help.

Finally, since we voted, against my wishes and that of others, to impose the costs of this program on the States, these amendments ensure that States are given maximum flexibility in how they accomplish their goals. After all it is the goal of universal registration that is important here, not how we get there. If not for the presumption of unlimited debate in the Senate, none of the Republican provisions would have seriously been considered.

When our system of government was carefully crafted by its founders, the Senate became the body where the

rights of the minority would be protected. I have seen evidence of that today because the Democrats have agreed to accept the Republican improvements to the bill. Some of my Republican colleagues are concerned that some or all these provisions will be dropped in conference committee. I would say to my colleagues on the other side of the aisle in the other body, please do not. I am afraid this would have a chilling effect on the future cooperation that is going to be necessary to get even thornier issues than this through the Congress.

If Republicans see their constructive help—and I cannot speak for all of them when I say constructive help—undone in committee, it becomes less justifiable. I cast my vote today on motor-voter, mindful that there has been a meaningful dialog between Democrats and Republicans. The Senate is a place where a bare legislative majority cannot run roughshod over the rights of the minority, and I think we now have a better motor-voter bill because the minority was heard.

I must say, on behalf of the majority leader, he has been most generous with his time—particularly generous with all Republicans—and with his patience on this bill. It has been here many times before, and it probably did not need all of the time it took this time. But it was worth it, in my opinion.

Senator FORD has been particularly patient with me and with my colleagues. And it is not always easy, particularly considering the thousands of hours he has given to this particular project in the years before this.

My colleague from Minnesota has been a constant champion of S. 460 from the day he arrived in this body. It is his work that I know has impressed many people on both sides of the aisle, with the effectiveness not only of his commitment but with the way in which he has articulated the special interests of certain populations in this country. The fact that we have differed in our conclusions in a couple of these areas I do not think reflects the difference in the approach each of us take to a commitment to motor-voter.

So the bill, Mr. President, is a great step forward for voter participation in this country. For the first time, voters across the country can register at driver's license offices. For the first time, registration by mail will be available coast to coast. The bill gives the States the ability to achieve universal registration through a variety of strategies which they can fit to the needs of their States. This is enough reason for everybody to support this legislation. I hope we can now move forward on motor-voter and remove barriers nationwide to voter registration and to participation in the political process.

I yield the floor.

Mr. WELLSTONE. Mr. President, I wonder whether the Senator from Mis-

souri would give me 2 or 3 minutes of final words.

Mr. DANFORTH. Yes. I yield 2 minutes to Senator WELLSTONE.

Mr. WELLSTONE. I thank the Senator.

Let me thank my colleague from Minnesota for his gracious remarks. But so much of this debate and discussion, in a way, was around Minnesota, and I am very proud of my State. We have been a leader in voter registration. I want to point out one more time before the Senate that I think there was a great deal of gridlock and obstructionism, and I think what that led to was that one very important part of this legislation had to be dropped.

I remind my colleague from Minnesota that we have agency-based registration, and we have it for a reason, which is we want to make sure there is a standard of fairness to those people without the means, who do not necessarily own a car, or who would not necessarily benefit from motor-voter, that they would have the opportunity to register and vote, and never has there been an example of coercion. There is a form, and in an unemployment office, or any public agency that has these forms, you fill it out, and at the end there is one final question: Would you like to be registered to vote?

You do not have to say "yes." It is up to you. If you want to be registered to vote, then right there as a part of what we do by way of public responsibility, we reach out in the State of Minnesota and make sure that people have the opportunity to register and vote, regardless of the economics of their lives, regardless of whether they are rich, poor, or you name it.

So I just have to say one more time that I do not think that the gridlock and obstructionism and the delay has led to the best of conclusions. Clearly, we have made some steps forward. It is not the Minnesota model. I certainly was hoping it would be. I think the agency-based registration makes the politics of our State one based upon fairness and no discrimination by the economic circumstances of an individual or his or her family, and it was the right thing to do.

I am saddened that we did not do the right thing to do. Finally, let me point out, of course, those low-income people, people really hard pressed, do not have a lot of clout in the U.S. Senate. They were not out in the corridors doing the lobbying. So at least for the moment they have not succeeded. But we will go to conference committee, and I am still hoping things can be worked out.

I thank the Chair.

Mr. FORD. Mr. President, our objective with this legislation have been to expand the voter registration system to make it a simple, convenient, and cost-effective, reaching out to a broader range of citizens.

To that end, this bill establishes a balanced approach to voter registration through the motor-voter system, universal mail registration, and agency-based registration.

Mr. President, we have now spent the better part of 10 days on this bill. We have adopted several amendments. And, in the final analysis, our objective has been achieved.

Compromise is not easy, Mr. President. I have often repeated the words of Henry Clay, that "compromise is negotiated hurt." I've swallowed so hard, that my throat hurts. I know that there are some compromises that the cosponsors of this bill would not have chosen. However, legislation is a series of compromises. Throughout our meetings and discussions on these compromises, I have always been mindful of our final objective.

Mr. President, I believe that we have reached our final objective. And it is a good bill on which we can go to conference. I thank my colleagues for their support.

The PRESIDING OFFICER. Pursuant to the previous order entered, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and to be read a third time.

The bill was read a third time.

The PRESIDING OFFICER. Under the previous order, the Rules Committee is discharged from further consideration of H.R. 2, and the Senate shall proceed to its immediate consideration.

The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 2) to establish national voter registration procedures for Federal elections, and for other purposes.

The Senate proceeded to consider the bill.

The PRESIDING OFFICER. Under the previous order, all after the enacting clause is stricken and the text of S. 460, as amended, is inserted in lieu thereof.

The question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read a third time.

The PRESIDING OFFICER. The question is on final passage of the bill, as amended.

The yeas and nays have not been ordered.

Mr. FORD. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

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

The assistant legislative clerk called the roll.

Mr. SIMPSON. I announce that the Senator from South Dakota [Mr. PRESSELER] is necessarily absent.

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

The result was announced—yeas 62, nays 37, as follows:

[Rollcall Vote No. 38 Leg.]

YEAS—62

Akaka	Ford	Mikulski
Baucus	Glenn	Mitchell
Biden	Graham	Moseley-Braun
Bingaman	Harkin	Moynihan
Boren	Hatfield	Murray
Boxer	Heflin	Nunn
Bradley	Hollings	Packwood
Breaux	Inouye	Pell
Bryan	Jeffords	Pryor
Bumpers	Johnston	Reid
Byrd	Kennedy	Riegle
Campbell	Kerrey	Robb
Conrad	Kerry	Rockefeller
Daschle	Kohl	Sarbanes
DeConcini	Krueger	Sasser
Dodd	Lautenberg	Shelby
Dorgan	Leahy	Simon
Durenberger	Levin	Specter
Exon	Lieberman	Wellstone
Feingold	Mathews	Wofford
Feinstein	Metzenbaum	

NAYS—37

Bennett	Domenici	McCain
Bond	Faircloth	McConnell
Brown	Gorton	Murkowski
Burns	Gramm	Nickles
Chafee	Grassley	Roth
Coats	Gregg	Simpson
Cochran	Hatch	Smith
Cohen	Helms	Stevens
Coverdell	Kassebaum	Thurmond
Craig	Kempthorne	Wallop
D'Amato	Lott	Warner
Danforth	Lugar	
Dole	Mack	

NOT VOTING—1

Pressler

So the bill (H.R. 2), as amended, was passed, as follows:

*Resolved*, That the bill from the House of Representatives (H.R. 2) entitled "An Act to establish national voter registration procedures for Federal elections, and for other purposes," do pass with the following amendment:

Strike out all after the enacting clause and insert:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "National Voter Registration Act of 1993".

**SEC. 2. FINDINGS AND PURPOSES.**

(a) *FINDINGS.*—The Congress finds that—

(1) the right of citizens of the United States to vote is a fundamental right;

(2) it is the duty of the Federal, State, and local governments to promote the exercise of that right; and

(3) discriminatory and unfair registration laws and procedures can have a direct and damaging effect on voter participation in elections for Federal office and disproportionately harm voter participation by various groups, including racial minorities.

(b) *PURPOSES.*—The purposes of this Act are—

(1) to establish procedures that will increase the number of eligible citizens who register to vote in elections for Federal office;

(2) to make it possible for Federal, State, and local governments to implement this Act in a

manner that enhances the participation of eligible citizens as voters in elections for Federal office;

(3) to protect the integrity of the electoral process; and

(4) to ensure that accurate and current voter registration rolls are maintained.

### SEC. 3. DEFINITIONS.

As used in this Act—

(1) the term "election" has the meaning stated in section 301(1) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(1));

(2) the term "Federal office" has the meaning stated in section 301(3) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(3));

(3) the term "motor vehicle driver's license" includes any personal identification document issued by a State motor vehicle authority;

(4) the term "State" means a State of the United States and the District of Columbia; and

(5) the term "voter registration agency" means an office designated under section 7(a)(1) to perform voter registration activities.

### SEC. 4. NATIONAL PROCEDURES FOR VOTER REGISTRATION FOR ELECTIONS FOR FEDERAL OFFICE.

(a) IN GENERAL.—Except as provided in subsection (b), notwithstanding any other Federal or State law, in addition to any other method of voter registration provided for under State law, each State shall establish procedures to register to vote in elections for Federal office—

(1) by application made simultaneously with an application for a motor vehicle driver's license pursuant to section 5;

(2) by mail application pursuant to section 6; and

(3) by application in person—

(A) at the appropriate registration site designated with respect to the residence of the applicant in accordance with State law; and

(B) at a Federal, State, or nongovernmental office designated under section 7.

(b) NONAPPLICABILITY TO CERTAIN STATES.—This Act does not apply to a State described in either or both of the following paragraphs:

(1) A State in which, under law that is in effect continuously on and after March 11, 1993, there is no voter registration requirement for any voter in the State with respect to an election for Federal office.

(2) A State in which, under law that is in effect continuously on and after March 11, 1993, or that was enacted on or prior to March 11, 1993, and by its terms is to come into effect upon the enactment of this Act, so long as that law remains in effect, all voters in the State may register to vote at the polling place at the time of voting in a general election for Federal office in a year in which an election for the office of President is held."

### SEC. 5. SIMULTANEOUS APPLICATION FOR VOTER REGISTRATION AND APPLICATION FOR MOTOR VEHICLE DRIVER'S LICENSE.

(a) IN GENERAL.—(1) Each State motor vehicle driver's license application (including any renewal application) submitted to the appropriate State motor vehicle authority under State law shall serve as an application for voter registration with respect to elections for Federal office unless the applicant fails to sign the voter registration application.

(2) An application for voter registration submitted under paragraph (1) shall be considered as updating any previous voter registration by the applicant.

(b) LIMITATION ON USE OF INFORMATION.—No information relating to the failure of an applicant for a State motor vehicle driver's license to sign a voter registration application may be used for any purpose other than voter registration.

(c) FORMS AND PROCEDURES.—(1) Each State shall include a voter registration application

form for elections for Federal office as part of an application for a State motor vehicle driver's license.

(2) The voter registration application portion of an application for a State motor vehicle driver's license—

(A) may not require any information that duplicates information required in the driver's license portion of the form (other than a second signature or other information necessary under subparagraph (C));

(B) may require only the minimum amount of information necessary to—

(i) prevent duplicate voter registrations; and

(ii) enable State election officials to assess the eligibility of the applicant and to administer voter registration and other parts of the election process;

(C) shall include a statement that—

(i) states each eligibility requirement (including citizenship);

(ii) contains an attestation that the applicant meets each such requirement; and

(iii) requires the signature of the applicant, under penalty of perjury;

(D) shall include, in print that is identical to that used in the attestation portion of the application—

(i) the information required in section 8(a)(5) (A) and (B);

(ii) a statement that, if an applicant declines to register to vote, the fact that the applicant has declined to register will remain confidential and will be used only for voter registration purposes; and

(iii) a statement that if an applicant does register to vote, the office at which the applicant submits a voter registration application will remain confidential and will be used only for voter registration purposes; and

(E) shall be made available (as submitted by the applicant, or in machine readable or other format) to the appropriate State election official as provided by State law.

(d) CHANGE OF ADDRESS.—Any change of address form submitted in accordance with State law for purposes of a State motor vehicle driver's license shall serve as notification of change of address for voter registration with respect to elections for Federal office for the registrant involved unless the registrant states on the form that the change of address is not for voter registration purposes.

(e) TRANSMITTAL DEADLINE.—(1) Subject to paragraph (2), a completed voter registration portion of an application for a State motor vehicle driver's license accepted at a State motor vehicle authority shall be transmitted to the appropriate State election official not later than 10 days after the date of acceptance.

(2) If a registration application is accepted within 5 days before the last day for registration to vote in an election, the application shall be transmitted to the appropriate State election official not later than 5 days after the date of acceptance.

### SEC. 6. MAIL REGISTRATION.

(a) FORM.—(1) Each State shall accept and use the mail voter registration application form prescribed by the Federal Election Commission pursuant to section 9(a)(2) for the registration of voters in elections for Federal office.

(2) In addition to accepting and using the form described in paragraph (1), a State may develop and use a mail voter registration form that meets all of the criteria stated in section 9(b) for the registration of voters in elections for Federal office.

(3) A form described in paragraph (1) or (2) shall be accepted and used for notification of a registrant's change of address.

(b) AVAILABILITY OF FORMS.—The chief State election official of a State shall make the forms described in subsection (a) available for dis-

tribution through governmental and private entities, with particular emphasis on making them available for organized voter registration programs.

(c) FIRST-TIME VOTERS.—(1) Subject to paragraph (2), a State may by law require a person to vote in person if—

(A) the person was registered to vote in a jurisdiction by mail; and

(B) the person has not previously voted in that jurisdiction.

(2) Paragraph (1) does not apply in the case of a person—

(A) who is entitled to vote by absentee ballot under the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-1 et seq.);

(B) who is provided the right to vote otherwise than in person under section 3(b)(2)(B)(ii) of the Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. 1973ee-1(b)(2)(B)(ii)); or

(C) who is entitled to vote otherwise than in person under any other Federal law.

(d) UNDELIVERED NOTICES.—If a notice described in section 8(a)(2) is sent by nonforwardable mail and is returned undelivered, the name of the applicant may be removed from the official list of eligible voters in accordance with section 8(d).

### SEC. 7. VOTER REGISTRATION AGENCIES.

(a) DESIGNATION.—(1) Each State shall designate agencies for the registration of voters in elections for Federal office.

(2) Each State may designate as voter registration agencies—

(A) all offices in the State that provide public assistance, unemployment compensation, or related services; and

(B) all offices in the State that provide State-funded programs primarily engaged in providing services to persons with disabilities.

(3)(A) In addition to voter registration agencies designated under paragraph (2), each State shall designate other offices within the State as voter registration agencies.

(B) Voter registration agencies designated under subparagraph (A) may include—

(i) State or local government offices such as public libraries, public schools, offices of city and county clerks (including marriage license bureaus), fishing and hunting license bureaus, government revenue offices, and offices not described in paragraph (2)(B) that provide services to persons with disabilities; and

(ii) Federal and nongovernmental offices, with the agreement of such offices.

(4)(A) At each voter registration agency, the following services shall be made available:

(i) Distribution of mail voter registration application forms in accordance with paragraph (6).

(ii) Assistance to applicants in completing voter registration application forms, unless the applicant refuses such assistance.

(iii) Acceptance of completed voter registration application forms for transmittal to the appropriate State election official.

(B) If a voter registration agency designated under paragraph (2)(B) provides services to a person with a disability at the person's home, the agency shall provide the services described in subparagraph (A) at the person's home.

(5) A person who provides service described in paragraph (4) shall not—

(A) seek to influence an applicant's political preference or party registration;

(B) display any such political preference or party allegiance; or

(C) make any statement to an applicant or take any action the purpose or effect of which is to discourage the applicant from registering to vote.

(6) A voter registration agency that is an office that provides service or assistance in addition to conducting voter registration shall—

(A) distribute with each application for such service or assistance, and with each recertification, renewal, or change of address form relating to such service or assistance—

(i) the mail voter registration application form described in section 9(a)(2), including a statement that—

(I) specifies each eligibility requirement (including citizenship);

(II) contains an attestation that the applicant meets each such requirement; and

(III) requires the signature of the applicant, under penalty of perjury; or

(ii) the office's own form if it is equivalent to the form described in section 9(a)(2),

unless the applicant, in writing, declines to register to vote;

(B) to the greatest extent practicable, incorporate in application forms and other forms used at those offices for purposes other than voter registration a means by which a person who completes the form may decline, in writing, to register to vote in elections for Federal office; and

(C) provide to each applicant who does not decline to register to vote the same degree of assistance with regard to the completion of the registration application form as is provided by the office with regard to the completion of its own forms, unless the applicant refuses such assistance.

(7) No information relating to a declination to register to vote in connection with an application made at an office described in paragraph (6) may be used for any purpose other than voter registration.

(b) **FEDERAL GOVERNMENT AND PRIVATE SECTOR COOPERATION.**—All departments, agencies, and other entities of the executive branch of the Federal Government shall, to the greatest extent practicable, cooperate with the States in carrying out subsection (a), and all nongovernmental entities are encouraged to do so.

(c) **TRANSMITTAL DEADLINE.**—(1) Subject to paragraph (2), a completed registration application accepted at a voter registration agency shall be transmitted to the appropriate State election official not later than 10 days after the date of acceptance.

(2) If a registration application is accepted within 5 days before the last day for registration to vote in an election, the application shall be transmitted to the appropriate State election official not later than 5 days after the date of acceptance.

(d) **ARMED FORCES RECRUITMENT OFFICES.**—(1) Each State and the Secretary of Defense shall jointly develop and implement procedures for persons to apply to register to vote at recruitment offices of the Armed Forces of the United States.

(2) A recruitment office of the Armed Forces of the United States shall be considered to be a voter registration agency designated under subsection (a)(2) for all purposes of this Act.

**SEC. 8. REQUIREMENTS WITH RESPECT TO ADMINISTRATION OF VOTER REGISTRATION.**

(a) **IN GENERAL.**—In the administration of voter registration for elections for Federal office, each State shall—

(1) ensure that any eligible applicant is registered to vote in an election—

(A) in the case of registration with a motor vehicle application under section 5, if the valid voter registration form of the applicant is submitted to the appropriate State motor vehicle authority not later than the lesser of 30 days, or the period provided by State law, before the date of the election;

(B) in the case of registration by mail under section 6, if the valid voter registration form of the applicant is postmarked not later than the lesser of 30 days, or the period provided by State law, before the date of the election;

(C) in the case of registration at a voter registration agency, if the valid voter registration form of the applicant is accepted at the voter registration agency not later than the lesser of 30 days, or the period provided by State law, before the date of the election; and

(D) in any other case, if the valid voter registration form of the applicant is received by the appropriate State election official not later than the lesser of 30 days, or the period provided by State law, before the date of the election;

(2) require the appropriate State election official to send notice to each applicant of the disposition of the application;

(3) provide that the name of a registrant may not be removed from the official list of eligible voters except—

(A) at the request of the registrant;

(B) as provided by State law, by reason of criminal conviction or mental incapacity; or

(C) as provided under paragraph (4);

(4) conduct a general program that makes a reasonable effort to remove the names of ineligible voters from the official lists of eligible voters by reason of—

(A) the death of the registrant; or

(B) a change in the residence of the registrant, in accordance with subsections (b), (c), and (d);

(5) inform applicants under sections 5, 6, and 7 of—

(A) voter eligibility requirements; and

(B) penalties provided by law for submission of a false voter registration application; and

(6) ensure that the identity of the voter registration agency through which any particular voter is registered is not disclosed to the public.

(b) **CONFIRMATION OF VOTER REGISTRATION.**—Any State program or activity to protect the integrity of the electoral process by ensuring the maintenance of an accurate and current voter registration roll for elections for Federal office—

(1) shall be uniform, nondiscriminatory, and in compliance with the Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.); and

(2) shall not result in the removal of the name of any person from the official list of voters registered to vote in an election for Federal office by reason of the person's failure to vote.

(c) **VOTER REMOVAL PROGRAMS.**—(1) A State may meet the requirement of subsection (a)(4) by establishing a program under which—

(A) change-of-address information supplied by the Postal Service through its licensees is used to identify registrants whose addresses may have changed; and

(B) if it appears from information provided by the Postal Service that—

(i) a registrant has moved to a different residence address in the same registrar's jurisdiction in which the registrant is currently registered, the registrar changes the registration records to show the new address and sends the registrant a notice of the change by forwardable mail and a postage prepaid pre-addressed return form by which the registrant may verify or correct the address information; or

(ii) the registrant has moved to a different residence address not in the same registrar's jurisdiction, the registrar uses the notice procedure described in subsection (d)(2) to confirm the change of address.

(2)(A) A State shall complete, not later than 90 days prior to the date of a primary or general election for Federal office, any program the purpose of which is to systematically remove the names of ineligible voters from the official lists of eligible voters.

(B) Subparagraph (A) shall not be construed to preclude—

(i) the removal of names from official lists of voters on a basis described in paragraph (3) (A) or (B) or (4)(A) of subsection (a); or

(ii) correction of registration records pursuant to this Act.

(d) **REMOVAL OF NAMES FROM VOTING ROLLS.**—(1) A State shall not remove the name of a registrant from the official list of eligible voters in elections for Federal office on the ground that the registrant has changed residence unless the registrant—

(A) confirms in writing that the registrant has changed residence to a place outside the registrar's jurisdiction in which the registrant is registered; or

(B)(i) has failed to respond to a notice described in paragraph (2); and

(ii) has not voted or appeared to vote (and, if necessary, correct the registrar's record of the registrant's address) in an election during the period beginning on the date of the notice and ending on the day after the date of the second general election for Federal office that occurs after the date of the notice.

(2) A notice is described in this paragraph if it is a postage prepaid and pre-addressed return card, sent by forwardable mail, on which the registrant may state his or her current address, together with a notice to the following effect:

(A) If the registrant did not change his or her residence, or changed residence but remained in the registrar's jurisdiction, the registrant should return the card not later than the time provided for mail registration under subsection (a)(1)(B). If the card is not returned, affirmation or confirmation of the registrant's address may be required before the registrant is permitted to vote in a Federal election during the period beginning on the date of the notice and ending on the day after the date of the second general election for Federal office that occurs after the date of the notice, and if the registrant does not vote in an election during that period the registrant's name will be removed from the list of eligible voters.

(B) If the registrant has changed residence to a place outside the registrar's jurisdiction in which the registrant is registered, information concerning how the registrant can continue to be eligible to vote.

(3) A voting registrar shall correct an official list of eligible voters in elections for Federal office in accordance with change of residence information obtained in conformance with this subsection.

(e) **PROCEDURE FOR VOTING FOLLOWING FAILURE TO RETURN CARD.**—(1) A registrant who has moved from an address in the area covered by a polling place to an address in the same area shall, notwithstanding failure to notify the registrar of the change of address prior to the date of an election, be permitted to vote at that polling place upon oral or written affirmation by the registrant of the change of address before an election official at that polling place.

(2)(A) A registrant who has moved from an address in the area covered by one polling place to an address in an area covered by a second polling place within the same registrar's jurisdiction and the same congressional district and who has failed to notify the registrar of the change of address prior to the date of an election, at the option of the registrant—

(i) shall be permitted to correct the voting records and vote at the registrant's former polling place, upon oral or written affirmation by the registrant of the new address before an election official at that polling place; or

(ii)(I) shall be permitted to correct the voting records and vote at a central location within the same registrar's jurisdiction designated by the registrar where a list of eligible voters is maintained, upon written affirmation by the registrant of the new address on a standard form provided by the registrar at the central location; or

(II) shall be permitted to correct the voting records for purposes of voting in future elections at the appropriate polling place for the current

address and, if permitted by State law, shall be permitted to vote in the present election, upon confirmation by the registrant of the new address by such means as are required by law.

(B) If State law permits the registrant to vote in the current election upon oral or written affirmation by the registrant of the new address at a polling place described in subparagraph (A)(ii)(II), voting at the former polling place as described in subparagraph (A)(i) and at a central location as described in subparagraph (A)(ii)(I) need not be provided as alternative options.

(3) If the registration records indicate that a registrant has moved from an address in the area covered by a polling place, the registrant shall, upon oral or written affirmation by the registrant before an election official at that polling place that the registrant continues to reside at the address previously made known to the registrar, be permitted to vote at that polling place.

(f) **CHANGE OF VOTING ADDRESS WITHIN A JURISDICTION.**—In the case of a change of address, for voting purposes, of a registrant to another address within the same registrar's jurisdiction, the registrar shall correct the voting registration list accordingly, and the registrant's name may not be removed from the official list of eligible voters by reason of such a change of address except as provided in subsection (d).

(g) **CONVICTION IN FEDERAL COURT.**—(1) On the conviction of a person of a felony in a district court of the United States, the United States attorney shall give written notice of the conviction to the chief State election official designated under section 10 of the State of the person's residence.

(2) A notice given pursuant to paragraph (1) shall include—

- (A) the name of the offender;
- (B) the offender's age and residence address;
- (C) the date of entry of the judgment;
- (D) a description of the offenses of which the offender was convicted; and
- (E) the sentence imposed by the court.

(3) On request of the chief State election official of a State or other State official with responsibility for determining the effect that a conviction may have on an offender's qualification to vote, the United States attorney shall provide such additional information as the United States attorney may have concerning the offender and the offense of which the offender was convicted.

(4) If a conviction of which notice was given pursuant to paragraph (1) is overturned, the United States attorney shall give the official to whom the notice was given written notice of the vacation of the judgment.

(5) The chief State election official shall notify the voter registration officials of the local jurisdiction in which an offender resides of the information received under this subsection.

(h) **REDUCED POSTAL RATES.**—(1) Subchapter II of chapter 36 of title 39, United States Code, is amended by adding at the end the following:

**"§3629. Reduced rates for voter registration purposes**

"The Postal Service shall make available to a State or local voting registration official the rate for any class of mail that is available to a qualified nonprofit organization under section 3626 for the purpose of making a mailing that the official certifies is required or authorized by the National Voter Registration Act of 1993."

(2) The first sentence of section 2401(c) of title 39, United States Code, is amended by striking out "and 3626(a)-(h) and (j)-(k) of this title," and inserting in lieu thereof "3626(a)-(h), 3626(j)-(k), and 3629 of this title".

(3) Section 3627 of title 39, United States Code, is amended by striking out "or 3626 of this title," and inserting in lieu thereof "3626, or 3629 of this title".

(4) 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 voter registration purposes."

(i) **PUBLIC DISCLOSURE OF VOTER REGISTRATION ACTIVITIES.**—(1) Each State shall maintain for at least 2 years and shall make available for public inspection and, where available, photocopying at a reasonable cost, all records concerning the implementation of programs and activities conducted for the purpose of ensuring the accuracy and currency of official lists of eligible voters, except to the extent that such records relate to a declination to register to vote or to the identity of a voter registration agency through which any particular voter is registered.

(2) The records maintained pursuant to paragraph (1) shall include lists of the names and addresses of all persons to whom notices described in subsection (d)(2) are sent, and information concerning whether or not each such person has responded to the notice as of the date that inspection of the records is made.

(j) **DEFINITION.**—For the purposes of this section, the term "registrar's jurisdiction" means—

(1) an incorporated city, town, borough, or other form of municipality;

(2) if voter registration is maintained by a county, parish, or other unit of government that governs a larger geographic area than a municipality, the geographic area governed by that unit of government; or

(3) if voter registration is maintained on a consolidated basis for more than one municipality or other unit of government by an office that performs all of the functions of a voting registrar, the geographic area of the consolidated municipalities or other geographic units.

(k) **CHANGE OF ADDRESS OF REGISTRANT.**—Any provision of this Act to the contrary notwithstanding, if State law permits the registrant to vote in the current election upon oral or written affirmation by the registrant of the new address, at the polling place described in section 8(e)(2)(A)(i), or at a central location as described in section 8(e)(2)(A)(ii)(I), or at a polling place described in section 8(e)(2)(A)(ii)(II), voting at the other locations described in section 8(e)(2)(A) need not be provided as options.

#### SEC. 9. FEDERAL COORDINATION AND REGULATIONS.

(a) **IN GENERAL.**—The Federal Election Commission—

(1) in consultation with the chief election officers of the States, shall prescribe such regulations as are necessary to carry out paragraphs (2) and (3);

(2) in consultation with the chief election officers of the States, shall develop a mail voter registration application form for elections for Federal office;

(3) not later than June 30 of each odd-numbered year, shall submit to the Congress a report assessing the impact of this Act on the administration of elections for Federal office during the preceding 2-year period and including recommendations for improvements in Federal and State procedures, forms, and other matters affected by this Act; and

(4) shall provide information to the States with respect to the responsibilities of the States under this Act.

(b) **CONTENTS OF MAIL VOTER REGISTRATION FORM.**—The mail voter registration form developed under subsection (a)(2)—

(1) may require only such identifying information (including the signature of the applicant) and other information (including data relating to previous registration by the applicant), as is necessary to enable the appropriate State election official to assess the eligibility of the appli-

cant and to administer voter registration and other parts of the election process;

(2) shall include a statement that—

(A) specifies each eligibility requirement (including citizenship);

(B) contains an attestation that the applicant meets each such requirement; and

(C) requires the signature of the applicant, under penalty of perjury;

(3) may not include any requirement for notarization or other formal authentication; and

(4) shall include, in print that is identical to that used in the attestation portion of the application—

(i) the information required in section 8(a)(5)(A) and (B);

(ii) a statement that, if an applicant declines to register to vote, the fact that the applicant has declined to register will remain confidential and will be used only for voter registration purposes; and

(iii) a statement that if an applicant does register to vote, the office at which the applicant submits a voter registration application will remain confidential and will be used only for voter registration purposes; and

#### SEC. 10. DESIGNATION OF CHIEF STATE ELECTION OFFICIAL.

Each State shall designate a State officer or employee as the chief State election official to be responsible for coordination of State responsibilities under this Act.

#### SEC. 11. CIVIL ENFORCEMENT AND PRIVATE RIGHT OF ACTION.

(a) **ATTORNEY GENERAL.**—The Attorney General may bring a civil action in an appropriate district court for such declaratory or injunctive relief as is necessary to carry out this Act.

(b) **PRIVATE RIGHT OF ACTION.**—(1) A person who is aggrieved by a violation of this Act may provide written notice of the violation to the chief election official of the State involved.

(2) If the violation is not corrected within 90 days after receipt of a notice under paragraph (1), or within 20 days after receipt of the notice if the violation occurred within 120 days before the date of an election for Federal office, the aggrieved person may bring a civil action in an appropriate district court for declaratory or injunctive relief with respect to the violation.

(3) If the violation occurred within 30 days before the date of an election for Federal office, the aggrieved person need not provide notice to the chief election official of the State under paragraph (1) before bringing a civil action under paragraph (2).

(c) **ATTORNEY'S FEES.**—In a civil action under this section, the court may allow the prevailing party (other than the United States) reasonable attorney fees, including litigation expenses, and costs.

(d) **RELATION TO OTHER LAWS.**—(1) The rights and remedies established by this section are in addition to all other rights and remedies provided by law, and neither the rights and remedies established by this section nor any other provision of this Act shall supersede, restrict, or limit the application of the Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.).

(2) Nothing in this Act authorizes or requires conduct that is prohibited by the Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.).

#### SEC. 12. CRIMINAL PENALTIES.

A person, including an election official, who in any election for Federal office—

(1) knowingly and willfully intimidates, threatens, or coerces, or attempts to intimidate, threaten, or coerce, any person for—

(A) registering to vote, or voting, or attempting to register or vote;

(B) urging or aiding any person to register to vote, to vote, or to attempt to register or vote; or

(C) exercising any right under this Act; or

(2) knowingly and willfully deprives, defrauds, or attempts to deprive or defraud the

residents of a State of a fair and impartially conducted election process, by—

(A) the procurement or submission of voter registration applications that are known by the person to be materially false, fictitious, or fraudulent under the laws of the State in which the election is held; or

(B) the procurement, casting, or tabulation of ballots that are known by the person to be materially false, fictitious, or fraudulent under the laws of the State in which the election is held, shall be fined in accordance with title 18, United States Code (which fines shall be paid into the general fund of the Treasury, miscellaneous receipts pursuant to section 3302 of title 31, United States Code), notwithstanding any other law, or imprisoned not more than 5 years, or both.

#### SEC. 13. RULE OF CONSTRUCTION.

Nothing in this Act shall be construed to preclude a State from requiring presentation of documentary evidence of the citizenship of an applicant for voter registration.

#### SEC. 14. EFFECTIVE DATE.

This Act shall take effect—

(1) with respect to a State that on the date of enactment of this Act has a provision in the constitution of the State that would preclude compliance with this Act unless the State maintained separate Federal and State official lists of eligible voters, on the later of—

(A) January 1, 1996; or

(B) the date that is 120 days after the date by which, under the constitution of the State as in effect on the date of enactment of this Act, it would be legally possible to adopt and place into effect any amendments to the constitution of the State that are necessary to permit such compliance with this Act without requiring a special election; and

(2) with respect to any State not described in paragraph (1), on January 1, 1995.

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

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

The motion to lay on the table was agreed to.

Mr. FORD. Mr. President, I ask unanimous consent that S. 460 be indefinitely postponed.

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

Under the previous order, the Senate insists on its amendments, requests a conference with the House on the disagreeing votes, and the Chair is authorized to appoint conferees on the part of the Senate.

#### UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate Commerce Committee be discharged from further consideration of S. 366, a bill relating to a national commission to assure a strong competitive airline industry, and that the Senate now proceed to its immediate consideration, and that the bill be considered under the following conditions and limitations:

That there be 20 minutes for debate on the bill with the time equally divided and controlled between Senators HOLLINGS and DANFORTH or their designees; that the only amendments in

order be the following, with no second-degree amendments in order thereto, with no motion to recommit in order, with all time equally divided and controlled in the usual form: A Danforth-Exon-Dole amendment relating to the number of ex-officio members, on which there be 5 minutes for debate; a Danforth amendment relating to the commission's reporting requirement, on which there be 1 hour for debate; that when all time is used or yielded back, the bill be read a third time and the Senate then proceed to Calendar No. 22, H.R. 904, the House companion; that all after the enacting clause be stricken and the text of S. 366, as amended, be inserted in lieu thereof; that the bill be advanced to third reading and passed; further, that upon disposition of H.R. 904, the Senate measure, S. 366, be indefinitely postponed with all of the above occurring without intervening action or debate.

I further ask unanimous consent that immediately following the disposition of Calendar No. 22, H.R. 904, the airline commission bill, the Senate proceed to the immediate consideration of Calendar No. 34, a Senate concurrent resolution, the concurrent budget resolution.

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

Mr. MITCHELL. Mr. President, in light of these agreements, there will be no further rollcall votes this evening. The Senate will proceed to S. 366, the bill relating to the national commission on a strong competitive airline industry. Following that, the Senate will proceed to consideration of the concurrent budget resolution.

Mr. President, I now wish to use a portion of my leader time to make a brief statement on the bill that has just been passed.

The PRESIDING OFFICER. The majority leader is recognized for up to 10 minutes.

#### MOTOR-VOTER REGISTRATION ACT OF 1993

Mr. MITCHELL. Mr. President, with this vote, the Senate has given its approval to legislation to make it easier for Americans to register and vote.

We now can be confident that legislation will eventually be enacted into law that will make voter registration virtually universal for people who are eligible to vote.

All Americans will now be given an opportunity to register to vote when they apply for a driver's license. That will cover about 90 percent of all registered voters, and it represents a tremendous improvement from the current situation. In order to pass this bill, we have comprised with our Republican colleagues. We had to modify a provision which was designed to ensure that the remaining portion of the

population has an opportunity to register and vote. The legislation was modified so that public assistance and unemployment compensation offices do not have to provide voter registration forms to those citizens they serve. Under the bill as modified, they may provide voter registration, but they are not required to do so. This provision was originally in the bill because a certain small portion of the population do not apply for driver's licenses. Many of them would have the opportunity to register at public assistance and unemployment insurance offices.

I regret that we had to make this change, but it was necessary. It is especially unfortunate because the change prevents the most vulnerable, the most economically disadvantaged portion of our people from having easier access to voter registration. I think it is sad that many took that position.

Nevertheless, notwithstanding this change, the important point is that we passed this important legislation to expand the right to vote. When this bill is signed into law and fully implemented across the Nation, we will have made tremendous progress in increasing voter registration and in extending a fundamental right of democratic Government to a much larger portion of the American people.

As a result of this necessary agreement with our Republican colleagues, we did not get the best possible bill. This legislation is not perfect. But we accomplished most of our objective with what I believe to be very good legislation.

For that, the credit should go to the senior Senator from Kentucky, WENDELL FORD. Senator FORD was the author, manager, and really the father of this bill. He persevered. He demonstrated great skill in steering this bill through the committee and through the Senate. We have now spent 2 weeks on this bill, that time necessitated because of delays and obstructions created by those who opposed the bill. Senator FORD stuck with it, and he did a great job. To him should go the thanks of all Americans.

Mr. President, I yield the floor.

#### ORDER OF PROCEDURE

Mr. DANFORTH. Mr. President, before proceeding to S. 366, I ask unanimous consent that Senator SPECTER be recognized for—

Mr. SPECTER. A period up to 7 minutes. I expect to do it in less.

Mr. DANFORTH. For 7 minutes and Senator DURENBERGER for 5 minutes.

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

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

CLOTURE VOTES ON NATIONAL  
VOTER REGISTRATION ACT OF 1993

Mr. SPECTER. Mr. President, I thank my distinguished colleague from Missouri for yielding me this time.

I have sought recognition in order to make a brief statement and have a brief colloquy with the distinguished Senator from Kentucky [Mr. MCCONNELL]. I could not make this statement earlier because of the unanimous-consent agreement but wish to comment about the cloture votes and my reason for voting against cutting off of debate in order to secure certain modifications to the bill.

There is a widespread misunderstanding as to some of the nuances of our Senate procedure. For example, there have been two cloture votes on this bill, one on the motion to proceed, and then a second and separate cloture issue on the bill itself.

One of the major national newspapers today expressed surprise that there were some Senators who had changed their votes on cloture on the motion to proceed distinguished from opposing cloture on the main bill. In fact, I was one of those Senators. I did so because the motion to proceed simply authorizes the Senate to take up the bill. In the absence of a successful motion to proceed, the Senate is foreclosed from even taking up the bill.

But the second cloture motion, to cut off debate or discussion on the bill itself, has much more significant import in that it limits the debate and further amendments on the bill itself.

We face an unusual time in the history of the Nation, or at least a unique time in the 12 years plus that I have been in the Senate because we now have both Houses of Congress controlled by the Democratic Party and we have a President who is a Democrat. So this year, when we enact legislation that comes out of the Senate and goes through Congress, unlike last year when on motor-voter it was known that then President Bush would veto it, we have legislation which is virtually certain to be signed by President Clinton. Therefore, it is a different matter. Given the fact that there are only 43 Republican Senators, the only point where that number may be effective is on the issue of cutting off debate where there must be at least 60 Senators to secure cloture.

I supported the move to oppose cloture so that there could be changes in the bill. The distinguished Presiding Officer, the Senator from Minnesota [Mr. WELLSTONE] made a comment earlier about some of his regrets on the bill. The distinguished majority leader made a comment a few moments ago on some of his regrets on the bill. There are genuine differences of opinion. I believe that, as a result of these proceedings, this is an improved bill.

I have always been for expanding opportunities to vote. My record has been

established for more than three decades on the issue of voter registration. I have been in the Senate for 12 years plus and a district attorney in Philadelphia, where I had an extensive record on this subject. But there are a number of provisions of this bill which have concerned me. Most of them were corrected. I voted in favor of this bill as I voted in favor of the motor-voter bill last year. Last year it was a closer call, but I thought the bill was better than not having a bill.

I have asked my distinguished colleague from Kentucky, Senator MCCONNELL, to stay on the floor because I want to be sure that I correctly articulate the changes that were made to the bill.

One change was an amendment I offered which provided for mail confirmation under certain circumstances, where a letter would be sent to the registrant to be sure that that registrant was at the address. Last year, I pressed this amendment. It was proposed by the distinguished senior Senator from Kentucky and was defeated. This year, after some discussion, it has been incorporated.

I am not saying that it is an enormous change, but I think it is significant. The experience that I have had, for example, with voter fraud during my days as district attorney makes me very concerned about the fraud issue.

There was a second very significant change where the original terms of the bill had a provision that if a State declined to participate in motor-voter then they would have no registration at all or same-day registration. I would just like my colleague from Kentucky, Senator MCCONNELL, to confirm being the manager of the bill, that that is a factual representation.

Mr. MCCONNELL. I say to my friend he is exactly correct. In the absence of his assistance, the question of the filibuster on the mail bill, we would not have been able to adopt these improvements, and the Senator from Pennsylvania is correct. The original version of the bill provided a State with only one option. Should it choose not to adopt motor-voter for whatever reason—too expensive, they did not like it, whatever—two options; the same-day registration or no registration at all.

Interestingly enough, I say to my friend, we received communication just today from Illinois indicating that a bill was introduced providing that they would opt out of motor-voter if it passed; go to a procedure under which any citizen would simply show up at the polls, swear he was a citizen, and vote. A lot of States would accept that alternative.

Mr. SPECTER. There a second provision which provides that with respect to certain registration of those receiving public assistance, that the mandatory provision shall was changed from

may, which gives the initiative to the registrant who can register if he or she chooses. The Senator might explain this provision in more detail.

Mr. MCCONNELL. I think what it essentially does is eliminate the possibility of coercion. If some one goes into, for example, a public assistance agency and wants to be registered, and that person providing the service immediately connects with the act of providing assistance, the act of registration, and then suggests a party, for example, that provided a great potential for coercion. That has been changed in the core package that was adopted.

The PRESIDING OFFICER. The time of the Senator from Pennsylvania has expired.

Mr. SPECTER. I ask unanimous consent that I might proceed for up to an additional 2 minutes to complete this colloquy.

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

Mr. SPECTER. I thank the Chair. I thank my colleague.

There are two other matters; one relating to information on eligibility requirements and penalties, and a second relating to clarification on agency-based registration assistance which, as I understand it, if my distinguished colleague from Kentucky could confirm, was also changed as a result of the vote tonight on cloture.

Mr. MCCONNELL. Precisely. But for the ability to deny cloture, those two provisions as well which, in the judgment of this Senator, greatly improves the bill, would not have been adopted.

Mr. SPECTER. Mr. President, I have taken these 9 minutes to make this rather brief statement and to have this colloquy because there is a great deal of misunderstanding as to what the cloture vote means on the motion to proceed or what the cloture vote means generally.

There are obviously in this body genuine differences of opinion as to how to proceed and what is a good bill. Most of my colleagues on this side of the aisle voted against the bill and, I repeat, I voted to favor it.

I take second place to no one in terms of intensity of interest in expanding registration, expanding voter opportunities in the United States. I think we are at a unique period. This is the first time since I have been in the Senate this precise matter has happened.

Given the facts that lie about the House being in control of the Democrats, the Republicans having 43 votes here, this is the sort of a procedure which I think is important and, in my view, I think we have a better bill. Accordingly, I was pleased to vote for it.

I thank my colleagues for their indulgence. I thank the Chair. I yield the floor.

Mr. MITCHELL addressed the Chair. The PRESIDING OFFICER. The majority leader.

Mr. MITCHELL. Mr. President, I will proceed as under leader time.

Mr. President, I am a former Federal judge; I know that when laws that are passed by the Congress are challenged in the courts, the Federal courts review the record of debate to see if they can determine legislative intent.

In the event that ever happens in this case, I just want the RECORD to be clear that the statements made by the two Senators just now represent the individual views on the significance of the amendment and the meanings of the amendment, and should not be construed as any more than that, as a statement of any other Senators in that way.

The conclusion of the Senator, who opposed the bill vigorously, that a change improves the bill, is entitled to no more weight than that. And certainly I think that everyone here ought to understand that this is a continuation of debate and is not entitled to any greater weight in terms of interpreting the legislation than are any other statements made during the 2 weeks this bill has been under debate.

I wanted to make the RECORD clear in that regard. I respect the views of the Senators, but they are individual views, as are many other contrasting views that have been sated throughout the course of this legislation.

Mr. SPECTER. Mr. President, I ask unanimous consent for 1 additional minute.

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

Mr. SPECTER. Mr. President, I would not disagree with any of the statements the majority leader has made. Everything I have said is as an individual Senator, which is all I can do. I do not manage the bill. There is a little more weight if you are the manager of the bill. Senator MCCONNELL is comanager, whatever weight that has. When I make the statement, "The bill has been improved," that is only my opinion. I thank the Chair. I yield the floor.

#### THE NATIONAL COMMISSION FOR A COMPETITIVE AIRLINE INDUSTRY ACT

The PRESIDING OFFICER (Mr. WELLSTONE). Under the previous order, the clerk will report S. 366.

The legislative clerk read as follows:

A bill (S. 366) to amend the Airport and Airway Safety, Capacity, Noise Improvement, and Intermodal Transportation Act of 1992 with respect to the establishment of the National Commission to Ensure a Strong Competitive Airline Industry.

The Senate proceeded to consider the bill.

Mr. EXON. Madam President, I am delighted to rise in support of the legislation to expand the national Commission to Ensure a Strong Competitive Airline Industry. I thank the chairman

of the Commerce Committee and the chairman of the Aviation Subcommittee for working very hard to move this legislation out of the committee and onto the floor for consideration.

I also thank my friend and colleague from Missouri who will be offering at least one amendment, for his help and support and understanding all the way through the process of trying to move this along as quickly as possible at the behest of the Secretary of Transportation.

This legislation is the result of a bipartisan effort to work with the new administration to find the solution to the problems which plague the aviation industry.

In 1991, I introduced legislation to create a blue ribbon Commission to make recommendations to ensure a strong and competitive airline and aircraft manufacturing industries. That legislation became law as a part of the Federal Aviation Administration Reauthorization Act, approved in the 102d Congress.

Since enactment of this legislation, a new President was elected, and the condition of America's aviation industries has worsened. Since President Clinton's election, I have worked very closely with Secretary Peña to make this Commission the primary forum for the discussion of new strategies to restore the economic health to our Nation's airline and aircraft industries.

On February 16, I was pleased to join the Secretary and the House leadership to announce the introduction of this bipartisan legislation to expand the Commission and focus its attention on three immediate priorities; namely, financial stability, manufacturing, and future international competitiveness of the Nation's aviation industry.

The changes embodied in this legislation implement the desire of the new Congress and the new administration to move aggressively to find solutions to our Nation's aviation problems.

America's aviation industries have long been the symbols of our Nation's economic and technological strength. Our Nation has a strong national security interest in America's aviation industry. We cannot continue down the same path. It is time for a change. The status quo means lost jobs and lost competitiveness.

The new Commission will be the forum for the new agenda. It will meet an ambitious and difficult schedule to consider any array of options and make recommendations to the President and to the Congress.

The President and the Nation are looking to the Congress to advance this process. Today, we move one step closer to a solution. There is no time to waste.

I urge my colleagues to vote in favor of expanding and expediting the work of the National Commission To Ensure a Strong Competitive Airline Industry.

Mr. President, I thank you, and I yield the floor.

Mrs. MURRAY. Mr. President, I rise in strong support of the establishment of a National Commission To Ensure a Strong Competitive Airline Industry.

Normally, I am a skeptic of such commissions. But this bill forces a deadline. The Commission must recommend a strategy to the President within 90 days that will keep our airline and aerospace industry the most competitive in the world. The significance of these sectors to the U.S. economy—and the thousands of workers and their families who depend heavily on the aerospace industry—make this Commission imperative.

For the last several years, we in Washington State have heard how European subsidies of Airbus have cost the Boeing Co. global market-share. Since the Europeans began the Airbus subsidy program three decades ago, Airbus has taken more than 28 percent of the international aircraft market. Boeing is the Nation's largest exporter. Lost sales of Boeing overseas mean lost jobs for Boeing workers here at home.

Airbus subsidies help the Europeans cut into our market as well. In 1980, Airbus had no orders in the U.S. market. Today, Airbus has captured 44 percent of all U.S. commercial jet orders.

I know that our industries' problems cannot be blamed completely on foreign trade barriers and unfair practices abroad. The loss of foreign sales has been compounded by the problems in the domestic airline industry. That is why this Commission is vitally important. It goes to the heart of the airline industry's problems, and its recommendations will have an impact on other critical American industries.

I know this Commission will recognize that no industry exists in isolation in today's interdependent economy. Aerospace depends on industries like machine tools, automobiles, semiconductors, computers, energy, shipping, financial services, and airlines, to name but a few. This Commission will deal with issues like bankruptcy reform, international trade, and regulations on the carriers. And with the possible expansion of SeaTac, discussing airport noise pollution will be important to the people of Washington.

In Washington State we know the painful effects of the problems in the aerospace and airline industries. Boeing recently announced that it will lay off more than 20,000 workers. The impact of these layoffs goes far beyond the workers and their families. Each Boeing job supports an additional 2.8 jobs in my State. I meet with constituents every day—homebuilders, auto workers, small business owners—who mention the Boeing layoffs to me. They know that if their neighbors are not working, they cannot buy homes, or cars, or other consumer products. Tens of thousands of Washingtonians will be hurt by this news.

That is why I believe the work of this Commission is critical. We need to have a plan, a strategy for getting our domestic airline industry back on its feet, and that is what this bill does. I urge my colleagues to support this legislation.

Thank you.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

AMENDMENT NO. 178

(Purpose: To revise the composition of the Commission)

Mr. DANFORTH. Mr. President, on behalf of myself, Senator EXON, Senator DOLE, Senator MCCAIN, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Missouri [Mr. DANFORTH], for himself, Mr. EXON, Mr. DOLE, and Mr. MCCAIN, proposes an amendment numbered 178.

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

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

The amendment is as follows:

Strike subsection (a) of section 1 and insert the following:

(a) APPOINTMENT OF MEMBERS.—Paragraph (1) of subsection (e) of section 204 of the Airport and Airway Safety, Capacity, Noise Improvement, and Intermodal Transportation Act of 1992 (49 U.S.C. App. 1371 note) is amended to read as follows:

“(1) APPOINTMENT.—The Commission shall be composed of 15 voting members and 11 nonvoting members as follows:

“(A) 5 voting members and 1 nonvoting member appointed by the President.

“(B) 3 voting members and 3 nonvoting members appointed by the Speaker of the House of Representatives.

“(C) 2 voting members and 2 nonvoting members appointed by the minority leader of the House of Representatives.

“(D) 3 voting members and 3 nonvoting members appointed by the majority leader of the Senate.

“(E) 2 voting members and 2 nonvoting members appointed by the minority leader of the Senate.”.

Mr. DANFORTH. Mr. President, this is the amendment on which there is a 5-minute time agreement and it is very simple. It simply allows the minority leader of the Senate to appoint one more ex officio member of the Commission and it also allows the minority leader of the House to appoint one additional ex officio member of the Commission so that both of them would be allowed to appoint two members to the Commission.

The PRESIDING OFFICER. Is there debate on the amendment?

The Senator from Nebraska is recognized.

Mr. EXON. Mr. President, I thank the Senator from Missouri for offering this amendment. I think it is a good amendment. As we worked through a whole group of people very much interested

in that, there were many suggestions brought forth. We came to an agreement that this would be one that everyone could agree to.

I am a cosponsor of the amendment that has just been offered by the Senator from Missouri, and we have no objections on this side.

The PRESIDING OFFICER. If there is no objection, all time is yielded back and the question is on agreeing to the amendment.

The amendment (No. 178) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 179

(Purpose: To revise the deadline for transmission of the Commission's report)

Mr. DANFORTH. Mr. President, on behalf of myself and Senator MCCAIN, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Missouri [Mr. DANFORTH], for himself, and Mr. MCCAIN, proposes an amendment numbered 179.

Strike subsection (g) of section 1 and insert the following:

(g) REPORT.—Subsection (l) of such section (as redesignated by subsection (e)(2) of this section) is amended by striking “6 months” and inserting “30 days”.

Mr. DANFORTH. Mr. President, the original bill was 6 months. The present version as I understand it is 90 days. The effect of this amendment is to reduce the period of the Commission's study time from 90 days to 30 days.

Mr. President, in view of the very generous and kind comments of the Senator from Nebraska about myself, I hesitate to say what I am about to say and I say it in great friendship and esteem for a very good friend of mine in the Senate.

But, Mr. President, the bill that is before us is at best, the best that can be said about it is that it is totally unnecessary. The worst thing that could be said is that it is not only unnecessary, it leads to 90 days of delay of doing absolutely nothing on a subject that has already been studied to death.

Mr. President, in the last four Congresses the Senate has held 14 hearings and the House has held 15 hearings on the state of the airline industry.

The House has also held four hearings on the economic condition of the domestic aerospace industry and the Senate has conducted several hearings on the same topic. One of the problems in trying to comb through the various hearings that we have had on the airline industry and the aerospace industry is that it is a little bit difficult to find out just how many hearings have been held and how many reports have been made.

But in addition to the ones that I have already mentioned the General Accounting Office has released 12 reports on competition in the airline industry and 10 other significant commercial passenger airline studies have been made by the Federal Government at one level or another since 1986. The Department of Transportation has released two studies since 1990 on the state of the airline industry since deregulation.

Fourteen studies on the economic condition of the aerospace industry have been conducted by both independent and government agencies since 1986. I have brought to the floor of the Senate those studies that we have found by various departments together with the congressional hearings on the subject of the airline industry and the aerospace industry since 1986 and the ones that we have been able to find are now on my desk.

These are simply what that would be after 7 years of studies and now we are told that what the airline industry needs and what the aerospace industry needs is a study and that it will take 90 days to have the study.

Mr. President, I would simply point out that in this legislation the beginning of the ticking of the 90-day clock starts when the members of the Commission are appointed. There is no timetable on the appointment of the Commission. So at some future time the 90-day clock will start ticking and then, of course, after the report is issued nobody knows exactly what will happen to that report. It will probably be what has happened to all of these reports.

They will be stashed away some place. Maybe somewhere in the Department of Transportation there will then be an analysis of the study, and then maybe a report to the President on the study, and then maybe there will be proposed legislation and then Congress will have to study the study, and there will be hearings, of course, on what we do next.

So, the amendment that I have offered is a very simple one. It says, instead of 90 days, let us just do 30 days of study this time. I mean, let us at least take 60 days off of this study that we are doing.

I would say, Mr. President, that I do not think we need a study at all. We have had so many reports on the problems of the airline industry and the aerospace industry that ideas are now coming out of our ears. That is all we have ideas, and we never seem to do anything about those ideas.

In the airline industry, it is really as plain as the nose on your face what the issues are. One issue is the need for capital infusion. This has been studied. There is no study that is going to add anything to it.

It has been estimated that airlines will need \$130 billion between now and

the end of this century to replace their fleets with quieter aircraft that have already been mandated by the Government; \$130 billion for new acquisition of aircraft. The airline industry is distressed. It is not going to be able to produce the capital internally. Even the strongest airlines have had their bonds downgraded in the financial markets. They are junk bonds today.

So it is absolutely clear—it does not take a study to tell us this—that capital infusion from abroad is going to be absolutely necessary to the health of the U.S. airline industry. And Secretary Peña went a long way toward recognizing this with his approval of the British Airways investment in USAir.

Another issue is the war issue. Last year, the airlines lost \$4 billion, largely because of fare wars. Fare wars constitute, in the minds of, I think, most people who have looked into this, predatory pricing practices. And yet, if the standard remedies of the antitrust laws were pursued, maybe 5 years hence litigation would work its way through the courts.

So what we need is some sort of summary procedure for dealing with the problem of fare wars. It does not take a lengthy delay to come to that conclusion.

The new proposed Btu tax and the effect on jet fuel is another subject that does not require a great deal of study. The estimated cost of the tax on the airline industry would be between \$1.4 billion and \$2.1 billion a year. In the most profitable year in history for the airline industry, they only made, between them, \$1.7 billion.

So these matters are not hidden. They are not secret. They do not require more studies.

And with respect to the aerospace industry, Mr. President, there has already been legislation that has been introduced dealing with two of the key questions relating to the airline industry. One is the totally unfair subsidy system that the European governments have for Airbus. Airbus has never made money. It should not even be in existence. Airbus has now captured more than 40 percent of the market in the United States and it should not even exist.

The Secretary of Commerce tomorrow could begin a countervailing duty case against the European governments and Airbus to impose countervailing duties on Airbuses being shipped into this country, and should do it. We have introduced legislation mandating it.

It does not require another study to say, "Well, wait a second. We are being wrecked, our industry is being ruined by Airbus and the unfair subsidies of Airbus."

Another bill that was introduced, which has received favorable comment, at least by the Deputy Secretary of De-

fense, Mr. Perry, is what we call the Aerotech bill, which attempts to practice for the aircraft manufacturing business what Sematech did for the semiconductor business. These are ideas and we are ready for hearings. The legislation has been introduced. We do not need further delay.

Mr. President, I would draw the analogy of this legislation to the question of the situation that would exist if somebody's house was on fire and the person called the fire department and said: "Our House is on fire. We are about to lose everything." And the person in the fire department answered the phone and said: "Well, we are watching a movie now on television. After we finish watching the movie, then we will take care of your fire."

The airline industry is in distress. The aerospace industry is in distress. What we do not need is another box full of paper that is going to be shipped to us at some future date by the people who are conducting the most recent study of the airline industry and the aerospace industry.

There is a word which describes the inability of Government to act. There is a word which describes the inability of Government to get on with it in the face of obvious problems. The word is "gridlock." Gridlock. Gridlock is the word that is used to describe governmental paralysis; Government being just clogged up, unable to move.

This pile of paper on the desk in front of me is a monument to gridlock. A 90-day study, followed by analysis and review and maybe hearings, is a further monument to gridlock.

Therefore, this amendment simply says: Instead of 90 days of gridlock, let us shorten it by a couple of months.

Mr. EXON addressed the Chair. The PRESIDING OFFICER (Mr. AKAKA). The Senator from Nebraska [Mr. EXON] is recognized.

Mr. EXON. Mr. President, I yield myself such time as I might need. I believe there may be one or two other Senators that would like to speak. I will be glad to yield to them at the appropriate time.

The Senator from Nebraska has a half-hour, is that correct?

The PRESIDING OFFICER. That is correct.

Mr. EXON. I have listened with great interest to my friend and colleague from the State of Missouri. I am looking at his rather impressive display of studies that have been done over a period of time.

The Senator from Missouri has offered an amendment that we must oppose, because we believe that the Commission—an action Commission, if you will, Mr. President, that has been suggested by the brandnew Secretary of Transportation under the direction of a brandnew President—wants to get something done.

The new administration, it seems to me, is entitled to a little bit of consid-

eration. Because the new administration—under the leadership of President Clinton and Secretary Peña—is going to do something about the problem that is very vividly and adamantly demonstrated by the pile of papers and books stacked on the desk of the Senator from Missouri.

If we want to talk about gridlock and paralysis and a monument to failure, Mr. President—there it is. That is gridlock. That is a monument to failure. That is paralysis that we have had for a long, long time.

But to keep this as much bipartisan as I can, I simply remind the Senate that all of that gridlock and all of that paralysis and all of that monument to failure was not created under the administration of the present President of the United States. The facts of the matter are the new President of the United States and new Secretary of Transportation have recognized four-square the tremendously difficult problem that we have. Using the analogy that has been used by my friend from Missouri about the house burning down and the firemen somewhere sidetracked watching a movie is more of a description of what has happened in the past rather than what is going to happen in the future.

Certainly I do not feel that it is proper to saddle the new administration with that. It is an action administration that wants to get something done as demonstrated by their up-front announcement early that the No. 1 problem they had was to get a handle on what we know has been an ailing aircraft industry for a long, long time.

All the books, all the charts, all the papers in the world have not solved it. I think it is unreasonable to assume that the new administration, with all those charts and studies and hearing records, could be expected, even if we gave them 30 days, to read all that and digest it in that period of time.

What has the new administration done? They have suggested to us that we do something about this rather than just make studies. This is a commission that will be created by this law that is not just a study. This is a mechanism for change, a mechanism to build something, to create, if you will, a consensus for action and not further gridlock or past paralysis or past monuments to failure.

I wish I could agree with my colleague from Missouri. The new Commission that is being created, which is going to have excellent people on it who know firsthand the problem and will have the ability to recommend action and not further studies—I do not think they can do that, realistically, in 30 days. The original legislation I had introduced in this regard was 6 months. The Clinton administration said we have to do it faster than that. We think 90 days is as quickly as we can expeditiously proceed.

Then the Senator from Missouri came up with the concept of: We can do it all in 30 days. I have to go along with the study of the problem and recommendation that has been made by the Secretary of Transportation. He believes that even the 90-day timeframe is of such a short duration, given the magnitude of the problem and the gridlock and the paralysis and monument to failure. It is going to take them more than 30 days to do an action program and recommend it to us to get on with eliminating gridlock and paralysis and monuments to failure.

Therefore, I must oppose the amendment offered by the Senator from Missouri. I hope he will recognize and realize the new administration is entitled to more than 30 days, but not more than 90 days, to bring something before us for action.

I reserve the remainder of my time.

Mr. DANFORTH. Mr. President, will the Senator yield?

Mr. EXON. I am happy to yield.

Mr. DANFORTH. Mr. President, I am not going to push this any further than I have. I am, in fact, not even going to ask for a vote on the subject. I simply want to make the point that—I wonder if the Senator from Nebraska would agree—maybe one of the skills that members of the Commission should bring to their work is speed reading in order to get through these things.

I have to say some of this is my handiwork. I am one who has requested a number of studies. I do not minimize the desirability of studies. I do not minimize them. I think it is very good to try to understand what we are doing before we do it. It is not always the case, but it is a good thing when we can. But there has to be some limit on how often and how much studying we do before we get on with the business of acting.

My point is very simply that we have a distressed airline industry. We have a distressed aerospace industry. Twenty-five percent of the employees of the aerospace industry of 1989 have now been laid off. There are, of course, related problems. The aerospace industry suffers with the airline industry.

But my question to the Senator of Nebraska is, would speed reading not be a desirable skill to bring to the work of this Commission?

Mr. EXON. The distinguished Senator from Missouri and I are old and very dear friends, and when we agree, we generally agree completely. I completely agree with the worthy suggestion made by my friend from Missouri that those who come on the committee would be better prepared to serve if they were speed readers. I am not sure that will be a requirement of those appointed, but maybe it should be.

Mr. DANFORTH. Mr. President, I withdraw the amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

So the amendment (No. 179) was withdrawn.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. EXON. Mr. President, I thank my friend and colleague from Missouri. I must say, one of the real joys I have had in the U.S. Senate over the years is working with my good and talented friend from Missouri. We have a great deal in common. I have always found him very forthright in his opinions.

I agree, basically, with the thrust of what he is trying to do. This Senator; Senator FORD, chairman of the Aviation Subcommittee; Chairman HOLLINGS of our committee; and many members of the Commerce Committee on both sides of the aisle are very disturbed about the problem. Certainly I want to congratulate my friend from Missouri for very articulately, once again, outlining the extreme difficulties of the airlines industry.

Once again, I simply say this administration has already moved on one part, small as it is. They have made a decision in the last day or so with regard to allowing the British Airways to buy into USAir. That is something that has been pending for months and months and months. I am glad the decision has been made. Certainly I recognize there is probably no one in this body who better understands the serious situation that confronts all segments of our airline industry than my distinguished colleague from Missouri. I only cite, in his State, we have one of the largest and one of the best aircraft and aerospace companies in the whole world. We also have a very topline airline that is headquartered in his State, one of the real former stars of the industry that has fallen upon hard times, like many others of the passenger-carrying airlines. That is why the Secretary of Transportation feels that an action study group for 90 days is absolutely essential.

Therefore, I once again thank my friend from Missouri for his input and counsel on this. I am sorry I could not agree to cutting the time from 90 to 30 days.

Mr. GRAHAM. Mr. President, I am pleased that we are considering this bill today, and I am proud to be a cosponsor of the Senate bill, S. 366.

The airline industry in America is struggling. Perhaps no State feels the effects of this struggle more than my own State of Florida, and perhaps no city more than Miami.

The failures of Eastern and Pan American Airlines have devastated countless families whose livelihood once depended on these airlines. I am hopeful, therefore, that the Commission To Ensure a Strong Competitive Airline Industry will provide recommendations which will safeguard the rest of America's airline employees by revitalizing this troubled industry.

With the interest in protecting American jobs close in mind, I would

like to engage the distinguished sponsor of the Senate bill in a colloquy regarding an issue of particular importance to many former employees of now-defunct airlines.

Some background may be helpful. While domestic commercial aviation has been largely deregulated, international air routes continue to be highly regulated. When one carrier desires to take over from another the authority to fly an international route, that carrier must receive the approval of all countries involved in that route.

In the United States, the responsibility for approving such transfers is placed with the Secretary of Transportation, who must evaluate the proposal by making a number of determinations which equate to measuring the effect of the transfer on the public interest.

One factor included in this analysis is the effect on the employees of the airline which is transferring its routes. While this factor is included in the overall determination, it is not, in my judgment, being properly measured.

Let me give you an example of how route transfers that inadequately consider the effect on employees are detrimental to the public interest and to the jobs of American workers.

When Pan American Airlines went bankrupt in December 1991, thousands of American employees of that airline were left jobless. Most of them remain jobless today.

I make the distinction of American employees because foreign employees were able to keep their jobs when new carriers took over Pan American's international routes. But Americans were terminated wholesale.

There is a simple reason for this, Mr. President. Most European and Latin American nations provide job protection for their nationals in the case of an international route transfer, while the United States has no such legal protections.

For instance, in a hypothetical route between the United States and Argentina, the transfer of which requires the approval of both the Argentine Government and the United States Government, the Argentine Government says: "As a condition of approving this transfer, we are going to require that the airline which acquires the route continue to employ the same number of Argentine nationals that had been employed by the predecessor airline serving that route." The U.S. Government requires no such condition; as a result, hard-working Americans lose their jobs.

Last year, during consideration of the fiscal year 1993 Department of Transportation appropriations measure, Senator DANFORTH and I crafted an amendment which would provide some job security for American workers affected by international airline route transfers. At the heart of this amendment was the belief that the Federal

Government has a fundamental responsibility to help save American jobs.

This amendment, approved by the Senate and supported by a majority of conferees from both the Senate and the House, was removed from the final bill because President Bush threatened to veto the entire appropriations package over that issue.

President Clinton announced that he wanted to expedite the work of the Commission to Ensure a Strong Competitive Airline Industry while he was in the State of Washington, where layoffs at Boeing are crippling the economy. Mr. Clinton's actions were based on his concern about American jobs. I, too, am concerned about American jobs, and that is why I am bringing this issue to the attention of my colleagues today.

I am reading from the statute which created the Commission last year. It is Public Law 102-581, and I am referring to section 204(c)(2), entitled "Policy recommendations." It says, "the Commission shall recommend to the President and Congress those policies which need to be adopted to— \* \* \* (D) provide a stable work environment for airline industry employees \* \* \*."

Now I would like to inquire of the Senator from Nebraska [Mr. EXON] whether he would agree that it was the intent of Congress that the term "airline industry employees" should include those American airline workers who service international routes?

Mr. EXON. That definition certainly is consistent with the legislation.

Mr. GRAHAM. Delving a bit deeper into this issue, would the Senator agree that the Commission, in completing its duties, should address the issue of safeguarding those American workers affected by international route transfers and whether Federal policy in this area should be altered to expand such protections.

Mr. EXON. I agree that a thorough analysis of the industry will include the pressing concern the Senator from Florida has raised.

Mr. GRAHAM. Mr. President, I would like to thank the Senator from Nebraska [Mr. EXON] for helping define congressional intent in this area and for his leadership on issues affecting the airline industry. The Aviation Subcommittee held a hearing on legislation I introduced in the last Congress on this matter, and I want the RECORD to show my appreciation for the help of the subcommittee members last year.

Mr. HOLLINGS. Mr. President, today the Senate is considering important legislation for the future of the U.S. aviation sector. The bill before us, S. 366, is intended to bring us closer to addressing the financial and competitive problems that face the Nation's airline and aircraft manufacturing industries.

Last year the Commerce Committee included, as part of the reauthorization of the programs of the Federal Avia-

tion Administration, provisions that established a national commission to ensure a strong competitive airline industry. On February 16, Senator EXON introduced, and I cosponsored, S. 366, which amends last year's legislation by expanding the number of members to be appointed, ensuring that it is a bipartisan commission, and requiring that the commission expedite the submission of its recommendations to the President and Congress. I am pleased that the legislation is not before the full Senate.

The need for this commission is clear. The airline industry has lost more than \$10 billion over the last 3 years, and more than 100,000 people has been laid off. The number of major airlines has decreased, and several airlines have gone into bankruptcy. This tide must be stemmed, and all issues must be reviewed to this end. We have debated ever since 1978 whether deregulation of the airline industry was an appropriate action, and whether it has resulted overall in a less competitive, less cost-effective, and less efficient airline transportation system. This commission will have an opportunity to explore this issue, among others, and make recommendations for further action.

The aircraft manufacturing sector also has experienced serious financial problems. These problems are exacerbated by the financial crisis in the airline industry, and by the continuing foreign subsidies to Airbus Industrie, the European-backed consortium, today the world's No. 2 aircraft manufacturer. The commission also will be examining these complex problems facing the aircraft manufacturing industry.

The commission's task is daunting, but it is intended that the individuals to be appointed to the commission will be equipped to meet the challenge. They are to come from a variety of backgrounds and will bring different viewpoints to the table. In this regard, the Department of Transportation has indicated that individuals such as airport proprietors would make a valuable contribution to reviewing the problems and that, under the legislation passed today, an airport proprietor certainly would meet the qualifications established under S. 366. The legislation also provides that representatives from the airlines are eligible to serve on the commission, and thus DOT will consider those individuals as well. DOT is committed to working to ensure that a quality commission is selected, and I welcome the advice that the commission will provide.

There has been concern raised that the time provided for the commission to provide its analysis to the President and Congress is too long, and will result in unnecessary delay in addressing the serious problems facing aviation. First of all, I remind my colleagues

that, under the existing law that S. 366 seeks to amend, the commission would have 6 months to provide its recommendations. In the interest of expediting the review, S. 366 provides for the report to be submitted within 90 days. In addition, all parties are committed to ensuring that the commission is in place and ready to work shortly after the legislation is enacted. Furthermore, it is clear that this administration is committed to addressing the problems facing the airline and aircraft manufacturing industries—the President himself publicly endorsed this commission during a visit to Seattle and expressed his interest in resolving these problems.

All agree that it is time to find solutions to the complex problems facing the U.S. aviation sector. This legislation is a concrete step toward this goal, and I urge my colleagues to support its passage.

Mr. LIEBERMAN. Mr. President, I rise today as a cosponsor of Senator EXON's bill to establish a national commission to ensure a strong competitive airline industry. This bill, along with Senator DANFORTH's Aeronautical Technology Consortium Act, demonstrates the commitment of the Federal Government to one of the Nation's largest and most important industries. This commitment will ensure that the United States maintain its status as the world aerospace leader.

We are entering a critical period for American manufacturers. Increased global competition, reductions in defense spending, and a sluggish recovery from a long and arduous recession have battered the whole industrial base. Few industries have suffered as much hardship as has the aerospace industry. Commercial airlines have lost billions, and top aerospace firms such as Boeing and Pratt & Whitney have laid off thousands of highly skilled workers. With additional layoffs and additional losses coming, clearly something must be done. The Government must take an active role as a catalyst to the technological and economic growth that is key to this Nation's future.

I applaud the sponsors of this bill, and wholeheartedly support its goals. I want to indicate that the intent is to take a broad perspective to encompass the aerospace industry as a whole, not just the airline industry. Along with commercial aviation issues, the commission should cover the full range of aerospace issues, to include:

(1) IMPROVING THE U.S. POSITION IN WORLD AEROSPACE COMPETITION

Approaches include creating new government and industry cooperation and programs to promote U.S. aerospace products abroad; developing a new policy framework for U.S. aerospace exports reflecting new world realities; assuring export financing for commercial and defense aerospace sales abroad consistent with that new policy, and

breaking down trade barriers to U.S. aerospace sales.

(2) PRESERVING OUR AEROSPACE INDUSTRIAL BASE

Approaches include merging of the now separate commercial and defense technology bases into a single coordinated base to allow efficiencies and share progress in both sectors, through more coordinated new dual-use technology development as well as simplification and reform of military acquisition procedures; an orderly and careful transition to lower defense spending oriented to preservation of the industrial base; improved tax treatment of job-creating plant and equipment investment; removal of barriers that block coproduction of military and commercial products in the same facilities, and greater use of military purchasing of appropriate commercial products under commercial terms.

(3) PRESERVATION OF THE SUBCONTRACTOR BASE

Approaches include bringing advanced manufacturing approaches to the huge aerospace subcontractor base through expansion of manufacturing extension programs, new technology transfer programs and model factory programs, and careful attention to preservation of the subcontractor portion of the industrial base in defense downsizing strategies.

This is, of course, only a partial list of strategies that must be explored, and I anticipate that it will have to be added to. However, I believe that the above issue framework illustrates the fundamental problems that need to be addressed. The importance of the aerospace industry and its commercial aviation component to our economy and world export position cannot be underestimated, and this industry now faces serious problems. Considering the historic Government-industry partnership that built this industry, and the continuing central Government role in the industry, we believe that both sectors must together scrutinize promptly and carefully the industry's long-term and short-term problems.

Mr. President, a healthy aerospace industry is critical to the Nation's economic security. Clearly, significant changes must be made to ensure America's preeminence in all areas of the industry, both civilian and military. The establishment of this commission is a significant step in the difficult but necessary process of assuring a strong future for this critical industry.

Mr. DODD. Mr. President, I rise today in strong support of this legislation. I want to commend the Senator from Nebraska [Mr. EXON] and the distinguished chairman of the Commerce Committee, Mr. HOLLINGS, for taking the initiative on this measure. I also want to recognize the Senator from Missouri [Mr. DANFORTH] for his consistent overall leadership on the aerospace issue.

Mr. President, it has quickly become clear that the aerospace industry in

America is confronted with a serious challenge. The recent decline in airline travel and the resulting difficulties in the airline industry have sharply reduced the demand for new airplanes and parts. The European Airbus consortium has taken a steadily increasing percentage of the market. And the drop in defense spending has struck a double blow for many American aerospace firms.

These conditions—combined with the ever-advancing pace of technological development—have meant a steady loss of jobs for the working men and women of America. In 1989, there were 1,331,000 people working in the aerospace industry. By the end of 1993, it is estimated, that number will have fallen to 991,000.

In Connecticut we have lost roughly 13,000 aviation-related jobs in the past 4 years alone, at longstanding companies such as Pratt & Whitney and Hamilton Standard. In Connecticut as in many States across the Nation, the fear among many is that these high-paying, high-skilled, high-value jobs may be gone for good. And when quality jobs disappear the impact is magnified in all sectors of life. The loss of health care. The increased dependence on social services. The inevitable disruption to the family.

Mr. President, the decline in the aerospace industry cannot be attributed to one factor alone. But one thing is clear: If we want a healthy aerospace industry in this country, we must have a healthy airline industry as well. That is the purpose of the legislation before us today. This legislation establishes a federal commission to examine the state of the airline industry and provide us with critical recommendations for strengthening that industry in the future.

Mr. President, I believe the establishment of a commission should not prevent us from moving forward today on considering other solutions to the aerospace problem. For example, I have co-sponsored legislation that would establish an aerospace consortium modeled after the Sematech consortium, so that aerospace firms can work together to develop the latest technologies. We also need to develop a comprehensive approach to the continuing subsidies by the European Community, one that will establish a level playing field without starting a trade war in the process.

In addition, Mr. President, I hope this commission will make an effort to look beyond simply the needs of industry and address the challenges to working men and women. We need competitive industries here in the United States—of that there can be no doubt. But we have also learned by experience in this country that what is good for the shareholder is not always best for the pipefitter. If our nation is to be truly competitive in the aerospace industry we must have a highly educated

and highly skilled work force. There is simply no long-term alternative.

Mr. President, I know there are those who will argue that the challenges to our aerospace competitiveness go beyond what can be addressed by a Government commission. And to a degree they are right. No one should believe that this airline commission will be a panacea for the extended challenges ahead.

But if we are to address those challenges, as a legislative body and as a nation, we must have an accurate and undistilled picture of the state of the aviation industry today. And that is the value of the Commission proposed in the legislation before us today. This Commission will provide us with a clear picture of the state of the airline industry in America today, so that we may better address where the American aerospace industry will be tomorrow.

Mr. President, I urge the passage of this legislation.

Mr. MITCHELL. Mr. President, I am pleased to join Senator FORD, Senator EXON, and Senator HOLLINGS and others today as the Senate passes legislation to establish a national commission to ensure a competitive airline industry.

Today's aviation industry crisis includes airlines and manufacturers, and all the communities, workers, and passengers affected by them.

It is a bipartisan crisis. It is a challenge which requires a cooperative look at difficult, structural issues which are important to America's role in a competitive global economy.

By the end of 1992, U.S. airlines lost between \$4 and \$5 billion. Losses in recent years now exceed the total profits earned in the industry's history. Some carriers are in bankruptcy. Others have disappeared entirely.

Combined with shifts in our national defense needs, airline industry losses inevitably affect America's manufacturing and technological base. By the end of this year, the number of aerospace industry jobs is expected to decline by almost 40 percent since 1989. Aircraft manufacturers have announced layoffs of tens of thousands of workers.

We are losing the kind of high-paying, high-technology jobs on which America's future depends. We are at risk of losing America's competitive edge.

U.S. airlines and aerospace technology are essential not only to our economic future. They also are of immediate importance to the lives of workers and communities across our land. The aviation industry affects not only California, Seattle, or St. Louis, but also rural communities like those in Maine.

From Portland or Presque Isle, scheduled air service is affected by competitive choices offered among air-

lines. Whether flying through Boston's Logan Airport or direct to other cities, such service is an economic lifeline for our State, which in its geographic area, is as large as the rest of New England. General aviation also plays an important role in meeting Maine's transportation needs.

Furthermore, from a geographic perspective, Maine occupies a strategically important position relative to the Arctic Great circle routes. Loring Air Force Base, which is scheduled for closure in 1994, is nonetheless the closest Air Force facility in the continental United States to Europe or the Middle East. Loring AFB's redevelopment—whether as a center for education or commerce, for scientific research and development, for aviation-related enterprises, or for any other feasible activity—is an important challenge to the future of northern Maine.

Bangor International Airport, also in northern Maine, already serves as an important refueling stop for transatlantic air charter traffic. Whether for lobsters or blueberries, the Bangor Airport helps to link Maine to highly competitive international markets. Maine's future depends in part on development of international trade, and that will depend in part on the structure of international airline competition and access to foreign markets.

Southern Maine's economy also plays an important role in the aviation industry. Pratt & Whitney's North Berwick plant manufactures turbine blades for jet aircraft engines. The skill, productivity, and work ethic of Pratt & Whitney workers make all of Maine proud.

Without a healthy airline industry, manufacturing orders for commercial aircraft decline. The number of jet engines that are made declines. And that decline means less jobs in Maine, as well as in other regions of our Nation.

Late last year, Congress passed a proposal for a national aviation commission as part of the FAA reauthorization bill. That original proposal was enacted because of the leadership of Senator EXON and Senator FORD especially.

Recent events and the growing industry crisis have made clear the need to expand the focus and membership of the commission. And that is what today's legislation will do. I greatly appreciate the commitment and effort of the Secretary of Transportation in helping to make the initiative happen. His role has been essential.

The focus of the commission should be on addressing core structural issues on which our Nation's future depends. Its efforts must be intensive. Its recommendations I hope will temper vision, pragmatism, and be marked by a commitment to the broader public interest, rather than any one industry sector or particular enterprise.

I look forward to continuing to work with the Secretary of Transportation

and the President to ensure that the commission is organized in a timely fashion. I also look forward to reviewing whatever recommendations the commission may make in the months ahead. There will be no easy solutions. But this legislation is an important step in moving to meet the bipartisan challenges of our Nation's future.

Mr. FORD. Mr. President, there is no doubt that the airline industry is in a crisis. Everyday newspaper articles follow the grim news of cancelled aircraft orders, airlines contemplate filing for bankruptcy, three airlines struggling to come out of bankruptcy, airlines employees being laid off, and huge losses throughout the industry. Soon the news will be that airlines are pulling out of markets entirely or cities will lose jet service.

Everyone agrees there is a crisis but there is no consensus of opinion of how the industry got to this state and what to do to return the airlines to financial security.

I believe we are at a crossroads in the aviation industry. The time for action is now and we need a review of industry and government practices to help the Congress make the critical decisions on the future direction of this important industry.

I support S. 366 which amends the Airport and Airway Safety, Capacity, Noise Improvement and Intermodal Transportation Act of 1992 to expand the membership on the Aviation Commission and to shorten the reporting time. This commission, with the assistance of the Department of Transportation will identify the problems and it is hoped provide guidance for solutions. I strongly believe that government must act to stem the tide of huge losses in the industry. A panel of aviation experts can assist the Congress in determining the role of the Government during this crisis.

Mr. President, there are two other issues I would like to address concerning the focus of this commission. Since so many of the issues affecting aviation are global in nature and are related to our trade policies, I would like to suggest that the commission will consult with the U.S. Trade Representative to bring a broader perspective to the table. I am also under the impression that this commission will be concerned with the airline passenger industry and will not review the air cargo industry.

Mr. President, I ask unanimous consent to print in the CONGRESSIONAL RECORD a recent speech by Robert L. Crandall, chairman and president of American Airlines, Inc. to the International Aviation Club. Mr. Crandall shares my views that we are at a crossroads. I am sure my colleagues will find his views on international aviation to be informative.

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

INTERNATIONAL AVIATION: TIME FOR A CHANGE

(Remarks By Robert L. Crandall)

Thank you, Dean, and good afternoon, ladies and gentlemen. It's a pleasure to be here and as always, I am pleased to have an opportunity to talk with you about the exciting business of international aviation.

That's especially true today, because it seems to me that we are at one of those "seize the moment" crossroads which comes along only occasionally. A number of events have coalesced to create an environment conducive to making important changes in U.S. international-aviation agreements—changes that could range from fine-tuning to outright renunciation—depending on the circumstances.

The pivotal element of the new coalescence is a new U.S. administration eager to reinvigorate the U.S. economy—and aware that revised international trade policies generally—and a new international aviation trade policy specifically—can facilitate its progress.

Among other things, the Clinton administration seems to have focused on the fact that to create the resurgent economy it seeks, the U.S. must insist on fully equitable trade arrangements—and adopt a trade attitude more akin to the mercantilist attitudes of our trading partners. Those sentiments are particularly welcome in aviation, since the U.S. air-transportation market dwarfs all others and international aviation is an industry in which U.S. producers—honed by the trials of deregulation—can compete effectively with all comers.

Unfortunately, although several U.S. carriers have substantial international networks, the U.S. has not used its negotiating leverage as effectively as it could have and U.S. carriers have fewer international opportunities than they should.

While I don't want to take time today to recount the litany of our bilateral o-missions and co-missions, I hope those of you who are interested will pick up—as you leave—a paper we recently prepared that sets out the details. We hope that creating new opportunities for U.S. carriers will be one of the basic objectives of the Clinton administration's thrust to accelerate U.S. economic growth.

The second element of the new coalescence is the financial crisis not roiling U.S. aviation. No one here is unfamiliar with the size and importance of our industry—nor of its well-publicized financial travails—but I think too few of us reflect as often as we should on how important it really is.

First—and most important—aviation is this country's principal mode of intercity transport. In addition, U.S. airlines employ about 500,000 people—who collectively earn wages of \$20 billion a year and provide lots of consumer purchasing power. Our various vendors and suppliers provide an additional 8 million jobs.

Aviation also underpins U.S. pre-eminence in aircraft and parts manufacturing—which is, not at all incidentally, our largest export.

As big and important as aviation is in its own right, it is also the core component of the travel and tourism business, which is—at \$3 trillion annually—the largest industry in the world. At nearly \$700 billion, travel and tourism is the largest industry in the U.S. as well—by far—and has a \$9.4 billion favorable impact on our balance of trade. It meets an annual payroll of \$200 billion, pays nearly 5% of the country's taxes and accounts for nearly 7% of all capital investment. Travel & tourism employs 9 million people, thus providing nearly 8% of the nation's jobs—more

than three times the number in agriculture, electronics or textiles and more than 10 times the number employed in either autos or steel.

As everyone here knows, the aviation component of this complex is in truly terrible trouble. Thus far in the 1930's, the airlines have lost upward of \$10 billion—an economic tailspin which has resulted in the disappearance of two one-time trunk carriers, Myriad pay cuts, numerous service cutbacks, the layoff of 70,000 airline workers, and the cancellation or long-term deferral of about \$12 billion worth of aircraft orders.

The carnage of the last three years simply cannot continue—and widespread concern about that fact has been recently evidenced by announcement of a soon-to-be-appointed special commission to study the industry, a rash of congressional committee hearings, the President's trip to Boeing early this week and numerous expressions of concern from people in the administration, the Congress, and media and the industry.

Unfortunately, while there is universal concern, there is far from universal agreement as to what should be done—a circumstance likely to engender a vigorous debate about the most appropriate remedial policies. Whatever else is done, it is clear that enhancing competitive opportunities for U.S. carriers in international markets should be high on the agenda.

The third element of the coalescence is the vigor with which foreign carriers are seeking opportunities to participate in the enormous U.S. market.

Now no one has ever accused our foreign friends of being unable to do their sums—as my British colleagues would put it—and there should be no illusions about why international competitors want to invest in financially troubled U.S. airlines. Very simply, they seek the ability to link their protected international route systems with the world's largest—and only de-regulated—airline market, and to use the resulting synergy to earn profits unavailable to their U.S. competitors.

In our view, that result will be contrary to U.S. interests, and neither investments in \* \* \* nor shared-service linkages with \* \* \* U.S. carriers should be permitted until U.S. carriers are assured of fully equivalent opportunities abroad.

Achieving that will require real and substantial changes, since in the world as it is today, equivalent opportunities simply are not available to U.S. airlines. Only the United States has a fully deregulated industry that includes multiple substantial carriers which can be effectively mated with foreign airlines to create global route networks. No U.S. airlines can buy a European carrier with which to mirror B.A.—USAir—or KLM Northwest—because there are no substantial European carriers to buy. Few privately owned airlines exist—and none has had the resources with which to establish an effective presence at any international hub.

Moreover, in the real world of day-to-day competition, U.S. carrier efforts to participate in the foreign markets they do serve are severely handicapped by a tightly woven web of restrictive practices.

U.S. aviation bilaterals and the International Air Transportation Fair Competitive Practices Act contain language ensuring U.S. carriers of "fair and equal opportunities to compete" wherever they fly. Unfortunately, U.S. carriers are often unable to get the benefits those words promise. In far too many circumstances, we are unable to secure facilities equal to those of national-flag carriers—are forbidden to serve our customers

with our own employees—are not allowed to offer our frequent flyer programs—are unable to use our proprietary customer-service computer systems—and are denied landing slots for flights theoretically "approved" by the relevant authorities.

The process of negotiating for new route authorities and subsequently denying slots with which to use those authorities is disingenuous at best—and is entirely inconsistent with U.S. Government practices in the United States. At JFK and O'Hare—the only slot-controlled U.S. international gateways—foreign-flag carriers get whatever slots they desire. Worse yet, at O'Hare, the FAA secures the slots they need by withdrawing them from U.S. carriers—thus compounding the effect of anticompetitive practices abroad by providing extra-favorable treatment for foreign-flag carriers here.

The advantages which accrue to our foreign rival as a result of our Government's desire to maximize competition at U.S. gateways is exacerbated by the natural competitive tendencies of the many U.S. airlines which compete feverishly for every passenger. Whether a foreign flag seeks an interline deal—or ground handling, or leased space—it will benefit from intense competition among U.S. carriers to provide the requested service. Moreover, when U.S. carriers become involved in commercial disputes with foreign airlines, it is often difficult for the U.S. Government to weigh in on their behalf because when a U.S. carrier complains about an injustice, it is frequently opposed by one or more of its U.S. competitors seeking not to strengthen themselves—but to disadvantage their complaining rival.

The enthusiastic efforts of our foreign friends to exploit these unique characteristics of our deregulated marketplace—together with the other elements of the present coalescence—a new administration dedicated to strengthening U.S. trade policies, a plethora of opportunities for improving U.S. participation in international aviation, and an airline industry in acute financial distress—seem to me a clear invitation for the U.S. Government to reframe its international aviation policies.

In a sense, it is inaccurate to talk about re-framing U.S. international aviation policy—because the United States has no clearly stated, widely understood international aviation policy. Instead, we have cobbled together a patchwork set of guidelines based on ad hoc decisions.

For example, decisions regarding the sale of international route authorities are clearly more heavily influenced by the financial status of the selling carrier than by long-term policy considerations. Can anybody deny that Pan Am's vocal insistence on its need for the proceeds of its European route sale to United was instrumental in the U.S. Government's 1991 rush to accept incremental limitations on U.S. carrier rights at Heathrow? Despite the view of many observers that Pan Am was beyond saving, U.S. negotiators accepted conditions clearly inconsistent with both precedence and common sense.

Here's another example: Despite the shortage of route authorities to and from Japan, two of the six authorities secured by the U.S. in the 1989 Memorandum of Understanding have been resold since the awards were made—both to Northwest, a carrier which already had a huge Asian network. That result is completely contrary to the Department's stated intent to use the 1990 U.S.-Japan gateways case to improve the competitive ability in Asia of carriers other than United and Northwest.

Yet another example is the completely incomprehensible agreement struck last year with the Netherlands, which gives KLM unrestricted operating authority in the U.S. in exchange for "open skies" to and beyond the Netherlands. That transaction, whose impact has been exacerbated by a broad-brush grant of antitrust immunity enabling the two companies to operate as a single entity, is often cited as a precedent for the approval of B.A.-USAir—despite the fact that Northwest and KLM are already using their linkage to the clear disadvantage of other U.S. carriers. Those who cite it favorably apparently believe that one bad deal deserves another.

I think—and hope—that whatever your views regarding those or other specific transactions, you would agree that our industry should be governed by the provisions of a cohesive policy consistent with U.S. trade and economic objectives. Thus, I'd like to take this opportunity to suggest what we think the three basic tenets of that policy should be.

First, the U.S. Government should confirm its commitment to free trade—in international aviation and as a general proposition. Economic development is a prime concern of governments the world over, our own included, and encouraging the growth of international aviation—and of the vital travel and tourism business—will bring enormous benefits to people and economies everywhere.

In international aviation, free trade means "open skies"—that is, the right of airlines, whatever their nationality, to fly where and when they choose, to have truly equal opportunities wherever they compete, and to charge whatever prices they deem appropriate. Unfortunately, today's international aviation regulatory scheme is neither open nor free.

To correct that deficiency—and to confirm its commitment to free trade—the U.S. should urge other nations to join it in convening a multilateral conference on civil aviation to craft a new framework for the world's international aviation system. Today's regulatory apparatus was created in Chicago in 1944—at which time the U.S. sought open skies. It is time to call again for a liberalized international aviation regime.

While stating its commitment to open skies in unambiguous terms, the United States should also recognize that the size and competitive characteristics of its aviation market create unique opportunities for foreign flag carriers. Thus, the second tenet of U.S. aviation policy should be to assure that no foreign airline enjoys net advantages relative to U.S. carriers.

To assure this result, the U.S. must assess the tools at its disposal and to that end, the DOT should launch a comprehensive review of every existing bilateral agreement. In some cases, ensuring equal opportunity for U.S. airlines may be only a question of more vigorously applying existing terms. In others, I think the U.S. will find our current agreements so skewed in favor of others that renegotiation—and, where necessary, renunciation—will clearly be in order.

For those who may think renunciation extreme, let me hasten to point out that our trading partners have had little compunction about using the renunciation tool—and I see no reason for the U.S. to be any more reticent.

As the analysis proceeds, the U.S. must take care not to define equivalent opportunities purely in terms of route authorities. It is essential that our Government recognize how profoundly issues like system synergies,

marketing initiatives, and costs affect the economics of both domestic and international aviation. Thus, in assessing the degree of access to offer others—either multilaterally or bilaterally—the U.S. should take all the steps necessary to ensure that those factors operate as favorably for U.S. carriers as they do for our competitors. It is time—and far past time—for our Government to stop sacrificing its own airlines on the altar of ideology and to recognize that if particular procedures or constraints are to be imposed on some airlines, they must be imposed on all.

A good example are the extraordinary international security regulations which our government has long imposed on U.S.—but not foreign—carriers flying to and from the United States. These rules, about which we have protested for years, have driven up U.S.-flag carrier costs vis-a-vis those of our competitors and have simultaneously sent our customers a signal that the U.S. Government thinks U.S. citizens are safer traveling on foreign-flag carriers than our own. Perhaps worst of all, these intrusive and expensive regulations have irritated many international frequent flyers so profoundly that they now choose foreign-flag rather than U.S. carriers—despite the widely recognized, award-winning quality of U.S. carrier services.

The U.S. must also find a way, in the course of its analysis, to reconcile the often diverse interests of our many airlines. In one way or another, the DOT must learn to differentiate between those U.S. carrier views which are genuinely related to international policy—and those which are merely competitive attempts to undermine the posture of whichever U.S. carrier may be involved in a particular international disagreement.

All this brings us to the recurring saga of B.A.-USAir—which clearly falls in the “related to international policy” category.

The current B.A.-USAir proposal is nothing more than a repackaged version of the original transaction, which the U.S. Government found objectionable barely two months ago.

In my judgment, B.A.-USAir should not be approved until U.S. carriers have obtained: First, unrestricted access to markets within the United Kingdom, second, unrestricted access to all the markets served by British carriers beyond the United Kingdom, and finally, *pari passu* access to Heathrow slots and facilities.

Even if this utopian transaction could be accomplished—something highly unlikely because of British Airways' expressed disinterest in any such deal \*\*\* as well as a number of practical obstacles—the U.S. would still be granting British carriers access to larger new market opportunities than U.S. carriers could hope to gain. Nonetheless, such a transaction would be fully consistent with the idea of a multilateral open-skies environment.

Anything short of such a transaction, however, would impose large revenue losses on an industry already struggling with an inadequate revenue base—and would be completely incompatible with the new administration's objective of strengthening the U.S. economy and preserving U.S. jobs.

The third and final tenet of a restructured U.S. international aviation policy ought to be holding our trading partners fully responsible for delivering what they promise.

It is time the United States made it clear to all that the right to fly means the right to land, the right to use proprietary computer systems, the right to hire personnel, the

right to have slots at whatever times are required, the right to fully competitive facilities, the right to use whatever sales incentives a carrier deems appropriate—and everything else consistent with the term “free trade.”

Without suggesting that that's all there is to it, I think those three policy points, if adopted by the United States Government and subsequently incorporated into a worldwide, multilateral, open-skies framework, would go a long way toward encouraging the growth of both international aviation and travel and tourism. To restate those tenets very simply:

First, we should express our willingness to remove all limitations on foreign investments and flight operations—coincident with the adoption of a truly open international aviation regime.

Second, until such time as a more open regime comes into existence, the United States should seek to be certain that U.S. carriers have opportunities genuinely equal to those foreign-flag carriers have today and seek for tomorrow. Where necessary, the United States should be prepared to right today's imbalances by vigorous renegotiation including, where necessary, renunciation.

And finally, the U.S. should make it clear to foreign carriers and governments alike that the U.S. expects them to live by the letter of their bilateral aviation agreements—and is prepared to impose whatever sanctions are required to assure compliance.

Ladies and gentlemen, we have a new administration because the American people want change. They are tired of platitudes and promises, they want openness—and opportunity—and results.

In aviation—as in many other sectors—it is time to give them the change they want—and to take the actions needed to be sure that U.S. carriers do not become also-rans in the increasingly global aviation marketplace.

The Clinton administration seems to recognize the enormous importance of international aviation. Each of us here today has an obligation to help our new President understand fully just how important this industry is—and how his administration can secure maximum opportunities for U.S. carriers on the world stage.

Mr. GORTON. Mr. President, I am pleased that the Senate is considering a bill today to establish a blue ribbon Commission designed to study and make recommendations to the administration and to the Congress on ways that we could help the airlines and aerospace industry. This will not be an easy task, but it is a vital one.

Over the course of the last 3 years, the airlines have lost a total of \$8 billion—more than the total profit generated in its first 50 years. This has resulted in lost jobs not only in that industry, but in the overall aerospace industry. The families in Washington State know only too well what the effect of reduced and delayed orders of airplanes means. Boeing has announced huge layoffs which will affect so many in our community where each Boeing job supports three other jobs. Twenty-one percent of all jobs are tied to Boeing.

I know my friend Senator DANFORTH believes that there is no need to establish a Commission—that these are is-

ues which have been studied many times before. While I respect his opinion, I feel that Government does have a responsibility, and I feel a personal responsibility, to try to find ways to address and improve the health of the industry, not only for today but for tomorrow. I do not feel obliged to stop our congressional process as we wait for the Commission to complete its work. In fact, I have joined with Senator DANFORTH in calling for hearings on the Aerotech bill which he introduced and which I have cosponsored. As a member of the Aviation Subcommittee, of the Commerce, Science and Transportation Committee, I will also work on other measures during the next 3 months and hopefully, those are measures that the Commission will also consider.

Mr. President, I have the greatest hope for this Commission. Its task is of the utmost importance to the citizens of this country.

Mr. EXON. Mr. President, I will say I have no further statements to make, and I ask if the Senator from Missouri has anything further. If not, I urge passage of the bill.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. DANFORTH. Mr. President, I know of no one who wants to speak on the bill on our side. Therefore, I am about to yield back the remainder of my time.

I would simply like to say that two bills have been introduced in the Senate with respect to the aerospace industry. One is to mandate countervailing duty action by the Secretary of Commerce against Airbus, and the second is to create what we call Aerotech which is an effort to replicate the Sematech concept for the aerospace industry. It is my hope that we in the Senate do not delay for 90 days or longer than 90 days while we are waiting for the study. I hope we can get on with it in the Senate.

Second, with respect to the airline industry, we are working on legislation relating to remedies for fare wars and also working on legislation relating to foreign investment, to expand the possibility of foreign investment.

Also, I am sure when the economic program comes to the Senate in the form of tax legislation, there will be a lot of debate and efforts to try to improve on or change or abolish the idea of a Btu tax or, at the very least, to exempt the airline industry from the effect of that tax. I do not understand how we can expect a distressed industry to carry an additional \$1.4 billion to \$2.1 billion of taxes.

So these are areas where work in Congress is in progress. I simply say that to the Senate because we obviously welcome the input of any Senator and the administration on these various issues. The study is, I think, a delay and a waste of time, but let us

not in the Senate delay our efforts in these very important areas.

Mr. President, with that, I yield back the remainder of our time.

The PRESIDING OFFICER. The Senator from Missouri yields back the remainder of his time.

Mr. EXON. Mr. President, I yield back the remainder of the time on this side of the aisle. I urge the passage of the bill.

The PRESIDING OFFICER. All time has been yielded back. Under the previous order, the clerk will read the bill for the third time.

The bill was ordered to be engrossed for a third reading, and was read the third time.

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to Calendar No. 22, H.R. 904. All after the enacting clause is stricken and the text of S. 366, as amended, is inserted in lieu thereof. The House bill is considered read a third time and passed. The Senate bill 366 is indefinitely postponed.

So the bill (H.R. 904), as amended, was deemed read the third time and passed, as follows:

*Resolved*, That the bill from the House of Representatives (H.R. 904) entitled "An Act to amend the Airport and Airway Safety, Capacity, Noise Improvement, and Intermodal Transportation Act of 1992 with respect to the establishment of the National Commission to Ensure a Strong Competitive Airline Industry," do pass with the following amendment:

Strike out all after the enacting clause and insert:

**SECTION 1. NATIONAL COMMISSION TO ENSURE A STRONG COMPETITIVE AIRLINE INDUSTRY.**

(a) **APPOINTMENT OF MEMBERS.**—Paragraph (1) of subsection (e) of section 204 of the Airport and Airway Safety, Capacity, Noise Improvement, and Intermodal Transportation Act of 1992 (49 U.S.C. App. 1371 note) is amended to read as follows:

"(1) **APPOINTMENT.**—The Commission shall be composed of 15 voting members and 11 nonvoting members as follows:

"(A) 5 voting members and 1 nonvoting member appointed by the President.

"(B) 3 voting members and 3 nonvoting members appointed by the Speaker of the House of Representatives.

"(C) 2 voting members and 2 nonvoting members appointed by the minority leader of the House of Representatives.

"(D) 3 voting members and 3 nonvoting members appointed by the majority leader of the Senate.

"(E) 2 voting members and 2 nonvoting members appointed by the minority leader of the Senate."

(b) **QUALIFICATIONS OF MEMBERS.**—Paragraph (2) of subsection (e) of such section is amended to read as follows:

"(2) **QUALIFICATIONS.**—Voting members appointed pursuant to paragraph (1) shall be appointed from among individuals who are experts in aviation economics, finance, international trade, and related disciplines and who can represent airlines, passengers, shippers, airline employees, aircraft manufacturers, general aviation, and the financial community."

(c) **TRAVEL EXPENSES.**—Paragraph (5) of subsection (e) of such section is amended by striking

"sections 5702 and 5703" and inserting "subchapter I of chapter 57".

(d) **CHAIRMAN.**—Paragraph (6) of subsection (e) of such section is amended to read as follows:

"(6) **CHAIRMAN.**—The President, in consultation with the Speaker of the House of Representatives and the majority leader of the Senate, shall designate the Chairman of the Commission from among its voting members."

(e) **COMMISSION PANELS.**—

(1) **IN GENERAL.**—Such section is further amended by inserting after subsection (e) the following new subsection:

"(f) **COMMISSION PANELS.**—The Chairman shall establish such panels consisting of voting members of the Commission as the Chairman determines appropriate to carry out the functions of the Commission."

(2) **CONFORMING AMENDMENT.**—Subsections (f), (g), (h), (i), (j), and (k) of such section are redesignated as subsections (g), (h), (i), (k), (l), and (m), respectively.

(f) **STAFF AND OTHER SUPPORT.**—Such section is further amended by inserting after subsection (i) (as redesignated by subsection (e)(2) of this section) the following new subsection:

"(j) **STAFF AND OTHER SUPPORT.**—Upon the request of the Commission or a panel of the Commission, the Secretary of Transportation shall provide the Commission or panel with staff and other support to assist the Commission or panel in carrying out its responsibilities."

(g) **REPORT.**—Subsection (l) of such section (as redesignated by subsection (e)(2) of this section) is amended by striking "6 months" and inserting "90 days".

(h) **TERMINATION.**—Subsection (m) of such section (as redesignated by subsection (e)(2) of this section) is amended—

(1) by striking "180th day" and inserting "30th day"; and

(2) by striking "subsection (j)" and inserting "subsection (l)".

(i) **COMMISSION EXPENDITURES.**—Such section is further amended by adding at the end the following new subsection:

"(n) **COMMISSION EXPENDITURES.**—Amounts expended to carry out this section shall not be considered expenses of advisory committees for purposes of section 312 of the Department of Transportation and Related Agencies Appropriations Act, 1993."

(j) **PREVIOUSLY APPOINTED MEMBERS.**—Such section is further amended by adding at the end the following new subsection:

"(o) **PREVIOUSLY APPOINTED MEMBERS.**—Any appointment made to the Commission before the date of the enactment of this subsection shall not be effective after such date of enactment."

Mr. EXON. Mr. President, I move to reconsider the vote by which the bill was passed.

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

The motion to lay on the table was agreed to.

**CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 1994**

The PRESIDING OFFICER. Under the previous order, the clerk will report Senate Concurrent Resolution 18.

The bill clerk read as follows:

A concurrent resolution (S. Con. Res. 18) setting forth the congressional budget for the United States Government for fiscal years 1994, 1995, 1996, 1997 and 1998.

The Senate proceeded to consider the concurrent resolution.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. EXON. 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. EXON. Mr. President, I ask unanimous consent that I be allowed to speak as in morning business for not to exceed 3 minutes for the purpose of introducing a bill.

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

Mr. EXON. I thank the Chair. (The remarks of Mr. EXON pertaining to the introduction of S. 608 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DOMENICI. 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. DOMENICI. Mr. President, I want to engage the chairman in a colloquy regarding this evening and what we are going to do or not do.

Parliamentary inquiry, Mr. President. Is the Senate's business at this point the 5-year budget resolution?

The PRESIDING OFFICER. The pending business before the Senate is consideration of Senate Concurrent Resolution 18, the budget resolution.

Mr. DOMENICI. And is there anything in the law that specifies what we are supposed to do for the first 4 hours of debate? I understand there is something in the statute that either recommends or mandates that we speak to a specific context for the first 2 hours on each side.

The PRESIDING OFFICER. Following the statements of the managers, there will be 4 hours of debate on economic goals and policies under section 305(b)(3) of the Congressional Budget Act.

Mr. DOMENICI. Mr. President, might I talk with the Senator from Tennessee for a moment?

Mr. President, I want to state for the RECORD right up front and for the majority leadership that the Republican Senators on the Budget Committee and many who do not truly believe—this is off my time, obviously, on my opening remarks, Mr. President—that there is a very, very important event that is going to occur: the debate, and an amendment, and final passage of a budget resolution this year. To that end, my general instructions, since I

am managing this in a sense under the statute for the Republican leader, he is the one that gives me the time under the statute, I am instructed and I concur in these instructions, that we want to actually utilize the time that is allowed. We do not want to stack votes, and we do not want to agree by unanimous consent to take time off our side. We truly believe we need the time, and we intend, so nobody will be under any false pretense, to really use it. We intend to have our Senators here to offer their amendments and be here to vote.

I do not think that is anything out of order, although I say from time to time we have used less than the time allotted. So there is no misunderstanding some in this room know we used all the time a couple of times and did not even have enough for all the amendments and then even ended up voting on them without any debate.

But in all events, whatever time I use tonight, I am going to use in a way that saves as much time as possible. So I understand that I do not have to make an opening statement. So I am not going to make an opening statement.

My first remarks tonight are going to be addressed to the economic situation, if that is a mandate, and I will look that up myself on the 2 hours that we have to talk economics. But whatever we do on this side tonight will be applied against that 2 hours, against the 2 hours on economics. I do not think anybody can really preclude me from doing that. I would like my chairman to know that. I ask him. A number of Senators on my side want to speak tonight, under the general notion of the economics of this budget resolution. I wonder if he might share with me what he intends to do so I might share with them what they might do tonight.

Mr. SASSER. Mr. President, I thank the distinguished ranking member. It was my intention this evening to begin with opening statements. My thought was that they would consume between an hour to an hour and a half each; the managers of the bill each consume 2½ hours for opening statements. I have a fairly extensive opening statement myself which could consume close to 1½ hours.

We would like to use as much time off the bill on opening statements as we could this evening.

Mr. DOMENICI. We will obviously use as much time as the Senator uses tonight. We will just choose to use it off the 2 hours, and we will waive opening remarks and use it off the 2 hours that are prescribed for economic discussion.

But I would just like to know whether he might accommodate me, the Senator from New Mexico, just slightly. I know the Senator has 1½ hours. I do not have 1½ hours. Mine will be 20 or 30 minutes at the most. Would it be pos-

sible that he might break his remarks into 20 or 30 minutes and let the Senator from New Mexico have some time before it goes back to him for the remainder of his remarks?

Mr. SASSER. Yes. We could certainly do that.

Mr. DOMENICI. That will give our side a little bit of an understanding. Does he want to take the entire remainder of the 1½ hours himself tonight or do others take part of it?

Mr. SASSER. That is unclear at this juncture. We may have other Senators who may wish to take part of the time that I was planning for my opening statement.

Mr. DOMENICI. Mr. President, with that, I am at the chairman's convenience. If he could yield to me 15 or 20 minutes for a few remarks, I would appreciate it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee, the manager of the bill.

Mr. SASSER. Mr. President, the Senate today begins consideration of Senate Concurrent Resolution 18, the concurrent resolution on the budget for fiscal year 1994.

This budget concurrent resolution represents the fundamental blueprint for President Clinton's economic plan that he addressed the Congress and the American people about some weeks ago.

In fact, it was almost a month ago that President Clinton laid out in detail a bold strategy for a long-term deficit reduction, for economic growth and for prosperity for this country and its citizens.

The plan that President Clinton presented is a thoroughly consistent economic proposal which is crafted to meet the country's immediate needs but meets the long-term needs of the country as well.

It aims at specific deficit reductions, reducing this deficit, in a specific amount. This deficit reduction is timed to occur when the economy can best sustain that contraction.

We all know that this economy is just now emerging from the longest recession that has gripped this country since the Second World War. Certainly, it has not been the deepest recession. The recession or some say depression of 1983 was worse, sharper, deeper. But this recession that we have been in, and are just emerging from, is the longest and perhaps the most debilitating economic downturn that the country has had since World War II.

The Clinton plan that has been presented reflects political and economic changes. It reflects the political and economic changes that are resonating throughout the world. The proposal that was presented by President Clinton makes substantial but prudent reductions in military spending and rechannels those savings for military

spending among the most pressing of our domestic needs: the domestic needs which have been neglected during the 1980's, needs for infrastructure rehabilitation, such as roads and bridges in this country. Airports are congested and overcrowded; criminality is rampant in the cities; the education system is in need of drastic overhaul and a whole host of matters. These domestic needs will be readdressed using funds saved from the military portion of the budget.

In that most important sense, this budget that we are presenting, which carries forth President Clinton's economic proposal, is America's first post-cold war budget, the first budget that reflects this country's changed priorities following the end and the successful conclusion of the cold war.

The plan also attempts to mete out some tax equity by making the wealthiest among us pay more of a fair share than they have in the past 12 years.

As we have said about large-scale deficit reduction packages in the past, this budget proposal has something in it to offend everyone. And it would be very easy to pick out the most negative elements—and I expect that to occur on this floor—and it would be very easy to take it apart and put it back together in various unattractive shapes. But what is hard to do is come up with any alternative to this proposal before us today that is as politically courageous, as intellectually consistent, and as policy-specific as the Clinton plan presented here today, as modified by the Senate Budget Committee.

Upon observing this new President and his presentation to the country in the realm of economic proposals, I think that this President takes to heart Harry Truman's maxim that "the buck stops here."

Faced with a growing and dangerous structural deficit that is a spear pointed at the very heart of this country, this President went to the American people. He has acknowledged that the plan he has proposed will cause some inconvenience; it will cause some pain. He has proposed shared sacrifice in the name of a better future, and the American people have responded, I think at long last, with gratitude to a true leader, who will exert leadership, and they have responded to his honest presentation of the problems of the country, and honest proposals that will deal with these problems in the short-term and in the long-term.

I was not surprised to see a recent poll by the Wall Street Journal and NBC News, which shows by an overwhelming 62 to 30 percent—over 2 to 1—the public prefers President Clinton's economic plan to a proposal that was offered by the minority that would not raise taxes. In addition, 60 percent of the public thinks that this new Presi-

dent is a different kind of Democrat, not the tax and spend caricature that his critics have been peddling. Even the National Conference of Republican Mayors and Municipal Elected Officials have vigorously endorsed the President's economic plan.

One of the leading mayors in this country, the Republican mayor of Knoxville, TN, is one of those who has endorsed this plan offered by President Clinton. And he has good company among Republican mayors and municipal elected officials all over the country and among mayors of all partisan stripes all over the country.

I think we in the Senate owe this President and this package a chance to succeed. The American people are telling us: we want to give this new President a chance to see if he can change things for the better.

The simple fact is that, through candor and with honest numbers, President Clinton has pushed the deficit reduction debate to a higher moral plain. He has done that, and it is our turn now in the Senate to turn and face the tiger ourselves. I hope that we measure up to the standard that was set by the President a month ago when he appeared in the House Chamber and presented a bold and daring plan for economic renewal to the American people.

Mr. President, I would like to look at the specifics of the plan. The first major portion of his plan is deficit reduction. We all know the numbers that make deficit reduction such a compelling thing for us to be addressing at the present time. The United States is now \$3 trillion in public debt. This \$3 trillion in public debt is a staggering sum. It has gone up some \$2.3 trillion since the end of the Carter administration in January 1981.

The CBS evening news gives regular tallies of the deficit's growth, much like you would list the casualties in an ongoing war. And most troubling, perhaps, is that net interest on the debt has nearly quadrupled since 1980, to the point that we are now paying \$200 billion a year just in interest on that debt. That is \$200 billion a year that cannot be spent to improve the education system in this country; \$200 billion a year that cannot be spent to improve roads, airports, the infrastructure, clean water treatment plants, a whole host of things that the country needs; \$200 billion a year that cannot be spent on improving the education system of the United States; \$200 billion a year that cannot be spent in dealing with the frightening explosion in criminality here in this country; \$200 billion that cannot be spent to train our citizens so that they may be more productive, to attract new industries, to encourage new investment.

Yes, the service of this debt is the fastest growing item in the Federal budget. Nearly 14 cents out of every dollar is spent to pay interest on the

national debt. If the deficit and the interest burden continue unabated, the public debt, held by the public, by the year 2003, will equal 78 percent of the gross domestic product of this country. That means that almost three quarters of the gross domestic product of this country, in 1 year, would have to be taken to pay off the national debt.

So the consequences are obvious. Every dollar that we spend on interest means \$1 less for roads, schools, and health care. And it means that the Treasury of the United States is competing for investment capital that could go for new enterprises, new jobs, a better standard of living for all of our people.

No question about it, President Clinton's plan, as modified, does provide very serious deficit reduction indeed. We have \$502 billion in net deficit reduction over 5 years, and using Congressional Budget Office scoring and also scoring from the Joint Tax Committee, that is nearly \$30 billion more than was contained in the original package.

Let me emphasize that, unlike previous Presidential budgets we have seen over the past 12 years, this proposal that was presented to us by President Clinton does not rely on rosy scenarios, on unrealistic economic assumptions that wither in the cold light of day.

(Mrs. BOXER assumed the chair.)

Mr. SASSER. This budget does not resort to that time-honored tradition of blue smoke and mirrors that produces a lot of confusion but not real savings.

The President's plan, as modified, makes some 150 specific budget cuts that reduce spending by \$332 billion from 1994 through 1998. About 60 percent of these reductions are earmarked for deficit reduction. There are no unspecified caps. It makes 150 specific cuts that reduce spending by \$332 billion over the next 4 years.

Now, I have indicated that 60 percent of these spending cuts and spending reductions are earmarked for deficit reduction. The remaining cuts, however, are reinvested in the economy of this country as part of the President's plan to develop the human resources of the United States and our capital resources.

Reduction in the military budget contribute about 30 percent of the gross spending cuts. Entitlement reforms make up about 30 percent. Other domestic cuts and debt service make up the balance of the savings.

Comprehensive health care reform is essential to deficit reduction. I think all unbiased, knowledgeable observers would agree to that. If we do not enact comprehensive health care reform, we will never lower the deficit nor provide all Americans with the health care system that truly delivers.

We are waiting for the findings of the Task Force on Health Care Reform

which we hope will be presented in May. But until then, the administration has made a serious downpayment on systematic reform through Medicare and Medicaid reductions. They have substantial cuts here, many of them previously rejected by the Congress. But in this sensitive area the President did not flinch, and he sent them back to the Congress for us to meet our responsibilities in dealing with them.

The President proposes again to see if we in the Congress will do our part, and I am confident that we will.

Now, much has been said about the revenue side of the President's proposal. I simply observe that a substantial body of respected opinion holds that the 1981 tax cut turned what had been a fiscal problem into a fiscal crisis, indeed almost a fiscal nightmare, and it did so while unduly rewarding the top 1 percent of the taxpayers in this country. Those whose incomes were in the top 1 percent are those who benefited considerably from the tax cuts introduced by the Reagan administration in 1981.

The President proposes to reverse that mistake. The Clinton economic plan asks the most of those who benefited the most in the past 12 years. Over the past 4 years we have witnessed a huge recession that has now given way to a vague recovery. The experts tell us that we have all the ingredients for a recovery except one, jobs, and, as the President said, "There is no recovery worth its salt that does not put the American people back to work," and I certainly agree with that statement.

We have here a chart that I call my colleagues' attention to. This chart demonstrates that in a normal recovery from an economic recession, as calculated in all recoveries since World War II, a recovery at the stage we are in now in times past, would have produced the average of over 4 million new jobs. When we look at where we are now, though, we find that this recovery has only produced 1 million new jobs. In other words, this recovery has only produced one job instead of the four jobs that it should have produced at this time in the recovery scenario. Only 25 percent of the jobs have been produced by this recovery that at this stage of economic recovery were produced by all of the other economic recoveries on average since World War II.

I must tell my colleagues that the news coming from corporate America is bleak. Our preeminent companies, such as IBM, are laying off tens of thousands of workers.

I see my friend, the distinguished Senator from Washington, on the floor here this afternoon. He knows as well what has happened at Boeing in Seattle and at Boeing in Kansas; they have been laying off workers.

Just this evening, I was looking at the business news on television, and I

saw where Siemens, a large Germany firm with large manufacturing facilities in this country, has announced the layoff of 1,800 people this year and an additional 1,800 next year.

Wherever you look, you find the large corporations in this country laying off people, whether it is Sears Roebuck, Boeing, McDonnell Douglas, General Motors, or IBM, the great names in American industry. They are laying off people by the tens of thousands. The hemorrhaging of good jobs is unremitting. Pick up a newspaper. Turn on the evening news. And what do you hear? More and more and more people are being laid off by the so-called blue chip companies here in the United States.

In fact, Mr. President, the American Management Association reports that one in four large American companies are planning layoffs in mid-1993. And the thing that is so frightening about this whole problem is that, unlike in past recessions, the grim fact is that many of those who have lost their jobs in this recession are never going to be rehired by their former employers. That is clear. They have been told that in many instances.

And the Secretary of Labor, Dr. Robert Reich, told the House Ways and Means Committee just the other day that only 14 percent of unemployed workers were expected to be recalled back by their previous employers, a shocking figure. Only 14 percent of those who have been laid off can expect to be recalled by their previous employers.

And the data from the Bureau of Labor Statistics is not encouraging at all. It is true that unemployment fell to 7 percent, but this 7 percent number is higher than it was at the supposed trough of the recession in 1991.

And since the enactment of the Emergency Unemployment Compensation Program, the unemployment rate has exceeded 7 percent for 14 consecutive months. Some analysts believe it could be much higher, approaching 10 percent unemployment, because the Department of Labor figures simply do not include those who have given up hope of finding work. When they give up hope of finding work and stop looking, then they fall off the unemployment numbers, they fall out of the statistics.

And, of course, these numbers do not include the millions of part-time workers who are working part time because they simply cannot find full-time work. They want to work full time but they cannot find full-time work, so they are forced to work part time, and they number in the millions.

And, of course, it does not include those who are actually employed, who have lost good, well-paying industrial jobs and have been forced into lower paying service industry jobs.

And one last somber note. The New York Times reported that the number

of food stamp recipients surged in 1992. As I stand here on the floor of the U.S. Senate this evening, Madam President, 1 in 10 of our fellow citizens are now on food stamps. Ten percent of the population of this country is drawing food stamps, making it the largest percentage of Americans to use this program since it began in 1964.

And those who administer the program tell us that they see people in these food stamp lines that they have never seen before. A different type of person is now appearing in the food stamp lines; people who might have been middle management people in a company, who never thought that they would be unemployed and never in their wildest imagination, in their worst nightmare, thought they would be drawing food stamps. But there they are, because they have lost their jobs, well-paying jobs, with companies that we thought were the backbone of American economic and industrial might. They have lost their jobs, never to be recalled. They cannot find another and they are standing in line for food stamps; 1 in 10 of all Americans utilizing the Food Stamp Program.

So, given this scenario, the right medicine, it seems to me, is the President's very modest short-term economic stimulus, followed by his long-term targeted investment strategy. Because something is wrong. The American people know something is wrong. They knew something was wrong in November and that is the reason they voted for a change.

And this President has said

We are going to give you change. We are going to give you an economic program that will rebuild this economy. We are going to give you a budget that will reduce this budget deficit and put us on a path to bring these deficits down to manageable proportions. And we are going to reinvest and redirect our funds away from military spending—the cold war is over—and direct some funds into investing at long last in the American people, investing in our own country for a change.

That is what this President is telling us and that is what this budget is all about.

Madam President, I am going to go on at some considerable length here in a few moments, but I had agreed with my distinguished friend from New Mexico that I would relinquish to him for 20 or 30 minutes and then I would like to take back up after that.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Madam President, let me thank my good friend, the Chairman, the senior Senator from Tennessee, for his willingness to let me speak now for a few moments.

But might I just state for Members on this side, I have agreed with the Chairman on one very basic proposition for tonight and no more than that; and that is that we are going to

use 3 hours off the time allowed on this resolution, equally divided tonight.

I do not intend to yield back time during the debate on this budget resolution, because I think every moment should be used on our side for Senators to express their views. There is so much to be said, and so many Senators on our side that want to say it, that we do not want to yield time.

So tonight, I am going to speak now for 20 minutes, let us say 20, 25 minutes. I will engage part of that time in a colloquy with Senator GORTON, who is here.

But if there are other Republican Senators who want to speak, we are going to have time this evening. It is not going to be soon, because the Chairman has a right to take the floor back, and he says he wants to speak at length. I hope there might be a break in the remaining time for somebody to speak, but, if not, his right is to take the floor from me and use it for the remainder of his hour and a half.

Nonetheless, in due course, before 8:30 or 9 o'clock or so, there will be time for Republicans to speak—I hope, 10 or 15 minutes would be enough time—to express their views with reference to the economic situation in our country and what they think we ought to be doing.

Having said that, Madam President, whatever time I have used thus far, I would call as an opening statement.

I now yield myself time off of the 2 hours prescribed in the budget law, under section 305, for a discussion on the economic condition and fiscal policy of the Nation.

The PRESIDING OFFICER. The Senator is recognized for up to 2 hours on that basis.

Mr. DOMENICI. Madam President, I thank you and I thank the Senate for giving me this time.

Let me start by suggesting to everyone here, and to those who might, one way or another, hear the remarks of the Senator from New Mexico, if you are a small business man or woman in the United States, do not believe for a minute that the Clinton budget proposals and economic plan have been adopted by the U.S. Congress.

If you are an airline industry employee, a manager or on the board of directors or a CEO, do not believe for a minute that the Clinton budget plan and economic proposals have been adopted.

If you are part of America's chemical industry or a great exporter and you are worried about the fact that your exports are going to be dramatically reduced, do not sit back and assume, because somebody has told you, that the Clinton economic plan is done.

Now, why do I make these remarks right up front? Because I have been hearing from small groups and from groups of CEO's from around the country—energy CEO's, refinery CEO's air-

line CEO's—and they have said: "Why fight it? We have been told it is a done deal. We have been told, join the train or the train will run you over."

I am here to tell you, I sense what is going on in this place. Adoption of this plan in its entirety is a long way, a long way, from a touchdown. In fact, I believe it is stalled at midfield and it is stalled at midfield because it is not a good economic plan. We are going to have a lot more to say about that.

But I suggest that because the President of the United States—whom I have great respect for because he is our President—because Chairman JIM SASSER of Tennessee comes to the floor of the Senate and the President, in a joint session and across this land, says, "We are jobless, and I have a job plan. We have not produced enough jobs in the last 4 years. Let us produce jobs."

Those are great statements, I say to Senators, but the reality of it is, let us ask ourselves if this plan, in any logic and rationale, is going to create new jobs in the United States of America.

First of all, the President has not suggested for a minute that the new jobs are going to come as needed by America from public expenditures. He has chosen to call some of those expenditures a short-term stimulus. Before we are finished we will talk about that. Some of that, when you look at it in its stark reality is absolutely incredible, that those are really going to be delivered to the American people as stimulus.

You have heard some of them out of the Appropriations Committee. I will not bore you with them tonight. But they will make the American people—if they listen to us it will make them chuckle. An economic stimulus package, that has the kind of things in it that the appropriators in the U.S. House of Representatives are going to approve, has nothing whatsoever to do with stimulus. An atlas, an atlas on certain kinds of fish within the Fish and Wildlife Administration for \$3.2 million. I only give you one because, frankly, there are loads of them.

If you take that out, what is not intended to produce jobs for America, what is there in this plan that ought to lead you to believe that? From the rhetoric "we want to create jobs" to actually producing them, let us ask what is there in this proposal that might do that? What is there?

Let me start and tick them off. Defense has to be cut. We all know that. The President wants to cut it \$112 billion more than George Bush. The reason he has to cut so much, I say to my friend from Washington, is because there are no other cuts in the budget.

I know people say that cannot be true, Senator DOMENICI. The President told us about all these cuts. But, my friends, he did not tell you about all the add-ons in the budget. You see, your money can be saved by cutting

domestic spending, and your money can be spent by adding domestic spending, I say to my friend. Is that not right? It just happens, friends, that on the domestic side—and this cannot be refuted—the President intends to spend as much as he cuts. I will show you that in detail as we debate certain amendments.

So, if getting the domestic part of this budget under control was going to have a salutary effect on America over the long run—there are no cuts. I mean, I will tell you the honest truth, even using all the budgetese and base-lines, there is \$7 billion in domestic reductions—cuts, excuse me—over 5 years, including entitlements and all the other litany of things the President has spoken about and that our chairman has spoken about. That is No. 1. That means the budget is going to start going back up again because the entitlements are not under control, the mandatories are not under control, there is no reform there yet. So that is it on that side.

Let me just talk about jobs. Is the \$112 billion cut in defense going to produce jobs? I am now addressing jobs because my good friend from Tennessee talked about America needing jobs. My best guess is that the defense cuts, as big as the President has them, are going to cost America 1.8 to 2 million jobs. It happens that the Presiding Officer comes from a State that is going to get whacked. You can spend all the Federal money you want in the State of California and it will not make up for the jobs lost by the defense cuts in your State, in the State of California. Across this land, it will be many, many more than anybody can produce with a little tiny economic stimulus, as I just described it awhile ago, or by investments in America by the Government.

Having said that, where will the jobs come from? Do you know what is left in the budget? My friend sitting over here knows exactly what is left in this budget. Let me see if I can pull it up here and show you what is left in this budget. It is an amazing thing. Here is what is left in this budget. This tax proposal, if adopted as recommended in this budget: \$359 billion in new taxes. And \$64 billion of it is given back to the taxpayer in various ways—investment tax credit, earned income tax credit—because many of the tax proposals are so regressive you have to give the working poor back money. So the net is what is missing from the budget to produce jobs, because that is what we are talking about, \$295 billion in new taxes.

Believe you me, I understand that very good Americans have responded to our President and have said we want to contribute. And some of them have been saying we want to pay these taxes. But you know what, they have no understanding whatsoever that no net domestic cuts are going to occur in

this budget. And they are paying for the deficit reduction only through paying new taxes. And, to be honest, you will add, and defense cuts. But the reason I believe Americans are misunderstanding this plan, and I will tell the Senate, I will confess to the Senate—everybody says Senator DOMENICI knows a lot about budgets. It was very hard for me to understand what was in this budget. In fact, it is still difficult because it is vague. We do not have any precise programs. We have not yet seen a plan to cut the defense of America, have we, I say to my friend? We just got some big numbers.

Frankly, if it has been hard for me and so it was hard for me to explain, how could the American people understand that this budget is a tax budget—\$295 in net new taxes. Look at this one. And the net domestic spending cut, the entire net domestic spending cut is \$7 billion; \$7 billion. Do you think of that 55, 60 percent of Americans who are saying we want the President's plan—do you think they understand that? Do you think they understand that there are no net cuts in the domestic budget of the United States?

I will tell you, I would venture that if we went out to the streets of America, honestly, with no bias, presented by a neutral person, and said: Mr. American, rich, middle income, super rich—last week you said you were willing to contribute and pay a tax to help with this onerous deficit, this burden on American young people and generations to come. But did you know that in saying you wanted to vote for new taxes, more taxes, that there are essentially no permanent cuts in the domestic budget of your country? I will say right now if it is not 75 to 1 saying, "Why, I am not for that; cut the budget before you tax me"—that is what we are here about. And we are going to have 3 or 4 or 5 days in a bona fide, very fair, as fair as we can be, discussion with the American people. It is going to be about what this budget is all about, what this so-called economic growth plan for America is all about. And, when we are finished, if we have not changed that plan here on the Senate floor, then, obviously the President and his party can proceed to put it in place.

And for those who will quickly say Republicans do not want to tax the rich, the truth of the matter is, we do not want to tax anybody until we see cuts, real cuts in the domestic budget of this country. And we will offer many amendments to tell you how to cut it.

I will close by giving two numbers. All of the domestic cuts of the President of the United States that he has told us about, that we tell him for the most part: Amen, we are with you Mr. President—amount to \$124—\$113 billion. But the add-ons, the new expenditures over and above the programs of our country growing at the rate of in-

flation, over and above that amount to \$124 billion. The net effect of that is essentially no reduction in the domestic programs.

And my last observation, so nobody misunderstands, when I use domestic programs, I mean all of them. I mean all of the mandatories, all of the entitlements. I mean Medicare, Medicaid, I mean student aid, I mean just right on down through, and all of the appropriated accounts. That is the domestic budget. It is two-thirds of our budget; two-thirds. And it is growing. Defense is coming down. It is one thing to say we have been jobless, in terms of this recovery. We produced a million new jobs or 1.5 million—but not enough—and then to say we have a plan to do it without clearly laying before the American people what the plan is. I will close with one last remark.

It has been said not to worry about this \$124 billion in new spending because it is an investment. Fellow Americans, it is spending your money and it has been said by a number of politicians, if you call spending an investment, the American people will buy it. Call spending an investment and they will say, "Spend our money for the investment." But the truth of the matter is, when we are finished, we will read off this long litany of investments which are going to spend the taxpayers' money, and then the Republican director of the budget just put up a closing chart and I hope my friend from Washington might address this.

We will talk about this a number of times. This is about the best we can do. Do you see the red, fellow Senators and those who are wondering what we are getting into in this plan, this economic blueprint? Net new taxes \$295 billion; 75 percent of this plan is net new taxes. Do you see that one that is a little bit less red? That is taxes, too. It is called user fees. That is 4 percent. Add the two and what do you have? In round numbers, 80 percent of this budget is taxes. Even with defense cuts, it is 4 to 1; \$4 in new taxes for \$1 in defense cuts and the rest is there, \$7 billion in non-defense cuts, \$74 billion net in defense.

I ask, does anyone really think the American Government is smart enough to create new jobs by investing some additional money, spending your money and calling it an investment? For that is all that is left with this notion.

Mr. GORTON. Will the Senator from New Mexico yield for one or two questions?

Mr. DOMENICI. I will be pleased to.

Mr. GORTON. Madam President, earlier this week, this Senator received, from a friend in Seattle, a very worried letter about the budget deficit. Enclosed with it was an analysis for their customers from the chief economist of the Dean Witter company attempting to advise his clients on investments. I want to read one set of lines which is

in bold print in that analysis and ask the Senator from New Mexico whether he agrees with it. This economist who wrote in the form of an open letter to President Clinton said:

The numbers that underlie your budget proposal don't stack up. If enacted, the result is likely to be less growth, higher taxes, more Government spending and a higher budget deficit than would otherwise occur.

Does the Senator from New Mexico, as I think he does from what he said, agree with that proposition as a fair description of this budget proposal?

Mr. DOMENICI. Great question. Madam President, the President's budget itself, with all the optimism he can muster, says that in the fifth year of this budget plan the deficit starts going up again, not down. In the sixth year, it is up even more. In the seventh year, it is up even more, and 5 years after the first 5-year plan, it is higher than when we began, and that is conservative. My guess is it will be substantially higher because many of the savings that are projected in this budget are not going to occur. They are not fixed. As of yet, we have no enforcement mechanism.

So you can say to your constituent, you are much more astute than many of us were 2 weeks ago, for it was cumbersome and difficult, but we have now agreed with you, and that is exactly why there is no entitlement savings whatsoever to speak of that are permanent in this package.

Mr. GORTON. If the Senator will further yield, and I will refer to the chart which he now has posted. The, oh, roughly one-fifth of that circle which is colored in black and represents defense reductions, does the Senator from New Mexico, with all his expertise on the budget, have any idea what is encompassed in those defense reductions? Do we, as we debate here as Senators, know what this means from the point of view of the number of men and women in uniform, the kind of defense contracts we will have? Is there any detail, any understanding at all as to where that money is going to come from?

Mr. DOMENICI. Madam President, we kind of knew what the \$74 billion that were prescribed by President Bush were. I guess we could dig that up and, in all honesty, say we knew that. But when you add to that, not just a doubling of that, but a doubling of that plus \$50 billion more and no details, it is pretty difficult to tell the American people, the military, those who are worried about the breaking news that is occurring now about the Soviet Union, about all the problems in the world, with Ukraine with many, many nuclear weapons and they do not know if they are going to join up with the nonproliferation countries, North Korea behaving like they are, they are on all out alert, there is no way to tell those people who are interested or the

magnificent men and women who are in uniform, what is really going to happen. The only thing we have heard of late are base closures. Americans will know that is not a big part of that. Ten percent of this whole amount would be base closures.

Mr. GORTON. It seems to me it is unlikely to be that large amount.

One final question and then I think the Senator owes the floor back to the Senator from Tennessee. This Senator will await his turn and hope he can speak next. One last question.

The distinguished and learned Senator from Tennessee, the chairman of the Senate Budget Committee, referred to this Senator in his opening statement and to the fact this Senator's State includes the Boeing Co. which has just announced reductions in its work force of some 28,000 people, affecting 28,000 families primarily in the States of Washington and Kansas.

As the Senator from New Mexico knows, the President of the United States visited the Boeing plant in Everett, WA just a relatively few weeks ago with a message of hope and of optimism and of support.

I wonder, however, if the Senator from New Mexico has been able to puzzle out a problem which this Senator has not been able to puzzle out. The President's budget plan offers to the Boeing Co. higher corporate taxes on its earnings, therefore removing capital which would otherwise be used to develop a new generation of aircraft. It offers to the customers of the Boeing Co. huge increases in their fuel taxes. This increase in taxes represents \$1 billion of additional costs to an industry which is already losing huge amounts of money. And, of course, because of these defense cuts, I suppose this budget plan offers to the Boeing Co. a reduction of close to 50 percent in its defense contracts.

Is the Senator from New Mexico any better able than this Senator is to figure how that triple whammy will restore the jobs of those 28,000 Boeing workers who are about to be laid off?

Mr. DOMENICI. Madam President, I really thank the Senator from the State of Washington for that question and with the answer to it, I will wrap up and yield the floor back to my friend.

Frankly, let me tell you what I think about defense conversion because, if anything, the President has, and I am sure he believes this, has suggested we are going to ease the burden and create jobs for those who might be losing jobs through more high technology, targeted high technology by the Government and defense conversion-type activities that use the dual-purpose capabilities of our defense research to create civilian jobs.

Madam President, the Senator from New Mexico is an activist in many ways. I love to think the Government

can do things. I came here as a mayor and, boy, I just thought the U.S. Government could do almost anything. The truth of the matter is the only way to take care of people who are going to be hurt by the defense problems in this country or by the airline-type problems of this country, the only way to help them is a sustained economic recovery with low inflation. You have to have a recovery to put those people to work. You have to have a sustained solid growth to put those people who are worried in your State back to work. And that is not going to happen with a deficit reduction plan that is essentially cutting defense and taxing the American people, including middle-income Americans, modest-earning Americans in a huge way and businesses in ways we yet do not understand.

The President contends that the lowering of the long-term interest rates will help Boeing and put their people back to work. I assume that was the answer he gave. I was not there, but I assume that.

Mr. GORTON. The Senator is correct. Mr. DOMENICI. Frankly, let me tell the American people, that is a wonderful event occurring in our economic history and I would hope that before we finish, people will talk about how good it is that long-term interest rates are down. Frankly, it is absolutely inconceivable to me that they are down because of what we are talking about on the floor of the Senate. It just seems to me they are down because there is a huge liquidity among American savers. They want to get their money out of very low-interest-type things into higher yielding things, and there are huge amounts of money being put on the table to buy up long-term bonds which are yielding more interest. And the demand from the world whose economies are diminishing instead of growing is almost nil, which causes the long-term bonds to come down also.

But for Boeing, whose balance sheet I look at every now and then, they do not borrow money. As I gather, they do not borrow money. They cannot take the risk of borrowing money because of the way their business goes. So finally, I do not see how it is going to do anything for them or people like them across this land.

I close once again saying to American people, who are now worried because they understand this Btu tax, this energy tax, and what it will do, because they might understand and believe we are not cutting domestic spending but only asking that we be taxed more and American people pay more, if you believe that you sat back and did not write to us, did not complain about it, did not put your employees on notice, did not talk to those in your associations because the train was gone, I submit to you that you ought to be heard. You ought to be

heard now because it can be changed on the floor of the Senate, and we are going to do everything we can to change it to a better package, not this one.

I yield the floor and thank the chairman for time.

Mr. SASSER. Madam President, I thank the distinguished minority manager.

I listened carefully to the discussion and statements made by my friend from New Mexico and the distinguished Senator from Washington. I came away a little confused. First, there were complaints that there were not enough cuts in the President's budget, and then there were complaints that there were too many cuts in military spending, and this was going to create job losses.

Now, undoubtedly, there will be some job loss as a result of cuts in military spending. But what is the alternative? Are we to keep on spending into perpetuity for military purposes? Are we going to continue to raise the deficit, continue to borrow money to build fighter planes and tanks and aircraft carriers that produce nothing in themselves? Are we going to continue to pay vast sums of money to employ large military formations that simply are not needed?

It appears to me that is the ultimate in waste. And whether you are borrowing money to build a school or whether you are borrowing money to buy an Abrams M-1A1 tank, you are still raising the deficit.

The difference is that that school will produce citizens who are educated and who will be productive and will produce additional wealth and economic growth for the country.

That is the difference between an investment and simply an expenditure. Any reading of modern American history would reinforce that point.

Let me give you an example. Immediately following World War II, this country had a debt in proportion to gross domestic product much higher than it is today, and rightfully so; we had just fought and waged and won the greatest war in the history of the world—not just the history of the modern world, the history of the world.

What did we do? We turned around first and made some investments abroad in Europe to try to build and rebuild a world trade system. But more importantly, we made investments in our own people through something called the GI bill of rights. And for the first time, the Government stated as a principle that those men and women who answered the call to duty during this great war shall be entitled to Government subsidies in the pursuit of higher education, in the pursuit of a college education.

Young men and young women following World War II, utilizing that GI bill of rights, obtained a college education.

And in most cases they were the first members of their families ever in this country to secure a college education. Because of the education of these young veterans as engineers, as business managers, as physicians, as accountants, as lawyers—a whole host of professionals—the United States embarked on a period of unprecedented economic growth in the years of the late forties, fifties, and sixties. And many observers say that this growth was built on the expertise and productivity of the original investment, or the original investment had enhanced in these college graduates as they moved out into the economy.

That is the difference between an investment and an expenditure. I submit that it does not make sense really to continue to be spending vast sums of money for the military when we should be turning around and investing some of those sums first in our own people and some of the other savings in deficit reduction. That is exactly what the Clinton economic proposal does.

Now, the Congressional Budget Office has had something to say about the question of cuts in the military spending program. And it says:

In the long run, if cuts in defense spending are used to either reduce the Federal deficit or fund certain carefully chosen Federal investments, these cuts could lead to permanently higher levels of income than would otherwise occur.

You really do not have to be a rocket scientist to understand that when you buy a tank, it is a wasted expenditure. Within a few years, that thing will be obsolete. It requires constant maintenance, and it produces nothing by way of growth, economic produce. It is perhaps an insurance policy, but that is all. An investment in a school or an investment in a machine that produces capital goods, or an investment in a factory, all of those things produce things for long-term growth.

Let us see what the Chairman of the Federal Reserve Board had to say, Dr. Alan Greenspan. In testimony before the Senate Budget Committee, Dr. Greenspan said:

By their very nature, military expenditures are like insurance. It is an endeavor on our part to protect the country from foreign foes.

Dr. Greenspan continued:

It does not, however, create real capital assets, real productive assets which produce goods and services, which can be consumed directly by the civilian population or the population as a whole.

So, Dr. Greenspan concluded, and these are his words:

If we are able to reduce defense expenditures and employ the resources in the production of capital goods which create increased productivity, increased domestic technologies, standards of living as perceived by the average American will rise.

Dr. Greenspan continued:

It's obvious it would be far better were we to employ our resources for the production of civilian goods rather than military goods.

Now, I do not agree with Dr. Alan Greenspan on everything. Dr. Greenspan was appointed Chairman of the Federal Reserve Board by President Reagan and reappointed by President Bush. But he is right as rain about that. And I think any economist worth his salt will agree.

So I do not see how we can possibly criticize President Clinton for reducing military expenditures, and we ought to praise him for reducing these military expenditures and utilizing part of it for deficit reduction and part of these expenditures for investment in our own people.

I said earlier that we do have a serious economic problem. The President's modest short-term economic stimulus is followed by a long-term targeted investment strategy. And the purpose of our domestic investments is to push the economy to a growth level that is sufficiently robust to sustain the contractionary force of a long-term deficit-reduction package.

What am I saying? What I am saying is that what we are presenting here in the Clinton economic budget proposal is the largest deficit-reduction package in the history of this country.

Economists will tell us that as we reduce the deficit by this large of an amount over the next 4 or 5 years there is a danger that economic contraction or another recession will set in.

The Clinton economic plan wisely recognizes this. This economy now is struggling to get up to speed, to start producing the jobs that other recoveries have produced in times past. As I said earlier, other recoveries by this time at this stage would have produced 4 million jobs. This recovery at this stage has produced less than 1 million new jobs.

So it is struggling. It is not there. We run a danger of this deficit-reduction package, as large as it is, having a very chilling impact on this recovery.

So what does the President propose? He proposes a short-term economic stimulus to put a tailwind behind this recovery, to get it off the ground, to energize it so it can get to an altitude and develop a velocity so that it will not be sunk and crash down again because of the contractionary impact of this large deficit-reduction package.

The Clinton economic program recognizes that for years we have invested neither wisely nor well. For too long this Nation has subordinated its long-term goals to short-term interests. What growth we showed in the 1980's was borrowed against the future. The growth of the 1980's was paid for with staggering levels of borrowing from both the private and the public sector.

I want to direct the attention of my colleagues to two charts that I have here. The first shows the gross public investment as a percentage of gross domestic product in 1989. Really, this is economist jargon for saying how much

of our Government expenditures were invested in things that would improve our economy as a percentage of the overall economy compared to other countries.

We find that our friends, the Japanese, were investing 5 percent of their expenditures in investments in the economy that would increase their productivity or their ability to compete, enhance the range of their products, the whole host of things that you need to do to compete in a modern world and elevate the standard of living of the people.

Italy invested at 3.5 percent; France, 3.2 percent; Canada, 2.4 percent, et cetera.

Look at the United States. The last in line. We were actually investing only 1.6 percent of our GDP in investments that would improve our ability to compete and that would produce jobs, the lowest of all of the so-called highly developed, industrialized G-7 countries.

We have another chart. This indicates the public and private investment in employment and training programs for our people. This is a means by which you train your population, your work force, so that they can fill the demanding jobs of a high-technology, highly competitive industrialized economy.

Let us look at the Germans. They were devoting 2.4 percent of their public and private investment in employment and training programs as a percent of the gross domestic product. Look at the United States—only six-tenths of 1 percent; about one-fourth of what the Germans were investing.

No wonder we have such high unemployment in this country; no wonder we have so many people who want to work, but they simply do not have the skills to meet the needs of the work force or the workplace in these highly developed economies that we are competing with.

In spite of these startling figures, the investment proposal is a central target of those who oppose the President's package. Some of my friends on the other side of the aisle even challenged the notion that a Government expenditure can produce positive economic consequences unless, of course, the expenditure happens to be in their home State or unless it is for military hardware or military spending in some way. Otherwise, they say, Government expenditures just cannot produce any positive economic consequences.

Tell that to the older citizens now who got their college education through the GI bill of rights following the Second World War. Ask them if a Government expenditure can lead to positive economic consequences, and I think they would tell you it certainly made a profound difference in their ability to produce economically.

All posturing aside, there is really far less dispute in practice than there

is in theory about investment. Just take a look back at the budgets we got from President Bush. The additions that he proposed for discretionary spending are surprisingly familiar. He proposed additions in Head Start. President Bush proposed additions in the Women's, Infants and Children's Feeding Program. He proposed additions in highway spending. He proposed additions in the home program. These are additions that were proposed by President George Bush. He proposed additions in AIDS prevention. He asked for increased spending for the National Science Foundation.

He asked for increased appropriations for childhood immunizations. He wanted more money for crime prevention.

Well, what about the so-called tax relief investments that are in the Clinton package—many of the same ones that George Bush was asking for, such as enterprise zones, community development banks, investment tax credits, targeted jobs tax credit, earned income tax credit, research and exploration tax credits.

(Mr. LEVIN assumed the chair.)

Mr. SASSER. So if you just looked at the list of the programs that President Bush wanted funded and the ones that President Clinton wants funded, if you looked at the tax proposals or investment incentives that President Bush wanted funded, and the ones that President Clinton wants funded, they are almost identical. You cannot tell one party from another by the set of priorities.

The difference, my friends, is in the magnitude. The plan that President Clinton has proposed is more than just a token plan. He wants more than just token amounts. He wants to take some of these military savings and put them seriously into these initiatives that will restore this economy of ours.

More important, President Clinton pays for these investments by cutting, as I said earlier, unnecessary military spending. Military spending has simply been untouchable around here for years. I have heard my colleagues on the other side of the aisle, and some on our side, talk as if money spent for military hardware or money spent in the military budget did not count in the deficit calculations. That was just money that suddenly appeared as if by magic from somewhere. No, you could not reduce that one cent anywhere, even though we embarked, in 1981, on the largest military buildup in the history of this country since the Korean war, a larger military buildup than we pursued when we were fighting a war in Vietnam. But, no, even though the cold war is over, my friends on the other side say we cannot touch any of that spending.

President Clinton does not buy that. What this President said is spending is spending. Borrowing money for spending is borrowing money for spending.

He does not say he is going to do more spending. What President Clinton says is he is going to spend for different things. You may want to spend for a tank, but he wants to spend for a schoolhouse. You may want to spend for an aircraft carrier. Well, he wants to spend to support a hospital. You may want to spend for a fighter airplane. Well, he wants to spend for Head Start, to try to educate young children and give them a chance.

This President has finally shaken this Congress and this country out of the cold war mindset, and he has taken these military dollars and is putting them into domestic priorities. It is not interesting that most of these domestic priorities have been validated by bipartisan support—supported by President Bush and many of my friends on the other side of the aisle. It is just that President Clinton supports them with enough funding to really make them effective, to really make them make a difference.

Of course, I cannot touch on every program in the President's plan, but I honestly believe that, taken as a whole, it is a hands-down winner.

I am not alone. In testimony before the Senate Banking Committee, the Fed Chairman Alan Greenspan said:

It is a serious proposal. Its baseline economic assumptions are plausible, and it is a detailed program by program set of recommendations as distinct from general goals.

Is that not interesting coming from Dr. Alan Greenspan, a Reagan administration appointee? He has validated this Clinton economic plan. He says it is a serious proposal. He says it is a plan whose economic assumptions are plausible. It is a detailed program by program set of recommendations as distinct from general goals.

Mr. President, it is no wonder that following the speech that President Clinton delivered to the joint session of Congress—it was seen by tens of millions of our fellow citizens on television—that the bond market rallied and the yield on 30-year bonds fell below 6.9 percent—the lowest yield on 30-year bonds since being issued in 1977. That is confidence. That is confidence on the part of hard-eyed bond traders, who are putting their money where their intellect tells them it ought to go. They do not trade on emotion. They do not trade on promises. They trade on what they perceive to be the reality of a situation.

That is confidence, and it translates directly into investment, and it translates directly into jobs.

For years now, American Secretaries of the Treasury have been going abroad to various meetings with the finance ministers of other countries. And they have been asked to do something about what our allies abroad perceive to be a fiscal crisis here in the United States—a crisis brought on by lack of dis-

cipline, lack of political courage, lack of a failure to face the reality of the day.

We all remember the humiliation of an American President being lectured in Japan about the need for us to do something about our budget deficit and to get our fiscal house in order. The humiliation of it. And we have seen the United States become the largest debtor nation in the world. We have gone, in 10 years, from being the largest creditor nation to the largest debtor nation on the face of the Earth.

What about our international allies whose economic destiny and future is tied so closely to the economy of the United States? What do they say about the Clinton plan?

The Japanese and the Germans are applauding it. They are saying only good things about it. They are encouraged. They are heartened.

The business community in this country—and I have talked to a lot of business people in my State, many of whom did not vote for President Clinton; in fact I venture to say maybe the majority of them did not—but they seem very inclined to give this proposal a fair chance.

They say at least he is trying to do something, and it appears to us that he is asking it fairly of everybody. And those at the very top, the very top—and we all know some of them, the top 1 percent, they say, "Look, you know, I do not want to pay any additional taxes, but I will. I will do it, if it will help us get our house in order in this country. We simply cannot continue down the road we have been on for the last 10 years or longer."

And even some of the hardest constituency groups here who you would expect to oppose it are ready to give up a little bit on their particular interest. They are ready to give up something, because they think that this proposal of the President as embodied in this budget we bring to the floor here this evening is in pursuit of the general welfare of our Nation and all of our citizens.

So, this President, President Clinton, has presented the Congress and the American people with a credible economic plan that contains all of the ingredients for deficit reduction. It will reduce the deficit by over \$500 billion over 5 years and it is a budget that provides for long-term economic growth and for a short-term stimulus to really energize this economy and get us into a robust recovery.

Mr. President, I am pleased and proud to report that last Thursday night the Senate Budget Committee stood foursquare behind the President. The Clinton budget plan reported by the Senate Budget Committee as the 1994 budget resolution is the most decisive assault launched by a President against America's deficit since the fiscal crisis began in the 1980's.

It answers the American people's call for an end to gridlock and for the beginning of constructive change.

As you can see in this chart here, the 5-year savings in this budget resolution amount to \$502 billion. Now that is compared to \$473 billion in savings in the President's original plan and \$406 billion in the reestimate of his plan made by the Congressional Budget Office and the Joint Tax Committee.

Deficit reduction in 1997 is approximately \$140 billion. And the President's proposal will bring the deficit down from \$308 billion in 1993 to \$187 billion in 1997.

As a percentage of gross domestic product, and that is the figure most used by economists, deficits between 1993 and 1997 are cut in half, from 5 percent of gross domestic product in 1993 to 2½ percent by 1997. Spending reductions total \$332 billion over 5 years, including cuts in military spending of \$105 billion off the budget proposed by President Bush, \$85 billion in non-defense discretionary cuts, \$91 billion in entitlement and mandatory saving and a reduction of \$55 billion in debt service.

So, any way you slice it in this form this budget proposal is the largest deficit reduction package proposed by a President with revenues changes totaling \$295 billion over 5 years.

Now, the 1994 budget resolution, as reported, presents the President's economic plan modified to conform with the terms of the Budget Enforcement Act of 1990, and specifically what I am talking about is the resolution meets the discretionary spending caps that were put into law by the Budget Enforcement Act in 1994 and 1995.

In addition, the resolution recoups savings lost in recent reestimates of the President's proposal by the Congressional Budget Office and the Joint Committee on Taxation.

The 1994 budget resolution contains enforcement measures to ensure as much as a budget resolution can that Congress lives up to the deficit reduction that is embodied in it. The resolution will contain reconciliation instructions which will force committees to come up with changes in law to achieve \$367 billion in deficit reduction over 5 years. In addition, the resolution contains provisions extending the system of discretionary limits as they apply to budget resolutions for fiscal years 1996 through 1998.

Now, none of the initiatives for priorities in President's Clinton plan have been eliminated. Within the discretionary spending totals set forth in this budget resolution, we support the goals laid out in the President's investment proposals in the category entitled "Rebuilding America," in the category entitled "Lifelong Learning," in the category entitled "Rewarding Work," in the category entitled "Health Care," and in the category entitled "Private

Sector Incentives." The budget resolution simply stretches out the growth profiles of these investment initiatives and allows Congress to comply with the budget enforcement spending caps.

The Clinton plan provided a total of \$473 billion in deficit reduction, as I said earlier, over 5 years. The intervening CBO scoring of the package showed a loss of \$67 billion primarily due to various technical differences between the Congressional Budget Office and the Office of Management and Budget and because the two scoring authorities used different tax models. On the whole, however, the Congressional Budget Office reestimates of the President's economic plan add only \$23 billion to the 5-year deficit totals, one of the smallest increases ever recorded. This is largely due to the fact that CBO projected baseline deficits are actually \$44 billion lower than the Office of Management and Budget's over the 5 years and \$29 billion lower in 1998. In other words, the Congressional Budget Office is projecting lower deficits in 1998 than OMB is, and over the 5-year period they are projecting deficits that are \$44 billion lower. So, OMB's deficit projections are actually more conservative than those of the Congressional Budget Office that are generally conceded to be the more conservative of the two agencies.

In the budget resolution, the \$67 billion in lost savings is offset, bringing the unified budget down to \$187 billion in fiscal year 1997, and reaching the \$140 billion deficit reduction target set by President Clinton for that year.

Under the resolution, deficits, as a percent of gross domestic product, will be cut in half, from 5 percent in 1993, as I said, to 2.5 percent in 1997.

As my colleagues can see, this is the largest deficit reduction package ever proposed. Let me just call my colleagues' attention to this chart, entitled "Deficit Reduction in Presidential Budgets, 1984 through 1994."

In 1984, President Reagan had a deficit reduction plan for \$332 billion, \$115 billion the next year and \$368 billion the next year, et cetera, et cetera.

The Clinton package, at \$502 billion, as modified, is the largest deficit reduction package that has been proposed.

I might say, with regard to these other plans, they were not adopted by the Congress. Many of these plans, also I might say, for the most part, contain unrealistic economic assumptions.

The cuts in entitlement programs are also bold, providing a substantial downpayment on comprehensive health care reform.

The committee recommends revenue levels of \$1,250.5 billion in 1994 and \$1,554.7 billion in 1998. The recommendations assume revenue increases of \$36.1 billion in 1994 and \$295 billion over the 5-year period.

As is the case with all reconciliation instructions, the tax-writing commit-

tees are not bound to adopt any particular set of policy options to achieve the additional revenues specified in this budget resolution. In fact, the tax-writing committees may incorporate whatever statutory changes they desire, so long as the total changes meet the reconciliation instruction set forth in the resolution. The assumptions which underlie the revenue instructions could accommodate the proposals contained in the President's plan.

Under these assumptions, the majority of new taxes would fall on upper income taxpayers. More than 98 percent of America's families will have no increase in their income tax rates. Only 1.2 percent at the very top are going to have any increase in their income tax rates.

I want to draw my colleagues' attention to another chart here, which indicates the distribution of the President's revenue package.

You will note that 64.2 percent of the increased taxes will be borne by those who make more than \$200,000 a year. More than 73 percent of the revenue increases will be borne by those families with adjusted incomes in excess of \$100,000 per year. People at the top 1 percent—and for a family of four, that is an income of more than \$333,000 a year—would pay more than 60 percent of all the new taxes.

As I previously mentioned, the Finance Committee could employ any number of other options to meet this particular instruction.

For example, it could take large portions of the revenue options listed in the resolution and replace them with a value added tax, if they wished to, or a consumption-based tax.

What the Budget Committee sends to the Finance Committee is simply a number. The Finance Committee will work their will on that number and may fill that revenue number in any way the Finance Committee and its distinguished chairman, Senator MOYNIHAN of New York, see fit to fill it.

The same is true of the deficit reduction reconciled in the other authorizing committees. These are broad binding aggregates. They do not dictate specific policy alternatives. Though the totals conform with the President's plan, they permit the committees of jurisdiction to find the savings dictated by the resolution's totals in whatever way they choose.

Finally, the form of the budget resolution provides maximum enforcement of the savings dictated by the resolution's totals, and it ensures honesty.

Senators who spent the most time reviewing budget resolution form in the past will be pleased to note that it continues to include many of the improvements for which they have fought over the years. For one, only on-budget numbers appear in the resolution. The Social Security trust fund is not used to mask the size of the deficit. It has

two provisions similar to those in last year's resolution to ensure enforcement. Counting asset sales as deficit reduction is prohibited. And using the same language as enacted the Social Security firewall, I say to my friend from New Mexico, is reinforced.

I know he has been very interested and concerned about that.

The resolution calls on Congress to enact, during this session, the enforcement procedures for those purposes that only statute may constitutionally include.

The resolution contains sense-of-the-Senate language calling for the Congress to limit debt increases to those contemplated in the budget resolution. The language draws heavily on the proposal of the senior Senator from Nebraska [Mr. EXON], embodied in S. 225.

Taken together, these provisions make the most enforceable budget resolution in the history of the Budget Act.

Mr. President, we have presented a budget plan, a budget proposal. President Clinton came before the Congress and presented his proposal in a joint session to the Congress and to the American people. The polls indicate that the American people, by over a 2 to 1 margin, want to give the Clinton proposal a chance. They have high hopes for it. They know that it represents change. They know it calls for shared sacrifice. But they know things have to change.

They know we cannot continue as we have been going. We cannot continue to follow the borrow-and-spend policies of the past 12 years. We cannot continue to stand aside and watch as our jobs leave this country and go abroad. We cannot stand aside and watch as our cities deteriorate, and as block after block after block in many of the major urban areas is abandoned, literally, to criminal elements.

They know we have a problem in the education of our young people. Their education is not measuring up to the education that our trading partners and trading adversaries are giving their children in other countries in this world. The American people know there is something wrong when people who want to work cannot find a job. And they know there is something wrong when people have worked for decades for a blue chip company and come in one morning to find that they are greeted with a pink slip and the new they are laid off and they have no probability of being called back to work.

So they know we need change. The American people voted for a change in November. They are aware that this budget proposal calls for sacrifice. But it does mean constructive change. It calls for long-term investment in the future of this country.

For those who disapprove of this program and this budget proposal and

budget plan—and that is their prerogative—I simply call upon them to say: Where is your plan? What are your proposals? Do you wish to continue down the same path that we have been going down for the past 12 years? If you want to criticize this President's plan, you can do it. If you want to tear it apart, that is your prerogative. But if you are going to do it, you have a responsibility to tell the American people what is the alternative. What is your proposal?

Many years ago, a distinguished old Speaker of the House, Sam Rayburn, was quoted as having said—and I do not know if he said it or not, but it is generally believed he did—“Any darn fool can tear down a barn. But it takes a skilled craftsman to build one.”

This young President of ours has built a budget. He has built an economic plan. He is calling for adoption of this plan that will change this country for the better. And the people have said that they want change.

Now it is time for us in this body to stop picking it apart, piece by piece. Yes, we can criticize it, and that is healthy. We ought to be critical of it. But if you want to criticize it piece by piece, then we ought to have a proposal to replace it piece by piece, also.

The resolution, Mr. President, prohibits the consideration of direct spending or receipt legislation that would decrease the pay-as-you-go surplus that the reconciliation bill would create.

Mr. DOMENICI. Might I make an inquiry of the Chairman?

Mr. SASSER. Of course, I would be pleased to answer any inquiry.

Mr. DOMENICI. Mr. President, I do not know how much time the chairman has used of his 1½ hours tonight, but I have Senator GORTON and one other Senator who have been waiting. I wonder if the Senator might give them, through me, some indication of when their time might come up here on the floor?

Mr. SASSER. I will be pleased to do so. I will yield the floor for that purpose in another 2 or 3 minutes.

And, may I ask my friend from New Mexico, how long he and his colleagues are wishing to go on this evening on their side?

Mr. DOMENICI. Parliamentary inquiry. How much time has the Senator from New Mexico used?

The PRESIDING OFFICER. The Senator from New Mexico has used 33 minutes.

Mr. DOMENICI. And how much time has the Chairman used?

The PRESIDING OFFICER. Eighty-five minutes.

Mr. DOMENICI. We are not distinguishing there what we used it from. It is just that is an amount of time we have each used.

The PRESIDING OFFICER. That is the total amount of time each side has used, and does not distinguish the source.

Mr. DOMENICI. I believe Senator SASSER said his side wanted to use an hour and a half tonight.

Mr. SASSER. Approximately.

Mr. DOMENICI. And we would try to use an hour and a half, and that would be 3 full hours off of the resolution.

How close is the Senator to an hour and a half?

Mr. SASSER. We have used 85 minutes. That means we have 5 minutes.

Mr. DOMENICI. I think Senator GORTON would use 15 and Senator BENNETT 15 and Senator BOND. We probably can get by tonight with 40 minutes added to the 33; something less than an hour and a half.

I do not want to ask consent for that yet or yield back, but that is what we will shoot for.

I thank the Chairman.

Mr. SASSER. I have taken up more than my share of the time this evening. I yield to the distinguished majority leader, who I see is seeking recognition.

The PRESIDING OFFICER. The majority leader.

Mr. MITCHELL. Mr. President, I thank my colleague.

I have just spoken with Senator DOMENICI, following my having just been advised that earlier this evening, during debate on the floor, Senator DOMENICI indicated—speaking on behalf of himself and several of his Republican colleagues—that there would be no agreement to yield back time on the budget resolution, and no agreement to stack votes. That is, of course, entirely within the right of the manager and other colleagues.

But in light of that, I felt it essential to notify Senators at the earliest possible time—and this is the earliest possible time for me, having just learned of this—that the previous Senate schedule for this legislative period which I distributed some weeks ago, which indicated that there would be no votes after 3 p.m., on Friday, and no votes on next Monday, was based upon the customary practice which we have followed in the Senate in the 5 years that I have been majority leader of attempting to work out scheduling and the stacking of votes in a way that accommodates as many Senators as possible.

It will be readily obvious to every Senator that if we are not able to engage in that practice for whatever reason—and as I stated earlier, that may be an entirely valid reason—that the schedule which I set forth cannot be maintained. Since the premise upon which the schedule was based no longer exists, the schedule itself cannot be maintained.

Therefore, Senators should be aware, and be prepared for votes on this Friday after 3 p.m., if necessary, and into the evening; and for a full session, with votes, if necessary, on Monday.

The budget resolution is very important business. And on that point, Sen-

ator DOMENICI and I are in complete agreement.

Again, I recognize that the announcement that he has made in behalf of himself and other Republican Senators is entirely appropriate within the rules and within his rights. But if that is to be the case, then everyone must understand the consequences of that practice will be that we will simply have to be in session for full days, 5 days a week. And Senators will have to adjust their schedules accordingly.

Mr. President, I have indicated, prior to my making this statement on the floor, to Senator DOMENICI, that I would make this statement. And I now take occasion to yield, to invite any comment. If I have in any way inadvertently misstated his prior remarks, I request that he correct me and make any comment he wishes to make at this time.

Mr. DOMENICI. Mr. President, let me just qualify it this way. I do not recall being in a situation where we have a time limitation like we do on this bill. In other words, if it was equally divided, for all Republican efforts, we would not have more than 25 hours if that turned out to be equally divided. And if we really held to the schedule that the majority leader had announced a long time ago, none of us could have guessed that a budget resolution would come up tonight, with a Friday only until 3 suggestion; that that be the voting deadline. And then nothing on Monday, but be in session. None of us could have guessed that would be the situation.

There is a very, very dedicated group of Senators on our side—not one, not two, but many—who have worked very, very hard to understand this budget resolution, and they want to be heard. I think my good friend from Maine has great respect for that. That is the institution. We are not going to be able to filibuster. For anybody wondering whether this is gridlock, it is not gridlock. This is a very time-constrained operation from the beginning.

I will nonetheless say to the Senators who are listening to our distinguished leader, we are not in stone on this situation. We have a conference tomorrow at 10:30 of all the Republican Senators. It will not be called for just this issue, but we will raise it and we will do our very best.

This Senator has been here long enough to know I want to be accommodating. There are two accommodations here: One is to Senators who made some plans and relying on our distinguished leader's good letter, trying to give us suggestions for time availability for work at home.

The other conflict is I am going to try to accommodate to the Republican Senators, and I gather Senator SASSER has some Democratic Senators who want to offer amendments. It could well be they do not have the same

problem on stacking. We might ask that later on; I am not suggesting tonight.

Mr. SASSER. We do have Democratic Senators who wish to offer amendments. I do not know what their views would be on stacking. I am confident they would follow the wishes of the majority leader in that matter, however.

Mr. DOMENICI. All I am saying is we are not concluding that the distinguished majority leader—we are not on our side—that his suggestion regarding voting is over and done with and we are on another schedule. But tomorrow, as early as possible, we will get back together, if that is satisfactory, I say to my friend from Maine.

Mr. MITCHELL. Mr. President, that is entirely satisfactory. The Senator from New Mexico is quite right, of course. No one of us could have known when we were going to begin this budget resolution. That depended on when we completed action on the previous measure and, as all Senators know, it is probably still a mystery to the American people that we know when we can begin a bill in the Senate but we can never know when we are going to end it because of the peculiar rules of the Senate. There was no way any of us—Senator DOMENICI, Senator SASSER, myself or anyone else—could have known when we were going to finish the bill this afternoon; indeed, that did not become clear until we reached an agreement on it just a short time before it was, in fact, completed.

I merely wanted to give Senators as much notice as possible because, if we are going to have a full schedule of votes on Friday and on Monday, it will undoubtedly cause Senators to have to change their schedules, and they have to begin now at this moment to think about that and how that can be accomplished, if possible.

I welcome the further discussions which the Senator from New Mexico has indicated will occur tomorrow and, as usual, I will discuss the matter with Senator DOLE. Just so Senator DOMENICI can be aware, as is my practice with respect to all scheduling matters, I notified Senator DOLE by telephone before I came to the floor to make a statement that I was going to do so and the reasons for it, that is, the circumstances which led to it. He is aware of this, and I am sure we will be meeting again tomorrow to work on it. I suspect there will be many amendments on both sides and a lot of votes, and we will try to do it in a way that accommodates the legitimate interests of those Senators who want to be heard on an important matter.

This is, of course, the usual practice with the budget resolution. Under our rules, it is limited to 50 hours. That has been the case for at least the 13 years I have been in the Senate. So we have been through this before on many occa-

sions, and everyone has to try to accommodate to that circumstance.

We will do the best we can. But now Senators are on notice and should be aware that the previously announced schedule with respect to votes on Friday of this week and Monday of next week may have to be changed to accommodate the needs of this legislation, and we may have to be here all day Friday and all day Monday and voting should that become necessary. But I look forward to further discussions with the Senator tomorrow.

Mr. President, I yield the floor, and I thank my colleagues for their cooperation.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I might say to my friend from Maine, Senator DOLE told me prior to my colloquy with you that he heard from you. He then talked with me a little bit about what this meant. We agreed we would be talking tomorrow in the party conference. We will get back to you as soon as we can.

Could I ask, Mr. President—I did not intend to keep the Senate beyond a maximum hour and a half on the majority side and an hour and a half on our side—where are we? How much time has the majority used?

The PRESIDING OFFICER. The majority has used 1 hour and 42 minutes.

Mr. DOMENICI. We are not going to use even our 1 hour and a half, I do not think, Senator GORTON wanted to go next. Will the Senator allow me to make two points and then I will yield to the Senator?

Mr. President, my good friend, Senator SASSER, has indicated that this is the largest deficit-reduction package to come before the Senate that has been suggested by a President. I just want to say that is technically correct, but I think, as a practical matter, it is not correct because, believe it or not, the deficit-reduction package offered by the economic summit that we had between bipartisan Members of Congress and members of President Bush's staff was larger than 502. It was about 510.

But the interesting thing about it, so that everybody will understand, is this proposal has the largest tax increase to get to the deficit reduction that we have ever had. That package was criticized immensely by having too much by way of cigarette taxes and other things. It was \$160 billion in taxes. It pales in terms of this one. So I just wanted to make the point that it does not do as much on the cut side, cutting the growing Government, but it sure does a lot more on the tax side.

Having made that point, I ask my friend from Washington, how much time he would like to use.

Mr. GORTON. Roughly 15 minutes.

Mr. DOMENICI. I yield 15 minutes off my time on the economic evaluation

side of the mandates to our friend from Washington.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mr. GORTON. Mr. President, the 1992 election campaign was hotly and vigorously contested among not two but three candidates for the Presidency. Each of them dealt in his own way with the concerns of the American people about economic opportunity and economic growth. Each offered a formula which he stated would return this Nation to a path of economic growth and opportunity. Each of them promised an approach which would deal with crushing budget deficits which are penalizing not only the present generation but our children and our grandchildren.

Bill Clinton, the Governor of Arkansas, won that election, not with a majority of the votes of the people of the United States, but nevertheless decisively in a three-candidate race. And within a very short period of time after the election was over, he carried the hopes and the aspirations of almost all of the people of the United States of America.

We tend in a very gratifying fashion to unite behind a new President after that new President's election and to invest in him our hopes and our aspirations. We did so with Bill Clinton. He thus became the beneficiary of an opportunity which happens only rarely in American history. It happens only when we have a newly elected President who represents a change in party and a change in direction. The people of the United States certainly asked for that change in direction. That opportunity, it seems to this Senator, is relatively rare and is equally fragile. President Clinton had the opportunity to provide a decisive and affirmative change were he to present a budget for a single year and for a 5-year period which would reach two goals: One, sharp reductions looking toward the elimination by the end of the century of a budget deficit which has so plagued the people of the United States and, second, a budget which would encourage the creation of jobs and renewal of the private sector of our society.

That is not likely to be an opportunity available to President Clinton in the second, or third, or fourth year as President of the United States. He has the opportunity now because he is perceived to be the agent of change and because he has significant majorities of members of his own party in both Houses of the Congress of the United States. That support for the President for his budget was quite evident in the long, impassioned, and eloquent defense of this budget by the distinguished senior Senator from Tennessee, who is the chairman of the Budget Committee.

This Senator spoke during the entire transition of the opportunities which

President Clinton had to reach these twin goals of greatly reduced budget deficits and of economic opportunity.

This Senator felt, and said publicly that he felt, the President had only 2 or 3 months in which to set out a budget and to make the very difficult choices to reach that goal.

This Senator hoped that he would be able to support an approach which would reach those two goals. Early on the budget as outlined by the President elect and his budget director designee called for \$2 or \$3 of tax costs for every dollar in increased taxes, a goal which the American people felt perfectly appropriate and, I think, perfectly attainable.

This Senator, therefore, deeply regrets having to speak this evening in such firm opposition to a budget resolution which falls so far from that goal. So far from that goal that at best, at the very best, no matter how one counts it, this budget calls for \$3 in new taxes for every dollar in reduced spending, and probably, honestly stated, an even greater disparity in favor of new taxes.

This is the great difficulty with this budget. If one accepts all of the economic assumptions of this budget, Mr. President, it will not permanently or significantly reduce the budget deficit of the United States.

This chart, which was prepared for the distinguished senior Senator from New Mexico, shows the budget deficit if this budget is passed in its entirety by the projections of our own Congressional Budget Office over the course of the next decade. It does dip; it never gets really below \$200 billion a year, and then it soars back up to a point at which it is much higher than it is today, in spite of all of the new taxes in this budget and in spite of all of the reductions in spending on national defense.

Why is that true, Mr. President? It is true for reasons which the Senator from New Mexico has already outlined. This chart shows \$295 billion in the course of the next 5 years in net new tax increases. The gross increases are much higher than that but are reduced somewhat by special tax privileges for certain privileged communities in the United States.

But with respect to domestic spending, the only portion of our budget which has been growing over the course of the last several years, the total 5-year reduction is a tiny \$7 billion. And then the very programs put in motion by this President, or uncontrolled by this President, will cause that figure to zoom upward once again.

Now, this is what is going to take place, Mr. President, if every assumption in this budget is absolutely correct, if it includes no smoke and mirrors whatsoever. We have not really debated the assumptions of the budget to a considerable degree. But it seems

highly doubtful to this Senator, and to the senior Senator from New Mexico, and I think to most people outside of this Chamber, that these assumptions are in fact correct. These assumptions call for the lowest sustained interest rates literally in a generation over an extended period of time in spite of higher taxes and in spite of higher spending.

These assumptions include billions and billions of dollars in improved tax collections and management efficiencies which were hooted at, with some validity, but the senior Senator from Tennessee when similar figures appeared in budgets proposed by Presidents Reagan and Bush.

This budget assumes that no one will change his or her habits in spite of huge changes in our tax laws. They assume that every person who presently is in, roughly, a 30-percent tax bracket will work just as hard, will earn just as much money, and will not seek any more tax shelters when their income taxes are increased by as much as 25 percent over what they are at the present time.

Economists outside of this body like Martin Feldstein, for example, have estimated that personal habits will change so profoundly among that 1 or 2 percent of the population whose taxes are going to be greatly increased that these great increases in taxes will not result in as much as 25 percent of the revenues assumed in this budget.

The same argument assumes somehow or another that all of these taxes will simply come out of consumption. But, in fact the great bulk of those who will be subjected to these greatly increased taxes are private entrepreneurs, owners of relatively small- or medium-sized businesses organized as sole proprietorships or partnerships or subchapter S corporations. These new taxes will come directly out of the money which the owners of these businesses do not spend on personal consumption but reinvest in those businesses in making them more efficient and in providing the very job opportunities which we sought during the course of the campaign in 1992 and seek at the present time.

It is for precisely that reason the outside newsletter from a major brokerage firm, which I shared with the Senator from New Mexico earlier, said this, and I repeat it once again.

The numbers that underlie this budget proposal don't stack up. If enacted, the result is likely to be less growth, higher taxes, more Government spending, and a higher budget deficit than would otherwise occur.

Yet, Mr. President, this budget is presented as something new and brilliantly different in one breath, and in another breath by the Senator from Tennessee more of the same. The Senator from Tennessee was at great pains to say that the domestic programs which are proposed for very significant

increases here were the subject of increases in the Bush administration—the same programs.

Yes, this budget is, I agree with the Senator from Tennessee, more of the same. It is precisely more of the same of what we got in 1990 when we were given a budget agreement, which increased taxes, though far more modestly than does this budget, promised spending cuts in the by and by, but increased many of the same programs which will be increased by this budget.

Now, what was the result of that 1990 agreement? Certainly it was the destruction of the Bush Presidency; the fact that his campaign promises had been so violated. What also followed the budget agreement was succeeded by a recession, not an increase in growth and in economic opportunity in this country.

And why, when less than 3 years ago increased taxes and promises of spending cuts resulted in a recession should the American people expect economic growth from a program which increases taxes to a far greater degree, increases the same domestic spending programs which were increased before in 1990, and promises that in the fourth or fifth year there will be some reductions in domestic spending. Why should the American public expect exactly the opposite effect that it had in 1990 is, I may say, Mr. President, to understate it, not satisfactorily explained by the proponents of this budget.

In fact, to get to the budget deficit number they have reached, they have had to credit themselves with almost one-tenth of that \$500 billion which was a part of the 1990 agreement and is the law of the land right now. That, Mr. President, is not honestly in budgeting.

We have a President who is a brilliant communicator and speaker and has gained widespread trust from the American people.

He is an activist leader. He is the repository of the hopes and aspirations of the American people. He is a student of Government policies and a firm believer in the ability of the Government of the United States to make better economic choices for the people of the United States than the private sector and individuals in this country.

That is a touching faith. It is reflected in some of the comments of the distinguished Senator from Tennessee who compared us unfavorably to, among other economies of, Italy, France, the United Kingdom, and Canada, each of which has in common with President Clinton a government which believes that it knows better than its own private sector. Each of these countries has higher unemployment than does the United States and a lower growth rate than does the United States. That faith in Government is particularly touching in the light of the experience of those countries with highly activist governments, not to

mention the collapsed economies of Eastern Europe itself.

No, Mr. President, this budget is a budget for higher taxes, less defense spending, and what amounts to a greater degree of spending on the domestic purposes of the Government of the United States. It is not what the people of the United States thought they were getting in November. It is not what they believed that they were told as recently as February. The people of the United States want lower spending, and they specifically want lower spending not only in defense, but in many of the domestic purposes of Government, and they are not getting it.

In these remarks, Mr. President, I have not been able to go into the terribly negative impact of several of the specifics of this budget, the injustice of the tax on Social Security recipients, the destructive nature of the waterway user fees, and to a far greater extent energy taxes on the very productive capacities of America itself.

We will go into these during the course of our amendments. There will be a clear alternative presented by the Senator from New Mexico and others on this side. We will call for lower taxes, lower domestic spending, and more trust in the private sector of this economy, because it is that private sector which will be the engine of prosperity, not the budget which is presented to us here tonight.

The PRESIDING OFFICER. Who yields time?

Mr. DOMENICI. Mr. President, before I yield 15 minutes to my good friend, Senator BENNETT from Utah, let me just make a point again for my friend from Washington. But first, let me tell him how much sense and reasonableness was in his 15 to 16 minutes tonight. I really hope that the people of our country get a chance to hear our side of this, and it was made in as eloquent a manner and as forthright as one could make it. I just want to spread those remarks on our RECORD because I truly believe that.

Frankly, I would say to my friend what he could have said about the 5-year agreement, even if one does not know what caused it, what taxes caused the slowdown or the like. I think it is fair to say that when you put that whole package together and claim \$512 billion in deficit reduction, the truth of the matter is that the American people clearly understand that it did not work. And there is at least that problem about probability that this plan will not work. And the problem with it is that we will not have the domestic spending under control. But guess what? We will have put on the American people \$295 billion in new taxes, and those will be there. They may not work either. But if you think we are going to change those in 2 or 3 years, we set a new level of Government spending up against that one,

I assure you, and maybe it will not work and we will not even understand why.

Having said that, I make one other observation. I know the Senator knows this. But let me suggest it as we look here at each other.

We are now hearing people say do not put the taxes on until—and the until is until we get all the budget cuts. Right? So do not spend the stimulus package until we get the cuts.

You know, I am really asking, what cuts? Does anybody doubt we are going to get the defense cuts? We cannot get those in 1 year. They will be spread out over 5. So you are not going to spend any new money for 5 years. Those are appropriated every year. There is nothing around that anybody has offered that says they are for real over 5 years. But we can expect those.

What about the other cuts? There are no cuts in the domestic side when you go plus to minus. You add the pluses and take the minuses out, we just told you it is a whopping total of seven. You are going to spend more in the stimulus package than you are in that \$7 billion cut, are not you? If you give the President his stimulus package, it is somewhere between \$16 to \$18 billion. Look. That is almost 3 times the amount that we planned to cut, is it not? That is my rationale.

So for those who do not want a stimulus until we cut, my guess is they are going to wait around for 5 years because that is what the American people are going to do under this plan. The taxes are going to be on them. If they are waiting for real cuts in the domestic side, there are none. If they are waiting for the defense cuts, which I think they are going to get, technically you are not going to get them until the fifth year.

So I have been intrigued. I hear some Senators saying—I have great respect for them—it is now being said there is a bipartisan groundswell not to pass the stimulus until. Right? Until we make the cuts. Frankly, I think the case can be made that you are never going to make the cuts that they expect because they are not around to be made. Unless you are saying make the cuts the President suggests, and forget about the effect of the add-ons which are equal to or in excess of, which makes the cuts essentially from the standpoint of policy a nullity. I think my friend from Washington would agree with that as he analyzes that.

Mr. GORTON. I do.

Mr. DOMENICI. I again thank him for his remarks.

I yield 10 minutes to Senator BENNETT.

The PRESIDING OFFICER. The Chair recognizes the Senator from Utah for 10 minutes.

Mr. BENNETT. Mr. President, I listened to all of this discussion by those who are familiar with the budget proc-

ess, and find myself somewhat at sea. I understand the people whom the Senator from Wyoming [Mr. SIMPSON] referred to in one of our luncheons when he said the people back home in Wyoming do not know from baseline or discretionary spending caps or any of the other terminology that we use in this budget debate. As I try to find out about those things I will do my best. But in the meantime, I would like to share with the Senate a viewpoint that I think perhaps adds some value in this debate because we are really not talking about baselines, and budget caps, and projections, and fancy charts with pretty colors.

We are talking about real people in real jobs in real businesses, who are the source of the income.

I was talking to one politician. He says, "The trouble with people in politics is they think money comes from the budget. They have to learn that money comes from the economy. It comes from the work of real people in real circumstances."

So let me describe what I think is reality out beyond the beltway. We do know this point in reality—that most of the jobs in this country are created by small business. We are not talking about General Motors, which is laying people off; we are not talking about IBM, which is laying people off; we are not talking about Sears Roebuck, which is canceling catalog operations and laying people off; we are talking about the small businesses that never make any lists, such as the Fortune 500, Forbes 400, et cetera.

Small businesses create most of the new jobs, because they grow from small businesses to medium-sized businesses, and hopefully to large businesses.

If I may be personal for just a moment, without being considered immodest, I have a bit of a track record here, because the business that I headed prior to coming to the Senate had four full-time employees when I became its president. Frankly, I thought this is a job I could do on my lunch hour. I accepted it as a part-time consulting assignment. There were only 4 employees doing about \$250,000 a year. It was no big deal. Today it is listed on New York Stock Exchange. It has 1,200 employees, and it is doing \$165 million a year. Having lived through the experience, presiding over that business during that process, I think I learned a few things that I would like to share with the Senate tonight.

The primary challenge of a small business that grows is the challenge of financing its growth. How do you finance the increased inventory that you need? How do you finance the increased facilities that you need as you grow? Where does the money come from to do all of these things? Well, you can sell stock. For a small business, that is almost impossible, unless you have a rich uncle who is willing to buy some shares. You can go to the bank and bor-

row some money. I have done that, and that is not always a pleasant experience or always a successful experience. The best way, of course, is to generate your own growth capital by the success of the business. There is one problem with that, and that is: The tax man cometh.

You see, we compute taxes on the basis of accounting profits, but you are managing your business on the basis of cash flow, and the two seldom match each other. But you cannot pay your employees with accounting profits. You pay your employees with cash flow. You cannot buy equipment, and you cannot buy supplies with accounting profits. You buy it with cash flow. So now you are running a small business, and it is growing from 4 employees to 10 employees to 40 employees; and in the process of that growth, you have to come up with the cash, and if you are showing a profit, the government shows up and says: We want 40 percent of your accounting profits, and we want it now. We want it off the top. We will throw you in jail if you do not give it to us. Very friendly folks.

OK. In order to avoid some of the problems connected with a standard corporate organization, called in the law, the C corp, most small businessmen adopt an election called an S corp election, or what has been referred to as "subchapter S." Legally, now it is an S corp. They got rid of the other part. It says that if you are a business with less than 35 shareholders, and all of your shareholders agree, the profits of the business, for tax purposes, will all flow to your tax return. I happen to own shares in some S corp's, and I understand very vividly how this works.

If I own 10 percent of an S corp that earns half a million dollars, I show 10 percent of that, or \$50,000, on my tax return as personal income. The only problem with that is that the corporation cannot give me any of that money. It needs it to finance its own growth. So the normal pattern is that the corporation will pay out a dividend equivalent to just enough to pay my tax bill; and under the current tax laws, the corporate rate is higher than the personal rate, which means that I get to save some of that cash flow to finance my business if I am an S corp, and that is why people adopt the S corp election.

With the proposals that we have before us by President Clinton, the marginal rate is going to 40 percent. I know there are some who will say it is 36, with a surtax for millionaires. I like the statement that was in the Washington Post that said: The real reason it is called a surtax for millionaires is that the Clinton administration does not want to admit that it has a tax program with a marginal rate of 40 percent, so they call it a surtax for millionaires to hide the fact that the effective marginal rate is 40 percent—39.6, and it rounds up to 40 very easily.

What is the effect then? I own 10 percent of this mythical small business that is earning \$500,000 a year. Is \$500,000 a year, pretax, an enormous profit for a small business, for a small farm, for a trucking firm, something like that? Absolutely not. It is at the lower end of the profits. Nonetheless, because that flows through to my personal tax return, I am now considered a millionaire and have to pay the 40-percent rate.

It gets worse. The Government now comes and says to me: We are going to give you the following mandates of things you have to do. Mandates, Mr. President, are costs. Costs dictated by the Federal Government are my definition of taxes. The real tax burden of the Federal Government upon a small businessman, who is operating on a chapter S basis, is very high. He or she—more and more businesses are run by women—cannot hang onto a sufficient amount of capital being earned by the business itself to finance the business' growth.

Therefore, what is it that most consultants say to small businessmen whose companies seem to be a little shaky? I have said it myself as a consultant to small businesses that have come to me: Slow down; deliberately, slow down. Stop the growth pattern that is so rapid that you are going to grow yourself into bankruptcy.

Well, on an accounting basis, I can handle the growth perfectly well, but on a cash flow basis, I cannot; because as I say, the Government is taking 40 percent of my capital right off the top in taxes, and they will throw me in jail if I am late.

So what is my alternative? Well, for many small businesses, the alternative is, as I say, either slow the growth, which means fewer jobs, which means less money for the budgeteers to carve up when they think the budget creates money. Or I go to my friendly bank, and I say: All right; I cannot finance this growth out of internally generated funds, because the tax burden is taking too much off the top. So I have to finance the growth by borrowing. And I borrow money.

Right now, I am being told: Why, we are taking care of you small businessmen magnificently well, because we are holding interest rates down to such a low, efficient level that borrowing money is lots of fun.

Well, I remember a colleague who said to me once, when I said: Why do not we borrow some money to finance this business? I said: Why do not we borrow some money to finance this? And he said, "Bob, borrowing money is easy. Almost anybody can do it. It is paying it back that is hard."

That was a very wise thing to do, and we did not borrow. We slowed our growth. We did not create as many jobs as we would otherwise have created in order to finance the growth out of in-

ternally generated funds after we had paid all of our taxes.

The point of all of this, Mr. President, I think should be fairly clear. It is certainly clear to me. And that is to increase the tax burden and thereby cut down the cash flow opportunities of that portion of the economy that generates 70 to 80 percent of our new jobs at a time when we have had a President elected who said to the American people his first priority was jobs, jobs, and jobs, is a demonstration I think of terrible shortsightedness. It is a demonstration of a budget being put together by people who understand the budget process, who understand words like baseline and discretionary caps, and all the rest of that, but who, I submit, do not understand what is really going on out where people really earn their living.

That is why I intend to vote against this budget package, out of that experience and that background.

Now one last comment, if I may, on a personal basis. If you are going to be an entrepreneur, the one skill you have to possess above any other—indeed, if you possess this, you do not need any other—is the ability to predict the future, the ability to forecast accurately. If you can do that, you can launch a business and forecast accurately what is going to happen and survive.

If I may say so again, I did pretty well at that. The businesses that I have founded, the businesses I have presided over, have thrived because I was able to forecast the future pretty well. I have been able to devise particular formulas that would allow me—they used to think I was a wizard—after the first 60 days of a fiscal year to say with pretty good accuracy what the total year was going to be.

The one thing that I know as I look at all of these charts, that I am willing to bet my life and my wife and my first-born child on, is that the forecasts are wrong. I guarantee you that the numbers will not come wherever the pretty charts say they are going to be.

If I had difficulty forecasting a business whose total revenues were less than \$10 million, how can we say we are going to forecast with accuracy 5 years from now an economy that is running at \$6 trillion, and with confidence say we need to put these tax burdens on these people, regardless of all of the past history, because we can confidently promise you that 5 years from now, we are going to have this kind of result? Anybody who wants to take me up on the bet, I will put the bet down absolutely, banking my history as a business forecaster, to say that I am sure that none of these numbers will come to pass.

Mr. President, I think we need to look at reality. I think we need to be a little more humble about our forecasts, and I think we need to rethink this whole process, which is why I intend to vote against this budget resolution.

The PRESIDING OFFICER. The Chair recognizes the Senator from New Mexico.

Mr. DOMENICI. Mr. President, how much time have the Republicans used now? Have we used an hour and a half, I would like to ask?

The PRESIDING OFFICER. The Republicans have used 62 minutes of the hour and a half allotted.

Mr. DOMENICI. We are not going to use the hour and half, then.

Mr. President, I yield as much time as I use.

Might I just say to Senator BENNETT in all sincerity that we are very, very grateful to the people of Utah for electing him and sending him here.

I am absolutely convinced it is not going to take the Senator from Utah very long to be a major contributor to this institution.

If I might tell the Senator, that was a very, very good explanation for the Senators who are interested and for the people who might be listening.

It is good that we have some people who have lived in the real world of trying to hire people and create jobs, which is what businesses do in the real sense, not Government. The Bennett Enterprises created jobs by growing, earning money, making a profit, sharing it with its workers, and carrying insurance for them and all those things.

For the Senator to understand as he has tonight that this tax, this so-called marginal rate increase, which everyone is now out there saying will not affect me, because obviously it is for that elite group of people that make so much they ought to now contribute substantially to this deficit problem, is ignoring the fact that our primary mission was to increase the number of jobs in the marketplace of opportunity, the streets and byways of cities, whether it is the Senator's cities that he worked in or mine in New Mexico or in New York.

And for Senator BENNETT to have an analysis that says if you raise the marginal rates on small business men and women 25 percent—and there are some estimates it might even be higher, depending on what the States in turn do, and even higher yet depending on how the Btu tax works—if it is taxed in a certain way, it is retaxed by State sales tax and the like, and State income taxes. But the Senator is here to tell us that it is going to be a real, real drag on small business, the cornerstone of job creation, because you are taking the lifeblood out of them by way of taxes on the individual, and they are not going to have the wherewithal for their projected growth that the Senator has so stated here today.

The one thing he missed—and we will discuss it before we are finished; I am not sure the American people know this either. And I thought, when the Senator was going to talk about

projects, he was going to mention that most of these taxes are not taxes on next year. Remember that. They are taxes on this year—right—because they are retroactive?

Mr. BENNETT. That is correct.

Mr. DOMENICI. So what we are going to do is sometime in July or August, when we get this big package legislated—we are not doing that now; that is done by the committees—we are going to say those income taxes are retroactive to January on all those small businesses. Is that not marvelous in terms of their projecting the year?

Maybe Senator BENNETT could share with me the consternation and job loss that that is going to cause.

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

Mr. BENNETT. Mr. President, we are back to the question of managing by cash flow. It is almost impossible—it is not almost—it is impossible for a small business man to say: Well, in order to be prudent, I am going to put some cash aside to pay those extra taxes in case Congress really does this to me.

He looks at his cash flow and says: I am going to spend this for inventory, or pay down my payables, or finance my receivables, or whatever it is. And if they do it to me, I will find the money somewhere.

So that retroactive tax hit on a businessman running a business on the cash flow basis, as every small business man has to do, is going to be devastating. Where is he going to get the money to come up with that retroactive tax? He is not going to put it away in a cigar box, saying: Well, just hold this.

So it is back to the bank for more borrowing. Or if once again the bank will not come through, it is: Well, guys we have to slow our growth down. We have to preserve our cash flow and grow only as rapidly as our cash will finance it with internally generated funds, and that means fewer jobs.

So one way or the other, you are going to see increased debt in the private sector, or slower growth. There are no other alternatives.

Mr. DOMENICI. Mr. President, I am going to ask the Senator a couple more questions and, to the extent he answers them, I either yield the time to him or you can count it as my time, whichever the Chair desires.

The PRESIDING OFFICER. The Chair corrects his earlier statement. Actually, the Republicans used 10 more minutes than we stated.

Mr. DOMENICI. Let me ask the Senator another question. Because I tried to cover a few things in my opening remarks and there are so many things we ought to talk about, I missed this one.

It seems to me that what is being said in this proposal, this blueprint for America's economic future, as encapsulated in this budget resolution—

which amplifies and changes in the President's plan that he ran on, so it is the President's plan for all intents and purposes—the thing that concerns me about it is that the opposition continues to say we had an economy for the last couple of years that grew, but it did not produce any jobs, any substantial number of jobs, compared to comparable growth at different times.

Obviously, if one wants to take a real positive part of our history, they can take it immediately after the Second World War and assume that it is something we could do today, when obviously everything was different about it. We did not have any competition in the world market. Japan was not selling anything in the world; neither was Germany. And we had a starved marketplace on the domestic side.

Mr. BENNETT. That is correct.

Mr. DOMENICI. Anyway, it seems to me what is happening to the lack of jobs in this economy is not going to be cured by this plan. We do not have jobs because the small business people of this country cannot afford to hire new people because of the uncertainty to health care cost increases, the uncertainty of Government mandates and, in some States like California, the overwhelming cost of workmen's compensation.

Now, based on the Senator's experience, will this be solved by Government spending?

Mr. BENNETT. Of course not.

The most serious act you can commit in a business, particularly a small business, is to hire somebody. Once you hire somebody, you are making a very serious commitment for the future, because you have to carry not only their wages but their benefits, health care, pension, unemployment compensation, and all the other things that go with it.

That means that if you are concerned about your cash-flow problems, you will make every effort to meet your manpower needs with temporary help—temporary help that, if things go a little bit slack, you can lay off without having to pay all of the benefits, all of the circumstances.

Frankly, emotionally, it is easier to bring people in on a temporary basis and say, "Now, I am telling you right up front, I cannot guarantee you will be here if we have a bad summer," or whatever it is.

It is easier to lay them off than it is to fire a permanent person.

So, in a time of uncertainty, clearly the thing a business manager does, as far as manpower is concerned, is get by with overtime or temporary help as much as possible.

Now, the things that the Senator has described begin to mount as challenges. Even large businesses begin to say: "Wait a minute. If this strategy works for a small businessman who is hiring temporary help and not having to pay all these benefits, let us structure

things so that we do not have full-time people. Let us structure 4-hour work schedules instead of 8. Let us fill up with a lot of students. We can pay them less money. We do not have any benefits. Let us do cottage industry kinds of things."

In a company that I managed, we brought on some people and, because of this very circumstance that I have described, we said to them: "We will pay you so much per piece. Instead of putting you on salary with all the benefits, we will pay you so much per for peace as an independent contractor. You can work out of your home. And since you decide the time that you work and you just have a certain quota to bring into us at such and such a time, you meet all the requirements of an independent contractor.

And we were saying to ourselves, "Look at all the extra that we are saving."

And, as employers begin to discover those kinds of strategies—the Senator is absolutely correct—they do not want to make the commitment to bring the people on long term, with all that that implies, until they are absolutely sure that the economy is going to be robust in the future. And more and more of the business people that I talk to have grave concerns about how robust the thing is going to be in the future. They do not want to get caught with swollen overhead and swollen head counts the way they have been caught in the past.

Mr. DOMENICI. I thank the Senator very much.

Mr. President, I do not want to add any more to this. I think it has been a good discussion, as well.

I am very hopeful that before the 50 hours run out, I say to Senator BENNETT, we will have an opportunity—because certain of our amendments will concentrate on some of the issues he has discussed tonight in a constructive way—and we will be able to engage in a colloquy where he can once again enlighten us on the subject that he knows so well.

From our standpoint, so long as we are charged with only the time that we used tonight—and if that is satisfactory with the chairman—I would say that I have nothing further tonight.

I reserve the remainder of my time in behalf of the Republicans.

Mr. SASSER addressed the Chair.

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

AMENDMENT NO. 180

(Purpose: To make a technical correction in the resolution)

Mr. SASSER. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Tennessee [Mr. SASSER] proposes an amendment numbered 180.

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

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

The amendment is as follows:

On page 3, line 19, strike the amount and insert \$90,200,000,000.

On page 3, line 20, strike the amount and insert \$98,800,000,000.

On page 3, line 21, strike the amount and insert \$104,200,000,000.

On page 3, line 22, strike the amount and insert \$109,100,000,000.

On page 3, line 23, strike the amount and insert \$114,000,000,000.

Mr. SASSER. Mr. President, this is a technical amendment that corrects some numbers that were incorrectly inserted in the resolution. The amendment will merely conform the budget resolution to what the committee actually reported.

This amendment has been cleared with the distinguished Republican manager. I urge its adoption.

Mr. DOMENICI. Mr. President, we have no objection. We concur in the necessity of the amendment and concur in its adoption.

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

The amendment (No. 180) was agreed to.

Mr. SASSER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

Mr. SASSER. Let me note for the record that there was a printing error in the budget resolution. The number that appears on page 50, line 14, of the resolution should have three more zeros following it. It is my understanding that the clerks of the Senate are already aware of this misprint and will add and subtract to amendments using the correct number.

The PRESIDING OFFICER. The Senator is correct.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SASSER. 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. SASSER. Mr. President, the distinguished Republican manager called my attention to the fact that the time in this quorum call should not have been charged against our bill. I ask unanimous consent that it not be charged against our bill.

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

MORNING BUSINESS

HAPPY BIRTHDAY, LEW WASSERMAN

Mrs. FEINSTEIN. Mr. President, I would like to join the many friends of Lew Wasserman in celebrating his birth 80 years ago. In my opinion, he is one of this Nation's most clever and innovative business leaders. Lew's nearly five decades of service and unprecedented commitment to the film industry has led him to accomplish feats which would take many of us several lifetimes to achieve. A pioneer of the film industry we know today, Lew embodies strength, ingenuity, drive and motivation—he is a role model for us all to follow.

Hollywood's power and prestige would not have reached the heights it has today without Lew Wasserman's stalwart dedication. Fifty-seven years ago, Lew became an agent for MCA Studios in Chicago. Ten years later to the day, he was named president of this ever-growing conglomerate. Under his extraordinary leadership, MCA has grown into one of the most prominent studios in Hollywood, and the world.

Happy 80th birthday, Lew. I hope I can do as much good at 80 years of age as you do. I wish you tremendous happiness and continued success. God bless you, Lew.

I ask unanimous consent that the full text of the Daily Variety article of March 15, 1993, celebrating Lew Wasserman's many contributions to the modern film industry be included in the RECORD.

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

[From Daily Variety, Mar. 15, 1993]

LEW WASSERMAN AT 80: A FIRM HAND AT THE HELM

(By Richard Natale)

The term "eminence grise" is tossed about too lightly these days, bestowed upon anyone who's been on the scene long enough to sprout a few sprigs of grey around the temples. But the expression seems to have been coined specifically for Lew Wasserman, the tall, angular and still surprisingly nimble chairman of MCA/Matsushita, who today enters the ranks of octogenarians.

In a town where false praise and hyperbole are liberally sprinkled on a daily basis like confetti in a Fifth Avenue victory parade, even a rote assessment of Wasserman's workaday achievements over the past 50-plus years in the entertainment industry sounds dangerously overblown.

However, it's not puffery to label him Hollywood's elder statesman. How many other entertainment executives—past or current—have been offered cabinet positions by not one, but two, Presidents? And who else can lay claim to having transacted the largest acquisition of an American company by an off-shore corporation?

Early photos reveal that Wasserman wasn't always silver haired. And there was a time when he did not sport those signature oversized spectacles. But in point of fact that was before any of the current crop of

youngster moguls, the Gubers, the Eisners, the Jaffes—most of whom are merely flirting with the half-century mark—were toiling in the executive corridors.

Time has slowed Wasserman's once all-consuming involvement in the day-to-day affairs of the MCA entertainment conglomerate over which he still officiates. And it has curtailed his once equally energetic political and charitable endeavors.

But even at a somewhat slower speed, he likely outruns the currently touted indefatigables like Jeffrey Katzenberg and Michael Ovitz. And while his name may no longer be at the very top of the annual musical chairs power lists to which periodicals such as *Premiere* and *Entertainment Weekly* are so devoted, he has accrued so much power over the past half century, that even the afterglow packs more wattage than this year's brightest light.

As a speaker at an executive-studded industry dinner some years ago remarked, "Never has so much power been gathered in one room since Lew Wasserman had lunch by himself in the Universal commissary."

And if this still sounds like so much bluster, explore the track record of *The Last Action Mogul*, the man who is credited with bringing big business to Hollywood. With its peaks and valleys intact, Wasserman's career bridges the old and new Hollywood, providing the all-important link between the era of Louis B. Mayer and Jack Warner to that of Barry Diller and Terry Semel and Bob Daly.

Lew Wasserman was born in Cleveland on March 15, 1913, the son of Orthodox Jews. He began his ascent into the entertainment industry from the very bottom, as a theater usher. In his early 20s he was handling promotion for a Cleveland nightclub called the Mayfair Casino, which sometimes booked bands from Jules Stein's Music Corporation of America, a Chicago-based talent agency. The former eye doctor Stein was sufficiently impressed by the young Wasserman's acumen to professionally court him.

On Dec. 12, 1936, Wasserman became an MCA agent in Chicago.

A year later Stein opened a branch office in Hollywood under the direction of Taft B. Schreiber. In 1938 he packed Wasserman off to Los Angeles, where his perspicacity over the next several years led him to be named president of MCA 10 years to the day after he was hired, by which time MCA's roster included such prominent names as Bette Davis, Betty Grable, John Garfield and Jane Wyman.

The reward was due to some of Wasserman's better business ideas. Instead of merely booking talent that MCA represented on existing radio programs, the company created programming featuring a cluster of its clients. The concept came to be known as packaging.

In 1950, Wasserman walked into Universal and made the studio a tantalizing offer. "How would you like James Stewart for free?" he posited.

MCA negotiated a deal for its client to star in a western called "Winchester 73," for which the actor waived his \$250,000 salary for a percentage of the film's profits.

The "free" ride cost Universal millions rather than \$250,000—10% of which came back to MCA. Moreover, it signalled a burst in the dam for talent. Another longtime resident of the MCA stable, Alfred Hitchcock, a close friend of Wasserman's, would later come to outright own the negatives to several of his films.

Now any Sammy Glick can work himself up the agency ladder with a few canny

moves, but what distinguished Wasserman was that he was examining the rungs. And at least one of them was faulty.

An agency, he reasoned, is in a position of weakness. Its assets can walk out the door at any given moment.

During the 1950s, Wasserman endeavored to acquire fixed assets for MCA.

The first step was to further refine the company's position as a seller and a buyer. Every major studio in town turned up its nose at television, reasoning that if major stars appeared on TV, no one would go out to the movies. Wasserman stepped into the breach.

Like many powerful men, Wasserman has accrued more than his share of apocrypha. Sample: He reportedly owned one of the first two television sets ever sold in Southern California.

Failing to interest any of the studios in TV production, MCA decided to become a producer, setting up *Revue Prods.* In 1952 Wasserman obtained a blanket waiver from the Screen Actor's Guild, freeing MCA from the union's prohibition against agents acting simultaneously as producers.

Often mentioned in this oft-told tale is the fact that the president of SAG at the time was Ronald Reagan, perhaps not so coincidentally an MCA client, who after a modest screen career would become a household name via the "GE Theater," an anthology series he hosted. And which was produced by *Revue*.

Wasserman convinced Hitchcock to bring his talents to TV through *Revue*. "Alfred Hitchcock Presents" ran from 1955 to 1962 on two networks, CBS and NBC, first as a half hour and after 1959, as an hour program.

Throughout the decade MCA became a dominant force in TV production. Between them, MCA and the William Morris Agency controlled 80% of TV talent by the end of the decade, stirring the first of many subsequent cries of antitrust leveled against MCA.

Another bold move, then seen as a little batty, was the acquisition of Paramount's pre-1948 library. In 1958, MCA paid \$10 million for the ownership of what were then considered miles of useless old celluloid. At the time, Paramount crowed that it produced a greater profit for its shareholders with that one sale than in several years of film production.

Among the 700 titles Paramount lost were Best Picture Oscar winners such as "The Lost Weekend" and "Going My Way," all of Marlene Dietrich's films for Joseph Von Sternberg, many classic Ernst Lubitsch and Bill Wilder films, such as "Trouble in Paradise" and "Double Indemnity."

MCA didn't wait long for its last laugh. A week of the sale, commitments for broadcast rights to these old films from TV stations around the U.S. totalled \$30 million.

In the mid 1980s it cost Ted Turner \$1.5 billion to buy the MGM library. Wasserman's investment had been churning out revenues for MCA for more than a quarter of a century by then.

A year later, MCA, cramped in its facilities on the Old Republic Studios lot in the Valley, bought Universal Pictures' studio operations in 1958 for \$11.25 million. Another \$10 million was spent on capital improvements.

That was the same year MCA went public, making Wasserman, Schreiber and other key exex millionaires from the 53% of the company that had been distributed to them by Stein in 1954.

In 1962, MCA made its next leap forward, purchasing Universal's parent company, Decca Records, and officially becoming a studio.

Universal, founded by Carl Laemmle in 1915 on the site of a former chicken farm, had never been one of Hollywood's prominent film factories like MCM or Warner Bros. or 20th Century Fox, although it was the longest-lived. It is probably best remembered for its steady flow of horror films and the comedies of Abbott & Costello. Laemmle followed trends, he never made them.

Prior to its sale to MCA, Universal's biggest grossing film had been the Blake Edwards comedy "Operation Petticoat," which brought in rentals of \$9.3 million.

Then came a stunning reversal for Wasserman, MCA's purchase of a studio would entail the spinning off of the talent agency to its employees. But the Justice Department regarded such a move as de facto ownership and forced MCA to dissolve the agency business. With assets of \$80 million and retained earnings of more than \$33 million, MCA withstood the blow.

And Wasserman took the lesson to heart. In the long run it may have forced him to be even more financially creative than he had ever been before. One thing was certain, he would never own assets that could walk out the door again.

Ronald Brownstein, author of "The Power and the Glitter," which traces the historical connection between Hollywood and Washington, D.C., claims that the anti-trust action was a stunning blow to Wasserman, who until that time had been head-in-the-sand apolitical. After 1962, Wasserman pursued influence on the banks of the Potomac with as much fervor as he had in California.

His friendships with both Lyndon Johnson and Jimmy Carter led to offers of cabinet positions, which Wasserman turned down. Although a "moderate Democrat," he was also a pragmatist and forged a bond with former client Reagan after he ascended to the presidency.

In Hollywood his presence as a mediator came into focus when he helped settle a writers' strike against TV producers in 1960—and again in 1981. From 1966 to 1975 he was the chairman of the Association of Motion Picture & Television Producers Inc., the industry's official arbitration representative.

In 1964 came the opening of the Black Tower, a dark glass fist, which ominously dominated the Universal City skyline and was seen as emblematic of Wasserman's management style. Executives for MCA were required to wear dark suits, preferably black, white shirts and black ties. A navy blue blazer was about as outre as was permitted.

Business inside the foreboding walls was conducted in an efficient and conservative manner. Nonetheless, Wasserman's temper was said to reverberate throughout the tower. Since his public persona was as calm as a meadow after a snowfall and just as cool, only the victims of his wrath can certifiably attest to the severity of these hot outbursts, which were said to produce the same physical effect on grown men as Napa.

On June 5, 1973, when Stein stepped aside and named Wasserman chairman, the company was valued at \$160 million. By 1985, Forbes estimated the net worth of MCA Inc. at \$3.6 billion.

The duchy was growing into an empire: 420 acres in Los Angeles; two hotels; office buildings; a 6,000-seat open-air (now enclosed) Amphitheater; half interest in the Cineplex Odeon theater chain; the Universal studio tour, which after the Disney amusement parks ranks as the country's third largest tourist attraction; and more recently, a

Florida tour on MCA's 435 acres near Orlando (and Disney World), which after a shaky start, seems to have settled in for a run.

The studio tour, which began in 1964, was considered a risky enterprise, but one which topped the 5 million attendance mark in 1989 and is one of Southern California's must-see attractions.

The MCA library contains more than 12,000 episodes of TV series and 3,000 feature films. In 1984 MCA purchased Walter Lantz Prods., which included 400 Woody Woodpecker cartoons.

During the 1980s MCA was one of the biggest suppliers of one-hour programming to the networks. The trove included "Leave it to Beaver," "Hitchcock," "Dragnet," "The Virginian," "Wagon Train," "The Rockford Files," "Kojak," "Columbo," "McMillan and Wife," "The Six Million Dollar Man," "McCloud," "Simon & Simon," "Miami Vice," "Murder She Wrote," and "Magnum P.I."

Longform television movies, in which the studio was at the forefront, allowed Universal to spread its overhead over a full year and keep a slate of writers, directors and producers under contract. Of the 116 "World Premiere" one-shots 31 became series, including "Rockford" and "Columbo."

And by the mid-'70s the film side began to percolate. Although criticized for making middlebrow, middleclass slick entertainments like "Airport" and "Earthquake," the studio's menu was more varied than is apparent at first glance. Universal won a Best Picture Oscar in 1973 for George Roy Hill's jazzy "The Sting," a feat which it had not accomplished since 1948 when it distributed the Arthur Rank production of "Hamlet." Universal was low on the rung of major studios for Best Picture Oscars, having only actually produced one, "All Quiet on the Western Front," in 1929-30.

Another Best Picture went to the more controversial "The Deer Hunter" later in the decade and a third, for "Out of Africa," in 1985.

Also in 1973, "American Graffiti" became the studio's first youth-oriented blockbuster ("National Lampoon's Animal House" followed a few years later). The profit high-water mark came in 1975, when Universal produced "Jaws," directed by Stephen Spielberg, a protege of Wasserman and heir apparent Sidney Sheinberg. "Jaws" became the largest grossing film ever made until that time with \$130 million in rentals.

"Jaws" was soon beat out by "Star Wars." But Universal reclaimed the title in 1982, when Spielberg topped himself—and everyone else—by directing "E.T. The Extra Terrestrial," bringing in U.S. rentals of \$228.6 million, a record as yet unbroken.

And in recent years, MCA's purportedly conservative slant has been upended by such risky productions as Martin Scorsese's "The Last Temptation of Christ"—which brought vociferous protests right to Wasserman's Foothill Drive door, and Spike Lee's "Do the Right Thing."

Wasserman's strong suit was that, while he continued to diversify MCA, it was always within the parameters of the core entertainment business. But MCA has also had its share of business setbacks, either due to anti-trust regulations or temporarily clouded vision.

Anti-trust cries scuttled a planned MCA merger with Westinghouse in 1968 and cable ventures with other studios and Getty Oil (to create an HBO rival) as well as a plan to buy an interest in Showtime/The Movie Channel.

For a man who had been so visionary in the TV business, it is ironic that MCA (with

Disney) had brought suit against Betamax to demand royalties for revenues the studios might lose to videocassette home recording. The studio lost that suit and went on to earn hundreds of millions just on the release of "E.T." on video several years later. (Disney's bottom line was heftily fattened by the video sales of many of its hit movies, and even more so its animated titles like "Fantasia" and "Beauty and the Beast").

One misstep that may someday seem prescient—if not for MCA—was the simultaneous theatrical and pay-per-view release of "The Pirates of Penzance." It was perhaps the wrong project at the wrong time. But recently, other studios have been looking closely at the possibility of repeating that experiment.

Plans to separate MCA's real-estate holdings and entertainment operations were abandoned. "Alogistical nightmare," is how one executive characterized the aborted scheme. A personal regret of Wasserman's is that he missed out on the opportunity to buy Sea World.

On the upside Wasserman scored several victories. Instead of building theaters, he bought into an existing chain, Cineplex Odeon. He got into the cable business by investing in the USA Network. And he bought a TV super-station, WWOR (which after the Matsushita merger was spun off).

He is also credited with saving the fatted calf from plunder by several raiders. He personally controlled only 7.3% of MCA's stock but as a trustee of several other blocks had influence over another 15%. It was a soft-gloved control, say insiders, but inside the soft glove was an iron fist.

In 1983 he fended off Stephen Wynn, chairman of Golden Nugget's 1983 hostile takeover plans. In 1988 he beat back a potential raid by Donald Trump.

Though MCA was officially never for sale, Wasserman hinted that it could be had for the right price. But in 1985, discussions with RCA to merge with MCA fell away when the conglomerate would not cough up Wasserman's asking price and would not ensure Wasserman and Sheinberg's continued control over the company. Discussions with Disney and Sony Corp. also reached dead-ends.

But in 1990, Wasserman scored his biggest and most lucrative coup, the sale of MCA Inc. to the Japanese electronics giant Matsushita.

A number of factors may have contributed—if not in equal measure—to the final decision to sell. A colon operation in 1987 led to respiratory difficulties. And while Wasserman quickly sprang back, it was a reminder of mortality.

But more significantly, Wasserman realized that the high ticket price for entertainment companies like Disney, Columbia/TriStar and Warner Communications would not continue forever. Nor would the lax Justice Department policies towards mergers, especially with off-shore partners.

With his finger always in the political wind, he negotiated the \$6.6 billion sale to Matsushita—roughly twice what the company had been valued at five years before.

The sale was also a personal triumph. Wasserman exchanged his 4.95 million shares of common stock for 330 million preferred shares carrying a face value of \$327 million. He would collect dividends of \$28.6 million annually at a rate of 8.75%. In addition, he would remain as chairman for five years at \$3 million a year.

Not a month goes by without rumors of Wasserman's retirement, so frequent they

sound like an empty threat. He has been scaling back his day-to-day activities in MCA and the industry in general for the past decade. But Wasserman appears to be a lifer, in his career as well as his personal endeavors.

On July 5, 1936, he married the former Edith T. Beckerman, a union that is in its 57th year and produced a daughter, Lynne.

In addition to being lifelong friends and companions, Lew and Edie also share philanthropic passions. In 1991, they donated \$5 million to their favorite cause, the Motion Picture & Television Fund, with which they have been involved since 1979, and have donated in excess of \$11.6 million over the years. To put it mildly, not a life without incident.

#### VOTER REGISTRATION

Mr. RIEGLE. Mr. President, I rise today to express my support of the motor-voter bill. For 7 years, I have worked with my colleagues to pass legislation that would increase voter registration only to have those efforts frustrated by delay and obstruction. This year, with an administration primed to change the course of voter participation and attitudes toward Government, we will finally enact legislation that will strengthen the voter registration process in this country, and encourage more people to exercise their right to vote.

The passage of motor-voter legislation marks a significant change in the way this country registers its citizens to vote. By allowing people to register to vote when applying for a driver's license, at designated agencies, or by mail, the motor-voter bill is expected to increase voter registration nationwide. Increased registration is the first step in bringing more people out to the polls on election day and getting a greater number of Americans involved in the democratic process.

A number of States have already implemented motor-voter systems. In fact, the first one was first established in my home State in 1976. Today in Michigan, more than 95 percent of voter registration is conducted through motor-voter methods. And, we are taking the registration process one step further by fully computerizing our system by 1994. Computerization of the voting rolls will help prevent voter fraud and further expedite the registration process.

The 5-percent increase in voter turnout in the 1992 Presidential election dispels the notion that the American electorate is simply apathetic to the political process. In this election, we witnessed a popular outpouring from people across the United States. New political forums such as town hall meetings and television call-in shows encouraged individuals to add their voice to the political debate. The American people were energized by this direct discourse with the candidates and displayed a revitalized interest in the democratic process.

It is heartening that more Americans chose to participate in the 1992 election, but we must work to keep up this trend. If you take a look at other democracies around the world—places where people are willing to wait in line for hours in order to vote, places where people risk their personal safety for the privilege to vote—you see that these electorates view voting as a right as well as an obligation. In a study of voter turnout in 28 democracies around the globe, the United States consistently had one of the lowest turnout rates. There is much room for improvement in increasing America's voter turnout rates—getting more people registered is an important start.

Mr. President, participation in the political process, including exercising the right to vote, is at the heart of our democratic system of government. There are many sociological explanations why Americans don't vote. But voters have shown that, if they believe they can make a difference, they will get involved. This legislation will encourage the hope and belief that citizens involvement is important for the future of our democracy.

#### THE CALENDAR

Mr. SASSER. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar Order Numbers 23, 24, 25, 26, 27, 28, 29, 30, and 31, en bloc; that the committee substitute amendment, where appropriate, be agreed to; that the several bills each be deemed read a third time and passed; that the motion to reconsider the passage of these items be laid upon the table, en bloc; that the consideration of each bill be included separately in the RECORD; and that statements with respect to the passage of each bill be included in the RECORD where appropriate.

Mr. DOMENICI. Mr. President, I have no objection.

I might state that two of those items, I am most pleased to say, are bills that Senator BINGAMAN and I introduced which have come out of committee and are being reported. That is Calendar Order Number 31 on the Rio Grande River in New Mexico, a scenic river; and one additional one directing the Secretary of Agriculture to convey land to the town of Taos.

I am pleased to be on the floor recommending their adoption.

I have no objection.

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

#### BIG THICKET NATIONAL PRESERVE ADDITION ACT OF 1993

The bill (S. 80) to increase the size of the Big Thicket National Preserve in the State of Texas by adding the Village Creek corridor unit, the Big Sandy corridor unit, and the Canyonlands

unit was considered, ordered to be engrossed for a third reading, deemed read the third time, and passed; as follows:

S. 80

*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 referred to as the "Big Thicket National Preserve Addition Act of 1993".

#### SEC. 2. ADDITIONS TO THE BIG THICKET NATIONAL PRESERVE.

(a) ADDITIONS.—Subsection (b) of the first section of the Act entitled "An Act to authorize the establishment of the Big Thicket National Preserve in the State of Texas, and for other purposes", approved October 11, 1974 (16 U.S.C. 698), hereafter referred to as the "Act", is amended as follows:

(1) Strike out "map entitled 'Big Thicket National Preserve'" and all that follows through "Secretary of the Interior (hereafter referred to as the 'Secretary')" and insert in lieu thereof "map entitled 'Big Thicket National Preserve', dated October 1992, and numbered 175-80008, which shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior, and the offices of the Superintendent of the preserve. After advising the Committee on Energy and Natural Resources of the United States Senate and the Committee on Natural Resources of the United States House of Representatives, in writing, the Secretary of the Interior (hereafter referred to as the 'Secretary') may make minor revisions of the boundaries of the preserve when necessary by publication of a revised drawing or other boundary description in the Federal Register. The Secretary".

(2) Strike out "and" at the end of the penultimate undesignated paragraph relating to Little Pine Island-Pine Island Bayou corridor unit.

(3) Strike out the period in the ultimate undesignated paragraph relating to Lance Rosier unit and insert in lieu thereof ":",

(4) Add at the end thereof the following: "Village Creek Corridor unit, Hardin County, Texas, comprising approximately four thousand seven hundred and ninety-three acres;

"Big Sandy Corridor unit, Hardin, Polk, and Tyler Counties, Texas, comprising approximately four thousand four hundred and ninety-seven acres; and

"Canyonlands unit, Tyler County, Texas, comprising approximately one thousand four hundred and seventy-six acres."

(b) ACQUISITION.—(1) Subsection (c) of the first section of such Act is amended by striking out the first sentence and inserting in lieu thereof the following: "The Secretary is authorized to acquire by donation, purchase with donated or appropriated funds, transfer from any other Federal agency, or exchange, any lands, waters, or interests therein which are located within the boundaries of the preserve: *Provided*, That privately owned lands located within the Village Creek Corridor, Big Sandy Corridor, and Canyonlands units may be acquired only with the consent of the owner: *Provided further*, That the Secretary may acquire lands owned by commercial timber companies only by donation or exchange: *Provided further*, That any lands owned by the State of Texas, or any political subdivisions thereof may be acquired by donation only."

(2) Add at the end of the first section of such Act the following new subsections:

"(d) Within sixty days after the date of enactment of this subsection, the Secretary and the Secretary of Agriculture shall identify lands within their jurisdiction located within the vicinity of the preserve which may be suitable for exchange for commercial timber lands within the preserve. In so doing, the Secretary of Agriculture shall seek to identify for exchange National Forest lands that are near or adjacent to private lands that are already owned by the commercial timber companies. Such National Forest lands shall be located in the Sabine National Forest in Sabine County, Texas, in the Davy Crockett National Forest south of Texas State Highway 7, or in other sites deemed mutually agreeable, and within reasonable distance of the timber companies' existing mills. In exercising this exchange authority, the Secretary and the Secretary of Agriculture may utilize any authorities or procedures otherwise available to them in connection with land exchanges, and which are not inconsistent with the purposes of this Act. Land exchanges authorized pursuant to this subsection shall be of equal value and shall be completed as soon as possible, but no later than two years after date of enactment of this subsection.

"(e) With respect to the thirty-seven-acres owned by the Louisiana-Pacific Corporation or its subsidiary, Kirby Forest Industries, Inc., on Big Sandy Creek in Hardin County, Texas, and now utilized as part of the Indian Springs Youth Camp (H.G. King Abstract 822), the Secretary shall not acquire such area without the consent of the owner so long as the area is used exclusively as a youth camp."

(c) PUBLICATION OF BOUNDARY DESCRIPTION.—Not later than six months after the date of enactment of this subsection, the Secretary shall publish in the Federal Register a detailed description of the boundary of the Village Creek Corridor unit, the Big Sandy Corridor unit, and the Canyonlands unit of the Big Thicket National Preserve.

(d) AUTHORIZATION OF APPROPRIATIONS.—Section 6 of such Act is amended by adding at the end thereof the following new sentence: "Effective upon date of enactment of this sentence, there is authorized to be appropriated such sums as may be necessary to carry out the purposes of subsections (c) and (d) of the first section."

Mr. KRUEGER. Mr. President, I greatly appreciate the Senate's consideration of S. 80 early during the 1st session of the 103d Congress. I am cosponsoring this bill which will achieve a long-time goal to expand the Big Thicket National Preserve in Texas—a bill approved by the Senate in the closing days of the 102d Congress.

My bill would add three units to the preserve: Village Creek Corridor, Big Sandy Corridor, and the Canyonlands. Currently, the Big Thicket National Preserve encompasses 86,000 acres. With my bill, more than 10,000 acres will be added to this ecologically unique preserve located in east Texas, north of the coastal cities of Beaumont and Port Arthur. The thicket includes four major types of forest, 85 species of trees and shrubs, more than 1,000 flowering plants, and over 300 kinds of birds. There are plants representing the Appalachian mountains, the tropics and even the desert.

The areas proposed for inclusion in this unique preserve will add to that

rich diversity and help to protect the biological integrity of the existing units. The Village Creek Corridor and Big Sandy Corridor units not only add to scenic beauty and ecological diversity of the preserve, but they will also connect three major preserve units. These corridor units will provide an important migration pathway for plant and animal species, thereby helping to maintain the many species of the area. The Canyonlands unit contains beautiful scenic areas of steep walls, spring-fed creeks, and rare plants.

Preservation of the Big Thicket has been a bipartisan effort on the part of many Texans over the years, and I hope that it will continue to be so. I am glad to play a role in preserving an extraordinary resource of my State and country.

Mr. President, the American people have a resource to experience, to explore and to study in the Big Thicket Preserve. I thank Senators for their consideration and ask the Senate to support and approve this bill.

Mr. GRAMM. Mr. President, I rise to support S. 80, the Big Thicket National Preserve Addition Act of 1993. S. 80, which I introduced on January 21, 1993, passed the Senate Committee on Energy and Natural Resources unanimously on March 3, 1993. S. 80 is identical to Big Thicket legislation which was agreed upon by myself and Senator Bentsen in the 102d Congress. In the 102d Congress, the legislation passed the Senate by unanimous consent on October 7, 1992, and was sent to the House of Representatives. Unfortunately, the House of Representatives failed to act on the bill before the 102d Congress adjourned.

Mr. President, I am pleased to report that S. 80, as reported by the Senate Energy and Natural Resources Committee, proposes a logical conclusion to the longstanding debate on how to expand the Big Thicket National Preserve in southeast Texas. Because I believe that property ownership is a sacred right, one of my primary goals in this debate has been to ensure the protection of individuals' private property rights. In the past, other proposals to expand the Big Thicket National Preserve could have taken private property and threatened resident landowners with condemnation. It is important to note that no provision in S. 80 may be used to take privately owned property through condemnation procedures.

Mr. President, this legislation proposes to protect the Village Creek Corridor, Big Sandy Corridor, and the Canyonlands Unit by exchanging U.S. Forest Service lands for 10,766 acres of land in these three units. These areas would be added to the existing Big Thicket National Preserve in Texas. The Big Thicket area is often referred to as a biological crossroads due to the unique ecosystem which exists in the

preserve. Addition of these three units will enhance the diversity of the preserve and future recreation opportunities.

Mr. President, I urge adoption of this measure.

#### SIoux RANGER DISTRICT BOUNDARY ADJUSTMENT ACT

The bill (S. 164) to authorize the adjustment of the boundaries of the South Dakota portion of the Sioux Ranger District of Custer National Forest, and for other purposes, was considered, ordered to be engrossed for a third reading, deemed read the third time, and passed, as follows:

S. 164

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

##### SECTION 1. SIoux RANGER DISTRICT BOUNDARY ADJUSTMENT.

(a) IN GENERAL.—In accordance with the Act entitled "An Act to consolidate national forest lands", approved March 20, 1922 (16 U.S.C. 485 et seq.), and in exchange for national forest lands in Custer National Forest, the Secretary of Agriculture may accept title to any lands located within 5 miles of the exterior boundaries of the South Dakota portion of the Sioux Ranger District of Custer National Forest that are not owned by the United States and that are found by the Secretary of Agriculture to be chiefly valuable for national forest purposes.

(b) INCORPORATION INTO CUSTER NATIONAL FOREST.—Upon acceptance of title by the Secretary of Agriculture, lands conveyed to the United States in accordance with subsection (a) shall become part of Custer National Forest.

#### WORLD WAR II MEMORIAL ACT OF 1993

The bill (S. 214) to authorize construction of a memorial on Federal land in the District of Columbia or its environs to honor members of the Armed Forces who served in World War II and to commemorate United States participation in that conflict was considered, ordered to be engrossed for a third reading, deemed read the third time, and passed, as follows:

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

##### SECTION 1. AUTHORITY TO ESTABLISH MEMORIAL.

(a) IN GENERAL.—The American Battle Monuments Commission (hereafter in this Act referred to as the "Commission") is authorized to establish a memorial on Federal land in the District of Columbia or its environs to honor members of the Armed Forces who served in World War II and to commemorate the participation of the United States in that war.

(b) COMPLIANCE WITH STANDARDS FOR COMMEMORATIVE WORKS.—The establishment of the memorial shall be in accordance with the Act entitled "An Act to provide standards for placement of commemorative works on certain Federal lands in the District of Columbia and its environs, and for other purposes" approved November 14, 1986 (40 U.S.C. 1001 et seq.).

(c) HANDICAPPED ACCESS.—The plan, design, construction, and operation of the memorial pursuant to this section shall provide for accessibility by, and accommodations for, the physically handicapped.

##### SEC. 2. ADVISORY BOARD.

(a) ESTABLISHMENT OF BOARD.—There is established a World War II Memorial Advisory Board (hereafter in this Act referred to as the "Board"), consisting of 12 members, who shall be appointed by the President from among veterans of World War II, historians of World War II, and representatives of veterans organizations, historical associations, and groups knowledgeable about World War II.

(b) APPOINTMENTS.—Members of the Board shall be appointed not later than 3 months after the date of enactment of this Act and shall serve for the life of the Board. The President shall make appointments to fill such vacancies as may occur on the Board.

(c) RESPONSIBILITIES OF BOARD.—The Board shall—

(1) in the manner specified by the Commission, promote establishment of the memorial and encourage donation of private contributions for the memorial; and

(2) upon the request of the Commission, advise the Commission on the site and design for the memorial.

(d) TERMINATION.—The Board shall cease to exist on the last day of the third month after the month in which the memorial is completed or the month of the expiration of the authority for the memorial under section 10(b) of the Act referred to in section 1(b), whichever first occurs.

##### SEC. 3. PRIVATE CONTRIBUTIONS.

The Commission shall solicit and accept private contributions for the memorial.

##### SEC. 4. FUND IN THE TREASURY FOR THE MEMORIAL.

(a) IN GENERAL.—There is created in the Treasury a fund which shall be available to the American Battle Monuments Commission for the expenses of establishing the memorial. The fund shall consist of—

(1) amounts deposited, and interest and proceeds credited under subsection (b);

(2) obligations obtained under subsection (c); and

(3) the amount of surcharges paid to the Commission for the memorial under the World War II 50th Anniversary Commemorative Coins Act.

(b) DEPOSITS AND CREDITS.—The Chairman of the Commission shall deposit in the fund the amounts accepted as contributions under subsection (a). The Secretary of the Treasury shall credit to the fund the interest on, and the proceeds from sale or redemption of, obligations held in the fund.

(c) OBLIGATIONS.—The Secretary of the Treasury shall invest any portion of the fund that, as determined by the Chairman of the Commission, is not required to meet current expenses. Each investment shall be made in an interest bearing obligation of the United States or an obligation guaranteed as to principal and interest by the United States that, as determined by the Chairman of the Commission, has a maturity suitable for the fund.

(d) ABOLITION.—Upon the final settlement of the accounts of the fund, the Secretary of the Treasury shall submit to the Congress draft legislation (including technical and conforming provisions) for the abolition of the fund.

##### SEC. 5. DEPOSIT OF EXCESS FUNDS.

If, upon payment of all expenses of the establishment of the memorial (including the maintenance and preservation amount pro-

vided for in section 8(b) of the Act referred to in section 1(b), or upon expiration of the authority for the memorial under section 10(b) of that Act, there remains a balance in the fund created by section 4, the Chairman of the Commission shall transmit the amount of the balance to the Secretary of the Treasury for deposit in the account provided for the section 8(b)(1) of that Act.

Mr. THURMOND. Mr. President, as a veteran of World War II, I am pleased that we are considering S. 214, a bill I introduced that would authorize the construction of a memorial honoring World War II veterans.

On December 7, 1991 we observed the 50th anniversary of the bombing of Pearl Harbor. It is now time to honor those who faithfully served our country in the aftermath of that historic day.

This monument pays tribute to the men and women who have given of themselves to make our lives, and the lives of all Americans, better today. It is fitting that there be a memorial in Washington to which they can bring their children and their grandchildren to see how we honor those who served. This memorial is long overdue.

Mr. President, I wish to thank the members of the Senate Committee on Energy and Natural Resources, who voted unanimously to report this bill out of committee. I wish especially to thank Senator BUMPERS, chairman of the Subcommittee on Public Lands, National Parks and Forests, for his support of this worthy measure.

I urge my colleagues to pass this legislation which honors those who have so ably served our country.

#### IDAHO LAND EXCHANGE ACT OF 1993

The bill (S. 252) to provide for certain land exchanges in the State of Idaho, and for other purposes, was considered, ordered to be engrossed for a third reading, deemed read the third time, and passed, as follows:

S. 252

*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 "Idaho Land Exchange Act of 1993".

#### SEC. 2. TARGHEE NATIONAL FOREST BOUNDARY ADJUSTMENT.

(a) IN GENERAL.—The boundaries of the Targhee National Forest are adjusted as generally depicted on the map entitled "Targhee National Forest Proposed Boundary Changes" and dated March 1, 1991.

(b) MAP AND LEGAL DESCRIPTION.—

(1) PUBLIC ACCESS.—The map described in subsection (a) and legal description of the lands depicted on the map shall be on file and available for public inspection in the Regional Office of the Intermountain Region of the Forest Service.

(2) TECHNICAL CORRECTIONS.—The map and legal description shall have the same force and effect as if included in this Act, except that the Secretary of Agriculture (referred to in this Act as the "Secretary") may correct clerical and typographical errors.

(c) RULE OF CONSTRUCTION.—For the purpose of section 7 of Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-9), the boundaries of the Targhee National Forest, as adjusted by this Act, shall be considered to be the boundaries of the Forest as of January 1, 1965.

#### SEC. 3. CLARK FORK LAND EXCHANGE.

(a) FINDINGS.—Congress finds that, over the 12 years prior to the date of enactment of this Act—

(1) the University of Idaho has utilized the Clark Fork Ranger Station within the Kaniksu National Forest as the Clark Fork Field Campus, under a Granger-Type permit; and

(2) the University of Idaho has made substantial improvements in order to maintain and utilize the buildings as a campus facility.

(d) DEFINITIONS.—As used in this section:

(1) PARCEL A.—The term "Parcel A" means the approximately 35.27 acres comprising the Clark Fork Ranger Station within the Kaniksu National Forest, as depicted on the map entitled "Clark Fork Land Exchange—Parcel A" and dated July 1, 1991.

(2) PARCEL B.—The term "Parcel B" means the approximately 40 acres depicted on the map entitled "Clark Fork Land Exchange—Parcel B" and dated July 1, 1991.

(c) LAND EXCHANGE.—

(1) CONVEYANCE BY THE SECRETARY.—In exchange for the conveyance described in paragraph (2) and subject to easements that are considered necessary by the Secretary for public and administrative access and to valid existing rights, the Secretary shall convey to the State of Idaho, acting through the Regents of the University of Idaho, all right, title, and interest of the United States to Parcel A.

(2) CONVEYANCE BY THE STATE OF IDAHO.—In exchange for the conveyance described in paragraph (1) and subject to valid existing rights of record acceptable to the Secretary, the State of Idaho shall convey to the Secretary, by general warranty deed in accordance with Department of Justice title standards, all right, title, and interest to Parcel B.

(3) MAPS AND LEGAL DESCRIPTIONS.—

(A) PUBLIC ACCESS.—The maps described in subsection (b) and the legal descriptions of the lands depicted on the maps shall be on file and available for public inspection in the Regional Office of the Northern Region of the Forest Service.

(B) TECHNICAL CORRECTIONS.—The maps and legal descriptions shall have the same force and effect as if included in this Act, except that the Secretary may correct clerical and typographical errors.

(d) LAND VALUATION.—

(1) IN GENERAL.—Subject to paragraph (2), if the lands exchanged between the United States and the State of Idaho, as authorized by subsection (c), are not of equal value, the values shall be equalized in accordance with section 206(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(b)).

(2) EXCEPTION.—The value of the improvements made by the University of Idaho on Parcel A under the Granger-Type permit shall be excluded from consideration in a valuation conducted pursuant to paragraph (1).

(e) NATIONAL FOREST BOUNDARY ADJUSTMENT.—

(1) IN GENERAL.—Upon acquisition of Parcel B by the United States, the boundaries of the Kaniksu National Forest shall be adjusted to include Parcel B.

(2) RULE OF CONSTRUCTION.—For the purpose of section 7 of the Land and Water Con-

servation Fund Act of 1965 (16 U.S.C. 4601-9), the boundaries of the Kaniksu National Forest, as adjusted by this Act, shall be considered to be the boundaries of the Forest as of January 1, 1965.

#### TAOS CONVEYANCE ACT OF 1993

The bill (S. 275) to direct the Secretary of Agriculture to convey certain lands to the town of Taos, NM, and for other purposes was considered, ordered to be engrossed for a third reading, deemed read the third time, and passed, as follows:

S. 275

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

#### SECTION 1. TAOS RANGER DISTRICT.

(a) CONVEYANCE OF PROPERTY.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act and subject to the terms and conditions described in subsection (b), the Secretary of Agriculture shall convey by quitclaim deed to the town of Taos, New Mexico, all right, title, and interest of the United States in and to the lands and improvements on the lands described in paragraph (2).

(2) PROPERTY.—The property referred to in paragraph (1)—

(A) is locally referred to as the "Old Taos Ranger District Office and Warehouse";

(B) is located in the town of Taos, Taos County, New Mexico;

(C) contains approximately 0.633 acres; and

(D) is specifically described in the warranty deed dated January 22, 1937, by William R. and Mary E. Hinde, husband and wife, to the United States, as recorded on January 23, 1937, in book A-34, page 415, of the Record of Deeds of Taos County, New Mexico.

(b) TERMS AND CONDITIONS.—

(1) CONSIDERATION.—

(A) IN GENERAL.—The conveyance described in subsection (a) shall be in consideration of \$360,000, payable (subject to the approval of the Secretary of Agriculture)—

(i) in full not later than the end of the 180-day period referred to in subsection (a)(1); or

(ii) at the option of the town of Taos, in 20 annual payments of \$18,000 each, with each payment due January 1.

(B) DEPOSIT OF FUNDS.—

(i) IN GENERAL.—Sums received pursuant to subparagraph (A) shall be deposited in a special fund in the treasury and shall remain available until expended.

(ii) EXPENDITURE.—Upon request by the Secretary of Agriculture, the Secretary of the Treasury shall transfer from the special fund to the Secretary of Agriculture such sums as the Secretary of Agriculture determines are necessary for the purpose of acquiring lands and administrative facilities on National Forest System lands within the State of New Mexico.

(C) INTEREST.—The town of Taos shall not be charged interest on sums owed the United States for the conveyance described in subsection (a).

(2) RELEASE.—Upon transfer of the property described in subsection (a), the town of Taos shall release the United States from any liability for claims relating to the property.

(3) REVERSION.—The conveyance described in subsection (a) shall be a conveyance of fee simple title to the property, subject to reversion to the United States if the property is

used for other than public purposes or if payment is not made in accordance with paragraph (1).

#### REVISING THE BOUNDARIES OF THE GEORGE WASHINGTON BIRTHPLACE NATIONAL MONUMENT

The bill (S. 326) to revise the boundaries of the George Washington Birthplace National Monument, and for other purposes was considered, ordered to be engrossed for a third reading, deemed read the third time, and passed, as follows:

S. 326

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

##### SECTION 1. ADDITION TO NATIONAL MONUMENT.

The boundaries of the George Washington Birthplace National Monument (hereinafter referred to as the "National Monument") are hereby modified to include the area comprising approximately 12 acres, as generally depicted on the map entitled "George Washington Birthplace National Monument Boundary Map", numbered 332/80,011A and dated September 1992, which shall be on file and available for public inspection in the appropriate offices of the National Park Service, Department of the Interior.

##### SEC. 2. ACQUISITION OF LANDS.

Within the boundaries of the National Monument, the Secretary of the Interior (hereinafter referred to as the "Secretary") is authorized to acquire lands, or interests therein, by donation, purchase with donated or appropriated funds, or exchange.

##### SEC. 3. ADMINISTRATION OF NATIONAL MONUMENT.

In administering the National Monument, the Secretary shall take such action as is necessary to preserve and interpret the history and resources associated with George Washington, the generations of the Washington family who lived in the vicinity, and their contemporaries, as well as 18th century plantation life and society.

##### SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this Act.

#### SANDY HOOK HISTORIC STRUCTURES REHABILITATION ACT

The bill (S. 328) to provide for the rehabilitation of historic structures within the Sandy Hook Unit of Gateway National Recreation Area in the State of New Jersey, and for other purposes was considered, ordered to be engrossed for a third reading, deemed read the third time, and passed, as follows:

S. 328

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

##### SECTION 1. MARINE ACADEMY AGREEMENT.

(a) IN GENERAL.—In order to further the revitalization, rehabilitation, and utilization of Fort Hancock within the Sandy Hook Unit of Gateway National Recreation Area, the Secretary of the Interior may enter into an agreement with the Monmouth County Vocational School District or a successor (re-

ferred to in this Act as the "District"), to permit the use by the District of properties situated along Gunnison Road and Magruder Road for the purpose of developing and operating, without cost to the National Park Service, a secondary school program to be known as the Marine Academy of Science and Technology.

(b) DESIGN OF FACILITIES.—The design of new facilities and landscape improvements, and the rehabilitation of existing facilities for school and administrative use, shall be subject to the approval of the Director of the National Park Service. In determining whether to approve the design and rehabilitation, the Director shall use standards for rehabilitation and National Park Service guidelines and policies that are approved by the Secretary of the Interior.

##### SEC. 2. REVERSION.

If the properties, facilities, and improvements referred to in section 1 are not used by the District for a secondary school program, the agreement authorized by section 1 shall be terminated and all use of the properties, facilities, and improvements shall revert, without consideration, to the National Park Service.

##### SEC. 3. REIMBURSEMENT.

(a) REHABILITATION.—As a condition of entering into the agreement authorized by section 1, the Secretary of the Interior may—

(1) accept reimbursement expenses, of not more than \$500,000, to cover the cost of rehabilitating other property within the Sandy Hook Unit of Gateway National Recreation Area for park uses that are displaced from facilities used by the District under the agreement authorized by section 1; or

(2) require the District to rehabilitate other property for the park uses—

(A) under the direction of the National Park Service; and

(B) at a cost of not more than \$500,000.

(b) FEES FOR SERVICES.—The Director of the National Park Service may collect and retain reasonable fees for services provided to the District by the National Park Service, including alarm monitoring, permit compliance, fire and police protection, and snow removal.

Mr. BRADLEY. Mr. President, I rise today in support of Monmouth County, NJ, School District's efforts to maintain the right to continue to revitalize, rehabilitate, and utilize Fort Hancock within the Sandy Hook Unit of Gateway National Recreation Area. I urge the Senate to approve this bill, which is urgently needed.

Mr. President, for more than a decade the school district and Sandy Hook have cultivated a mutually beneficial relationship. The park has allowed the school district to use several of its buildings to administer its Marine Academy of Science and Technology, and in return, the school has rejuvenated many of the park's historic but debilitated buildings. To date, Monmouth County has completed more than 2 million dollars' worth of renovations. Clearly, this has been a rewarding arrangement for both sides.

Last year, the school and the park managers were informed that legislation is required in order for them to maintain their relationship. The legislation before the Senate allows the Secretary of the Interior to enter into

an agreement with the school thereby permitting the school to use certain park facilities for the purpose of development and operations, without cost to the National Park Service.

Mr. President, I am in full support of this legislation for several reasons. Over the past 10 years the Marine Academy has grown from a part-time institution into a demanding 4-year diploma-granting program for boys and girls in grades 9–12. The academy is truly unique. By emphasizing marine science technology and marine trades, the school has successfully prepared hundreds of its students for work or study in the important field of marine environmental science. And the renovations that have been made to several park buildings cannot be overstated. For years, scores of historical buildings at Sandy Hook have been decaying as a result of neglect caused by budgetary limitations. Monmouth County has remedied this problem by instilling life into many buildings that were on the verge of condemnation.

Mr. President, the Sandy Hook-Monmouth County partnership has benefited many people: The students who attend the Marine Academy, the tourists who visit the park, and of course the State and Federal Governments responsible for the maintenance and operation of the facility. We must ensure that this relationship will continue to prosper. I urge my colleagues to join me in support of this legislation and vote its approval.

#### FOX-WISCONSIN RIVER NATIONAL HERITAGE CORRIDOR STUDY ACT OF 1993

The bill (S. 344) to direct the Secretary of the Interior to conduct a study to determine the suitability and feasibility of designating the Fox and Lower Wisconsin River corridors in the State of Wisconsin as a national heritage corridor, and for other purposes was considered, ordered to be engrossed for a third reading, deemed read the third time, and passed, as follows:

S. 344

*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 "Fox-Wisconsin River National Heritage Corridor Study Act of 1993."

##### SEC. 2. FINDINGS.

Congress finds that—

(1) the Fox-Wisconsin waterway is famous as the discovery route of Marquette and Joliet;

(2) as the connecting route between the Great Lakes and the Mississippi River, the waterway was critical to the opening of the Northwest Territory, and served as a major artery in bringing commerce to the interior of the United States and providing a vital communication link for early explorers, missionaries, and fur traders;

(3) within the Fox and Lower Wisconsin River corridors are an abundance of historic

and archaeological sites and structures representing early Native Americans, European exploration, and 19th-century transportation and settlement; and

(4) the unique aspects of the waterway, from the heavily developed portions of the Fox River to the pristine expanses of the Lower Wisconsin River, should be studied to determine the waterway's suitability and feasibility for designation as a National Heritage Corridor.

### SEC. 3. STUDY OF FOX-WISCONSIN RIVER CORRIDORS.

(a) IN GENERAL.—Not later than 2 years after the date funds are made available to carry out this Act, the Secretary of the Interior (referred to in this Act as the "Secretary") shall prepare a study on the suitability and feasibility of designating the Fox and Lower Wisconsin River corridors in the State of Wisconsin as a National Heritage Corridor.

(b) REPORT TO CONGRESS.—On completion of the study referred to in subsection (a)—, the Secretary shall submit a report describing the results of the study to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives.

### SEC. 4. FOX-WISCONSIN RIVER STUDY ADVISORY COMMISSION.

(a) IN GENERAL.—There is established the Fox-Wisconsin River Study Advisory Commission (referred to in this Act as the "Commission") to advise the Secretary with respect to the preparation of the study required under section 3(a).

(b) MEMBERSHIP.—The Commission shall consist of 16 members, appointed by the Secretary, of whom—

(1) 4 members shall be made from recommendations submitted by the Governor of the State of Wisconsin, to represent affected State agencies;

(2) 4 members shall represent local governments from affected communities along the Fox and Lower Wisconsin River corridors; and

(3) 8 members shall be made from the general public, who shall have knowledge and experience in appropriate fields of interest relating to the preservation, use, and interpretation of the Fox and Lower Wisconsin River corridors, of whom—

(A) 4 members shall be residents of the Fox River region; and

(B) 4 members shall be residents of the Lower Wisconsin River region.

(c) CHAIRPERSON.—The members of the Commission shall elect a Chairperson from among the members of the Commission.

(d) VACANCIES.—Vacancies on the Commission shall be filled in the same manner in which the original appointment was made.

(e) MEETINGS.—The Commission shall meet at the call of the Chairperson.

(f) COMPENSATION.—Members of the Commission shall receive no compensation as a result of their service on the Commission. While away from their homes or regular places of business in the performance of services for the Commission, members shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703 of title 5, United States Code.

(g) FEDERAL ADVISORY COMMITTEE ACT.—Section 14(b) of the Federal Advisory Committee Act (5 U.S.C. App. 2) shall not apply to the Commission.

(h) ANNUAL REPORTS.—The Commission shall publish and submit to the Secretary and the Governor of the State of Wisconsin

an annual report concerning the activities of the Commission.

(i) TERMINATION.—The Commission shall terminate on the completion of the study required under section 3(a).

### SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

Mr. KOHL. Mr. President, I am pleased that the Senate is prepared to act on legislation which my colleague, Senator FEINGOLD, and I introduced earlier this year: the Fox-Wisconsin River National Heritage Corridor Study Act of 1993. The Senate approved identical legislation last year but the House did not act on it prior to the conclusion of the 102d Congress. I hope that the Senate's prompt consideration of the legislation will encourage the House to act on it in the near future.

The purpose of this legislation is to establish a process for determining the suitability and feasibility of designating the Fox and Lower Wisconsin River corridors as a national heritage corridor. The national heritage corridor designation could provide for the revitalization of this historic transport artery, and link together the significant tourist attractions of this region.

I will not detail the many distinctions of the Fox-Wisconsin River corridor. Suffice it to say that it is rich with history, replete with significant structures and sites, rewarding in its beauty. And that is not just my opinion.

The East-Central Wisconsin Regional Planning Commission produced an in depth survey of historical landmarks along the Fox River. The Lower Wisconsin State Riverway Board, an office of the State government, has catalogued historical attributes of the Wisconsin River. In 1979, under the Wild and Scenic Rivers Act, the National Park Service produced a report on the lower Wisconsin River, advocating that this natural resource be protected. Finally, the State historical society and the Department of Natural Resources have compiled extensive scientific, cultural, and historical data on both the Fox and Wisconsin Rivers.

While I believe that the designation of the corridor as a national heritage corridor would be beneficial to the people and the resources of the region, this legislation does not seek to make that designation at this time. Instead, this legislation would establish a 2-year study, to solicit strong input from local residents, to help in making a determination as to whether or not such a designation would be suitable. Local involvement at the planning stages of this effort will be critical if the Fox-Wisconsin River National Heritage Corridor is to be successfully established in the future.

Mr. President, I wish to express my appreciation to Senator BUMPERS, chair of the Subcommittee on Public Lands, National Parks and Forests, for

his cooperation in expediting consideration of this legislation. I also wish to thank the literally hundreds of people in the Fox-Wisconsin region who have shared their ideas and their hopes with my office. I hope that this legislation is responsive to their ideas and contributes to the realization of their dreams.

Mr. FEINGOLD. Mr. President, I am pleased at the swiftness with which S. 344, the Fox-Wisconsin River National Heritage Corridor Act, has come to consideration before the 103d Congress, and I commend my colleague, Senator KOHL, for his ongoing commitment to this issue.

This bill directs the Secretary of the Interior to conduct a study of the suitability and feasibility of designating the Fox and Lower Wisconsin River corridors in Wisconsin as a national heritage corridor. Identical legislation was passed by this body last year but did not pass the House of Representatives before the conclusion of the 102d Congress. I am encouraged by its rapid progress now.

This issue has strong support of many citizens' and preservation groups within the State, as well as the support of the Wisconsin State Legislature. In fact, as a State senator in November, 1991, I had the opportunity to vote for a resolution supporting establishment of the national heritage corridor in Wisconsin, and I continue my strong support of such action today.

The Fox-Wisconsin corridor continues to testify through existing structures and archaeological sites to its former role in the exploration of North America and to settlements founded on the rivers' banks. These rivers were part of the route traveled by Marquette and Joliet during their exploration of the area that became known as the Northwest Territory.

The Fox-Wisconsin corridor was also a major artery for travel and trade during the settlement of this area. In fact, the world's first hydroelectric plant and the oldest continually operated manual lock system in the United States are found on the Fox River.

Not only was the route appreciated for its utility, but also for its innate value and beauty. Conservationists John Muir and Aldo Leopold lived along the banks of the Fox and Wisconsin Rivers, and architect Frank Lloyd Wright established Taliesin, his architectural school, along that route.

As I mentioned, this bill merely calls for a study of the suitability of the area for a national heritage corridor. However, I am confident this study will substantiate what residents along the shores have told me time and time again—that the historical value of the area should be preserved so that others may come to enjoy and appreciate their heritage.

I am happy to have the opportunity today to continue in my support of the establishment of the Fox-Wisconsin National Heritage Corridor.

## RIO GRANDE DESIGNATION ACT OF 1993

The bill (S. 375) to amend the Wild and Scenic Rivers Act by designating a segment of the Rio Grande in New Mexico as a component of the National Wild and Scenic Rivers system, and for other purposes, was considered, ordered to be engrossed for a third reading, deemed read the third time, and passed, as follows:

*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 "Rio Grande Designation Act of 1993".

### SEC. 2. DESIGNATION OF SCENIC RIVER.

Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by adding at the end the following new paragraph:

"( ) RIO GRANDE, NEW MEXICO.—The main stem from the southern boundary of the segment of the Rio Grande designated pursuant to paragraph (4), downstream approximately 12 miles to the west section line of Section 15, Township 23 North, Range 10 East, to be administered by the Secretary of the Interior as a scenic river."

### SEC. 3. DESIGNATION OF STUDY RIVER.

(A) STUDY.—Section 5(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1276(a)) is amended by adding at the end the following new paragraph:

"( ) RIO GRANDE, NEW MEXICO.—The segment from the west section line of Section 15, Township 23 North, Range 10 East, downstream approximately 8 miles to the southern line of the northwest quarter of Section 34, Township 23 North, Range 9 East."

(b) STUDY REQUIREMENTS.—Section 5(b) of such Act (16 U.S.C. 1276(b)) is amended by adding at the end the following new paragraph:

"( ) The study of the Rio Grande in New Mexico shall be completed and the report submitted not later than 3 years after the date of enactment of this paragraph."

### SEC. 4. RIO GRANDE CITIZENS ADVISORY BOARD.

(a) ESTABLISHMENT.—Not later than 90 days after the date of enactment of this Act, the Secretary of the Interior (referred to in this Act as the "Secretary") shall establish the Rio Grande Citizens Oversight Review Board (referred to in this Act as the "Board") to advise the Secretary on matters pertaining to—

(1) the development and implementation of a management plan for the segment of the Rio Grande designated as a component of the National Wild and Scenic Rivers System pursuant to the amendment made by section 2; and

(2) the preparation of the study pursuant to the amendments made by section 3.

(b) COMPOSITION.—The Board shall consist of 11 members, appointed by the Secretary, of whom—

(1) 10 members shall be property owners along the segments of the Rio Grande designated and studied pursuant to the amendments made by this Act; and

(2) 1 member shall be a representative of the village of Pilar.

### SEC. 5. WITHDRAWAL OF ORILLA VERDE RECREATION AREA.

(a) IN GENERAL.—Subject to valid existing rights, the lands described in subsection (b) are withdrawn from—

(1) all forms of entry, appropriation, or disposal under the public land laws;

(2) location, entry, and patent under the mining laws; and

(3) disposition under all laws pertaining to mineral and geothermal leasing.

(b) LANDS.—

(1) DESCRIPTION.—The lands referred to in subsection (a) comprise an area known as the "Orilla Verde Recreation Area", totaling approximately 1,349 acres, which were conveyed by the State of New Mexico to the United States on July 23, 1980, April 20, 1990, and July 17, 1990, as generally depicted on the map entitled "Proposed Recreation Addition to Rio Grande Wild and Scenic River" and dated September 1992.

(2) PUBLIC ACCESS.—The map referred to in paragraph (1) shall be on file and available for public inspection in the appropriate offices of the Bureau of Land Management.

### SEC. 6. COMPLETION OF PREHISTORIC TRACKWAYS STUDY.

The Secretary is authorized to contract with the Smithsonian Institution for the completion of the prehistoric trackways study required under section 303 of the Act entitled "An Act to conduct certain studies in the State of New Mexico", approved November 15, 1990 (Public Law 101-578).

### APPOINTMENT BY THE VICE PRESIDENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to 22 U.S.C. 276d-276g, as amended, appoints the Senator from Ohio [Mr. METZENBAUM] as Chairman of the Senate Delegation to the Canada-United States Interparliamentary Group during the 103d Congress.

### APPOINTMENTS BY THE MAJORITY LEADER

The PRESIDING OFFICER. The Chair, pursuant to Public Law 102-240, announces on behalf of the majority leader his appointment of Dana Conners, of Maine, as a member of the National Council on Surface Transportation Research.

The Chair, pursuant to section 403(a)(2) of Public Law 100-533, as amended, announces on behalf of the majority leader his reappointment of Mary Ann Campbell, of Arkansas, and his appointment of Barbara Aiello, of Maine, as members of the National Women's Business Council.

### MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, 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.)

### REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources, without amendment:

S. 336. A bill to amend the Stock Raising Homestead Act to resolve certain problems regarding subsurface estates, and for other purposes (Rept. No. 103-21).

### SPECIAL REPORT

The following report of the committee was submitted:

By Mr. NUNN, from the Committee on Armed Services:

Special Report entitled "Report On the Activities of the Committee on Armed Services, United States Senate, 102d Congress, First and Second Sessions" (Rept. No. 103-22).

### 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. ROBB (for himself and Mr. WARNER):

S. 597. A bill to designate the United States courthouse located at 10th and Main Streets in Richmond, Virginia, as the "Lewis F. Powell, Jr. United States Courthouse"; to the Committee on Environment and Public Works.

By Mr. DURENBERGER:

S. 598. A bill to amend the National Labor Relations Code to provide for expedited adjudication of unfair labor practice charges, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. GRASSLEY (for himself, Mr. DURENBERGER, Mr. SIMON, and Mr. CONRAD):

S. 599. A bill to amend the Internal Revenue Code of 1986 to provide a permanent extension for the issuance of first-time farmer bonds; to the Committee on Finance.

By Mr. BOREN (for himself, Mr. PACKWOOD, Mr. BAUCUS, Mr. DANFORTH, Mr. PRYOR, Mr. GRASSLEY, Mr. RIEGLE, Mr. DASCHLE, Mr. CONRAD, Mr. SARBANES, Mr. SIMON, Mr. THURMOND, Mr. INOUE, Mr. LIEBERMAN, Mr. REID, Mr. BINGAMAN, Mr. LEVIN, Mr. HOLLINGS, Mr. BURNS, Mr. STEVENS, Mr. D'AMATO, Mr. HELMS, Mr. JEFFORDS, Mr. SASSER, Ms. MIKULSKI, Mr. KRUEGER, Mr. HEFLIN, Mr. LUGAR, Mr. SIMPSON, Mr. CAMPBELL, Mr. DODD, and Mr. WELLSTONE):

S. 600. A bill to amend the Internal Revenue Code of 1986 to extend and modify the targeted jobs credit; to the Committee on Finance.

By Mr. INOUE:

S. 601. A bill to require that imported fresh papayas meet all the requirements imposed on domestic fresh papayas, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. BREAUX:

S. 602. A bill to amend title XVIII of the Social Security Act to provide coverage of outpatient self-management training services under part B of the medicare program for individuals with diabetes; to the Committee on Finance.

By Mr. D'AMATO:

S. 603. A bill to provide for adherence with the MacBride Principles by United States persons doing business in Northern Ireland; to the Committee on Finance.

By Mr. DOMENICI:

S. 604. A bill to provide for programs for the prosecution of driving while intoxicated charges to be included in the Edward Byrne Memorial State and Local Enforcement Assistance Program; to the Committee on the Judiciary.

S. 605. A bill to amend title 23, United States Code, to require the Secretary of Transportation to withhold certain funds from States that fail to deem a person driving with a blood alcohol concentration of 0.08 percent or greater to be driving while intoxicated, and for other purposes; to the Committee on Environment and Public Works.

S. 606. A bill to amend title 10, United States Code, to correct an inequity in the provisions relating to the payment of benefits under court orders in the case of dependents who are victims of abuse by members of the Armed Forces losing right to retired pay; to the Committee on Armed Services.

By Mr. HELMS:

S. 607. A bill to amend the Harmonized Schedule of the United States with respect to the tariff treatment of pharmaceutical grade phospholipids and soybean oil; to the Committee on Finance.

By Mr. EXON:

S. 608. A bill entitled the "Armored Car Industry Reciprocity Act of 1993"; to the Committee on Commerce, Science, and Transportation.

By Mr. HARKIN (for himself, Mr. BRADLEY, and Mr. BINGAMAN):

S. 609. A bill to amend the Internal Revenue Code of 1986 to limit deductions for advertising and promotional expenses for tobacco products, and to use the resulting revenues for advertising expenditures to persuade individuals not to use tobacco products and for other purposes; to the Committee on Finance.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ROBB (for himself and Mr. WARNER):

S. 597. A bill to designate the U.S. courthouse located at 10th and Main Streets in Richmond, VA, as the Lewis F. Powell, Jr., United States Courthouse; to the Committee on Environment and Public Works.

LEWIS F. POWELL, JR., COURTHOUSE DESIGNATION ACT

Mr. ROBB. Mr. President, it is with enormous home state pride that I rise today to introduce legislation, along with my distinguished senior colleague from Virginia to rename the U.S. courthouse building in Richmond, VA, for retired Associate Supreme Court Justice Lewis F. Powell, Jr.

Justice Powell is a great source of pride for all Americans, but for Virginians in particular.

During his tenure on the Supreme Court from 1971 to 1987, he was known as a moderate voice, a centrist, and a consensus builder in the best Virginia tradition.

Throughout his life, Justice Powell has also been an unfailingly kind and

gracious individual, the consummate Virginia gentleman.

Justice Powell was born in 1907 in Suffolk, VA, and attended Washington & Lee University in Lexington.

He received both his undergraduate and law degrees there, in just 6 years, and finished first in his law school class.

The Justice decided to pursue law, he told historian Anne Hobson Freeman, because "It was clear to me from reading history that the people who made history were military people and lawyers."

At his father's insistence, Justice Powell went on to Harvard for a masters in law.

Turning down an invitation from former Solicitor General John W. Davis to interview with the New York firm of Davis, Polk, Justice Powell chose, instead, to return to Richmond, where he worked with a small litigation firm.

Before long, however, he joined the firm of Hunton, Williams, Anderson, Gay & Moore—what is today called Hunton & Williams—beginning a more than three-decade long association with that firm.

In her book on Hunton & Williams, entitled "The Style of a Law Firm," Anne Hobson Freeman describes Mr. Powell, as one of the eight gentlemen from Virginia who built the firm.

At the outset of American involvement in World War II, Lewis Powell volunteered for the Army, even though he was old enough to avoid duty.

During the war, he was part of the Allied invasion of North Africa, part of the British effort to use information from recently broken top-level German codes, and, finally, a lieutenant colonel, and chief of the Operational Intelligence Division, at the U.S. Strategic Air Force's headquarters.

Lewis Powell ended the war as a full colonel and was decorated for his efforts, earning the Legion of Merit, the Bronze Star, and France's Croix de Guerre, with Palm.

Following the war, Freeman says, Powell's adjustment back to relatively dull work in private practice was difficult.

He challenged himself by launching into a number of outside activities.

He chaired the Special Charter Commission, which established Richmond's city-manager form of government.

He served as president of the Richmond Bar Association and of the chamber of commerce, and later, as chairman of the Richmond City School Board.

Within Hunton & Williams, Powell's stature grew, and in 1954, he became a name partner of Hunton, Williams, Gay, Moore & Powell.

In the late 1950's, on the great issue of "public school desegregation," Powell, then chairman of the Richmond School Board, broke, with Senator Harry Byrd, Sr., and others who argued

for massive resistance to Federal court rulings, based on the doctrine of interposition.

While public school authorities in Norfolk, Prince Edward County, and elsewhere, chose to close the schools rather than integrate, the Richmond City schools, stayed open, due in no small part to Powell's commitment to the rule of law.

In the 1960's, Powell made his mark on the national scene, rising to the position of president of the American Bar Association in the mid-1960's.

In 1966, President Lyndon Johnson, appointed Powell, to serve on two boards, the Commission on Law Enforcement and Administration, and the National Advisory Committee on Legal Services for the Poor.

Powell continued to be active on the State level, serving on the Virginia State Board of Education, and on Gov. Mills Godwin's, Constitutional Commission, seeking to revise, the Virginia Constitution.

In 1971, President Nixon, asked Powell to serve on the U.S. Supreme Court.

Powell agonized over the offer, for he preferred being a lawyer to a judge.

He had previously turned down offers to serve on the fourth circuit and the Virginia Supreme Court.

Reluctantly, he accepted the nomination, and was rebuffed when he called President Nixon's Attorney General back, to say he'd changed his mind.

Powell was easily confirmed by this body, which had previously rejected two successive Nixon nominees to the Court from the South.

At the age of 64, Lewis Powell, began a second career as a distinguished jurist.

His tenure was marked by his objective approach and his pivotal role as the Court's centrist.

On the bench, Justice Powell was a model of judicial restraint.

His lawyerly approach, which put aside personal biases, bespoke a guiding commitment to the Constitution, rather than to any particular ideology.

Though personally opposed to the death penalty, for example, he refused to strike it down as unconstitutional.

Though a Nixon appointee, he refused to side with the President's argument that the Watergate tapes were protected by executive privilege.

On case after case, Justice Powell found himself in the center, with the key swing vote in 5-to-4 Court decisions.

The most famous of these is probably the Bakke case, where Justice Powell wrote the Court's opinion which split the difference on the divisive question of racial preferences in higher education.

While four Justices argued that admissions must be colorblind, and four justices argued that the quotas were permissible, Justice Powell forged a middle-ground position which many

Americans have come to accept: Affirmative action, yes, but quotas no.

When Justice Powell retired, his moderation on the Court was praised by Republicans and Democrats alike.

President Reagan's nomination of Robert Bork was rejected in very large part because judge Bork was seen as not fitting into the moderate mold of Justice Lewis Powell.

Since retiring from the Court in 1987, Justice Powell has stayed active in public affairs.

He has continued to sit periodically on the Fourth Circuit Court of Appeals in Richmond, and he chaired an influential commission on the reform of habeas corpus procedures.

The Powell Commission's recommendations have been so well regarded that when crime legislation has been debated in this body, both sides of the habeas issue have claimed to be the more faithful to the Powell Commission's recommendations.

Everyone who knows Lewis Powell, Jr., also comments on his gentlemanly demeanor.

One former clerk remembers that as she began her clerkship for Justice Powell, she was told by an outgoing clerk for another Justice: "You're one of the luckiest," to have the chance not only to clerk for a Supreme Court Justice, but for such a decent individual as well.

Naming the Richmond Courthouse in his honor is not something Justice Powell sought; indeed, the introduction of this legislation today should be a surprise to him.

I think all Senators will agree that it is entirely fitting to name the Richmond Courthouse after Justice Powell. It is a personal pleasure and an honor for me to introduce this legislation for two additional reasons.

First, the Justice and I share a mutual affection for, and affiliation with Hunton & Williams: Between my service as Governor and my election to the Senate in 1988, I served briefly with the firm, which Justice Powell helped build.

Second, I have a special tie with the building which is to be named after Justice Powell, through my great-great-grandfather, who's office was in the courthouse building when he served as Secretary of the Treasury, during the Confederacy, and I later had my office there, when I clerked for Judge John Butzner on the Fourth Circuit Court of Appeals.

In closing, Mr. President, I think it highly appropriate to name the Federal Courthouse in Richmond, the Lewis F. Powell, Jr., United States Courthouse.

I cannot think of an individual more deserving of that honor.

I am pleased to introduce this legislation, and I ask unanimous consent that the bill be printed in the RECORD.

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

S. 597

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

**SECTION 1. DESIGNATION OF LEWIS F. POWELL, JR. UNITED STATES COURTHOUSE.**

The United States courthouse located at 10th and Main Streets in Richmond, Virginia, is designated as the "Lewis F. Powell, Jr. United States Courthouse".

**SEC. 2. LEGAL REFERENCES.**

Any references in any law, regulation, document, record, map, or other paper of the United States to the courthouse referred to in section 1 is deemed to be a reference to the "Lewis F. Powell, Jr. United States Courthouse".

Mr. WARNER. Madam President, I join my distinguished colleague, Senator ROBB, this morning to introduce legislation to name the Federal courthouse in Richmond in honor of former U.S. Supreme Court Justice Lewis F. Powell, Jr.

Justice Powell has touched the lives of so many Virginians, and I am privileged to say that I am one. In so many ways, this seems, not only to the two Senators, but indeed to the vast majority of Virginians, a most appropriate step.

I am also pleased to share with my colleagues that in a conversation today with former Senator Harry F. Byrd, Jr., he enthusiastically joins in support of this legislation.

Justice Powell literally has given a lifetime of public service, culminating in more than 15 years on the U.S. Supreme Court. His contributions have not been limited to his chosen profession. He has donated his time and talent extensively for the betterment of Richmond, his native community, which he loved so dearly.

He is a decorated veteran of World War II. He was in the Army Air Corps at that time. I studied that chapter of his history. Justice Powell served his Nation bravely in war as well as in peace. It is certainly appropriate for the Federal courthouse in his hometown to everlastingly bear his name.

A lifelong resident of Richmond, Justice Powell is a graduate of Washington and Lee University, the university that I was privileged to attend, as well as my father. He graduated in 1903 from Washington and Lee. He attended Harvard Law School and entered the bar in 1931. Three years later, he joined the very venerable and highly respected law firm Hunton, Williams, Gay, Powell, and Gibson of Richmond, VA. It is recognized to be South's largest law firm.

In 1941 at the age of 34, Justice Powell heeded his Nation's call to arms, enlisting in the U.S. Army Air Corps. He served as an intelligence officer in the European and North African theaters, rising from the rank of lieutenant to colonel and earning the Legion of Merit, the Bronze Star, and the French Croix de Guerre with Palm.

Returning to the practice of law, he dedicated himself to improving the ad-

ministration of the legal profession. Over the years he assumed a series of leadership positions in the organized bar, including presidencies of the American Bar Association from 1964 to 1965; the American Bar Foundation from 1969 to 1971; and the American College of Trial Lawyers from 1969 to 1971.

When he was his nominated to the High Court by then-President Nixon in 1971, Justice Powell was described by his friends and colleagues as the "quintessential Southern gentleman"—kind, courteous, humble, respectful, persuasive, yet at all times polite. In a fitting tribute to the Justice's character and integrity those same words were chosen to honor his service when he retired from the Court in 1986. Fellow Justice O'Connor said that, "the humanizing influence of Justice Powell's courtesy and kindness is not an easy thing to measure, but for those of us who felt it, it will be impossible to forget."

Justice Powell brought more than a record of legal accomplishment in the field of corporate and securities law. His devotion to his civic endeavors provided him with the experiences which were frequently reflected in his Supreme Court career. Those experiences, along with his sincere concern for those seeking relief from hardship and injury before the Court, provide insight into Justice Powell's perception of the Court's role as an institution.

Justice Powell's reverence for the U.S. Constitution and respect for the decisions of the Supreme Court were demonstrated early in his career, during his tenure as chairman of the Richmond City School Board from 1952 to 1961. He was a voice of reason during turbulent times, working tirelessly to forge a consensus in the community which allowed for the peaceful integration of Richmond's public schools. His unflinching commitment to quality public school education and to ensuring a child's access to such education continued with his appointment as chairman of the Virginia Board of Education, as well as his 1968 appointment to the Commission on Constitution Revision. That commission was charged with modifying the Virginia Constitution for the first time since 1928.

His imprint on this undertaking was evident in the adoption of his amendment to the Virginia Constitution which stipulates that:

Free government rests, as does all progress, upon the broadest possible diffusion of knowledge, and that the Commonwealth should avail itself of those talents which nature has shown so liberally among its people by assuring the opportunity for their fullest development by an effective system of education throughout the Commonwealth.

As President Johnson's appointee to the National Advisory Committee on Legal Services for the Poor, and also as president of the American Bar Associa-

tion during the 1964-65 term, Justice Powell devoted the full force of his position and considerable reputation to remind the legal community of its duty in a democratic society: To work with the Government to provide free, accessible, quality, legal assistance to the indigent.

His commitment in this arena bore fruit in the Legal Services Program of the Office of Economic Opportunity, formalizing a partnership between the legal profession and the Federal Government. Justice Powell skillfully avoided politicizing the program and was successful in achieving the highest professional standards—the hallmark of the program today.

Reflecting back on his beliefs, Justice Powell maintained that:

Our system depends on the rule of law, and lawyers are officers of the court. And the courts preserve only with the aid and assistance of lawyers the liberties and freedoms of our people.

Justice Powell is remembered as a centrist member of the Court, often providing the swing vote. These popular views, however, fail to recognize the depth of his commitment to his work. He brought vigor and energy to that work, spending 70 to 80 hours each week on cases before the Court and writing over 260 opinions plus an equal number of concurring and dissenting opinions—the third highest number written. In each opinion, he sought to develop a consensus, balancing the views of each side so that each side believed some success had been achieved in appearing before the Court.

If I may offer my own observations of Justice Powell's actions on the Court, he seemed deeply committed to developing opinions founded on the specific facts of each case, rather than seeking to establish some overarching ideological goal as policy. Further, he was not isolated from the impact his decisions would have on the parties involved in the cases before him. As former Clerk Richard H. Fallon, Jr., noted,

When deeply entrenched principles war with each other, a Justice who seeks to preserve both, however precariously, perhaps bears the mark of a conservative. But if Justice Powell is a conservative, he is the wisest kind of conservative, in whom the intellectual and moral virtues are not disjoined from human understanding and compassion.

In perhaps his most publicized opinion, *Regents of University of California v. Bakke* (1978), Justice Powell affirmed the validity of affirmative action programs while invalidating the narrow question before the Court of a medical school's admission policy based solely on race. This limited ruling served to support the principle of affirmative action as a means of addressing past practices of discrimination.

In several subsequent cases, the Court has affirmed the basic tenets of *Bakke* where Justice Powell wrote the following:

If the petitioner's purpose is to assure within its student body some specified percentage of a particular group merely because of its race or ethnic origin, such a preferential purpose must be rejected not as insubstantial but as facially invalid. Preferring members of any one group for no reason other than race or ethnic origin is discrimination for its own sake. This the Constitution forbids.

The fourth goal asserted by petitioner is the attainment of a diverse student body. This clearly is a constitutionally permissible goal for an institution of higher education. Academic freedom, though not a specifically enumerated constitutional right, long has been viewed as a special concern of the First Amendment. The freedom of a university to make its own judgments as to education includes the selection of its student body.

The fatal flaw in petitioner's preferential program is its disregard of individual rights as guaranteed by the 14th Amendment. Such rights are not absolute. But when a state's distribution of benefits or imposition of burdens hinges on the color of a person's skin or ancestry, that individual is entitled to a demonstration that the challenged classification is necessary to promote a substantial state interest.

Madam President, perhaps the most succinct assessment of Justice Powell's character, integrity and persona was offered by Judge J. Harvie Wilkinson, Jr., who said,

For those who seek a comprehensive vision of constitutional law, Justice Powell will not have provided it. For those who seek a perspective grounded in realism and leavened by decency, conscientious in detail and magnanimous in spirit, solicitous of personal dignity and protective of the public trust, there will never be a better Justice.

In naming the Federal courthouse after Justice Powell, we do more than simply recognize his keen intellect, his considerable powers of reason, and his contributions to American society. We also pay tribute to a great humanitarian who gave freely of his talents with endless compassion to improve the quality of life for all Americans.

We commemorate a man who took dreams of a better America and made them a reality.

Madam President, I join with many, many Virginians and my distinguished colleague, Mr. ROBB, in recommending to the Senate and eventually to the Congress of the United States, the courthouse in our State's capital be so named.

By Mr. DURENBERGER:

S. 598. A bill to amend the National Labor Relations Act to provide for expedited adjudication of unfair labor practice charges, and for other purposes; to the Committee on Labor and Human Resources.

JUSTICE FOR PERMANENTLY DISPLACED  
STRIKING WORKERS ACT OF 1993

Mr. DURENBERGER. Mr. President, I rise today to introduce a bill, the Justice for Permanently Displaced Striking Workers Act of 1993, that will expedite the adjudication of unfair labor practice charges at the National Labor Relations Board [NLRB or Board].

Mr. President, the current system that we have created for processing unfair labor practice claims is protracted, burdensome, untimely, and therefore fails to provide meaningful relief to parties involved in a labor dispute. The bill that I offer today addresses that problem and, in my view, goes a long way toward vindicating the rights of striking workers. This bill is similar to one that I introduced last year that we did not have time to consider before Congress adjourned. I am introducing this bill today because I believe that its passage is absolutely critical to the working men and women of this country.

THE RIGHT TO ENGAGE IN COLLECTIVE  
BARGAINING

I would like to take a moment to review with my colleagues some background on labor law and the manner in which unfair labor practice charges are processed by the NLRB.

Under the National Labor Relations Act [NLRA or act], employees have the right to join together for mutual aid and protection, which includes the right to engage in collective bargaining with their employer. The NLRA provides specific protections which allow employees to engage in collective bargaining, and also imposes upon employers a corresponding mutual obligation to bargain with their employees. Under section 8(a)(5) of the NLRA, it is an unfair labor practice for an employer to fail to bargain in good faith with the certified representative of its employees.

When employees go out on strike because of a dispute with their employer involving wages, hours, or terms and conditions of employment, the strike is termed an economic strike. In that case, employers have the right to remain open for business, utilizing permanent replacements if necessary. That has been the law since 1938.

However, employers are not allowed to permanently replace employees who strike in protest over an employer's unfair labor practice. Rather, upon receipt of an unconditional offer to return to work, employers must reinstate striking workers, or backpay liability begins to accrue from that point forward. Thus, Mr. President, current law protects union members from employers that intend to provoke a strike in order to bust a union. Employers can permanently replace economic strikers, but they cannot permanently replace unfair labor practice strikers.

The problem is that when union members file a charge with the NLRB claiming that an employer has committed an unfair labor practice, the Board takes much too long to vindicate their rights. What happens in real life is that employers replace workers, workers claim that they are engaged in an unfair labor practice strike, and then litigation begins before the

NLRB. Litigation can drag on for months, if not years. All that time, union members, working men and women, are left out on the streets. If the workers prevail, they are reinstated with backpay. But that victory is extremely hollow when it comes 2, 3, or even 4 years after the workers went out on strike.

I should note that the longer these cases drag on, the more expensive a potential backpay award becomes for employers. Too often, companies find themselves faced with the costly dilemma of continuing to do business with replacements, or hiring back striking workers.

It is often said that justice delayed is justice denied. That certainly holds true for those who face unreasonable delays before the NLRB. In order to fully understand the extent of the problem, we need to examine the process of adjudication before the Board.

#### NLRB PROCEDURE

Mr. President, the process begins when an employee files an unfair labor practice charge with one of 33 regional NLRB offices. That regional office investigates the charge and, if meritorious, issues a complaint.

[Charts not reproducible in the RECORD.]

As the chart indicates, the case either settles at this point, or the regional office litigates the case before an administrative law judge [ALJ]. The good news is that the vast majority of these cases settle without litigation and according to a recent report by the General Accounting Office [GAO], one-half of these cases were resolved without litigation in 50 days or less. See "National Labor Relations Board: Action Needed to Improve Case-Processing Time at Headquarters," GAO/HRD-91-29, January 1991, hereinafter "GAO Report."

But there is also bad news. The cases that do not settle at this point may drag on for a substantial period of time. For those unfair labor practice charges that are not settled, but instead are litigated before an ALJ, the median time to obtain a decision is nearly 1 year. "GAO Report," at 16. This is much too long for workers to wait when they are on strike and going without pay.

Unfortunately, the litigation process does not end here. Instead, it has just begun. Either party may appeal the ALJ's decision to the full National Labor Relations Board sitting in Washington, DC. And I think the American people know how efficient we are in Washington.

There are five NLRB members who usually sit in three-judge panels to decide cases. Each party files its brief for the panel to read, and the Board members review the briefs and issue their opinion. While this does not sound like a complicated process, too often it is a lengthy one.

The parties can appeal the Board's decision to the U.S. circuit court of appeals, as happened with about 13 percent of the cases in 1989, and then, if they so desire, they can appeal to the Supreme Court.

Although the courts have backlogs, that is a matter for another day. I have attempted to reduce our Federal court backlog by increasing the opportunity for alternative dispute resolution. For instance, during the floor debate on the family leave bill, I offered an amendment with my colleague from Iowa, Senator GRASSLEY, to encourage arbitration in order to enforce the rights created under that bill. I lost that battle, but I will continue to try to reduce the delays in our court system.

Mr. President, as I indicated, that is a matter for another day. Today I would like to focus this body's attention on the delays associated with the National Labor Relations Board.

Mr. President, the NLRB takes much too long to adjudicate unfair labor practice charges. Consider the following statistics compiled by the GAO:

In 1988, 30 percent of the ULP cases decided had been at the Board more than 2 years, and 15 percent had been at the Board for over 4 years.

In 1989, 21 percent of the ULP cases decided had been before the Board more than 2 years, and 10 percent had been there for over 4 years.

Mr. President, imagine if you were a striking union member whose case was pending at the NLRB. Having spent nearly 1 year litigating your case at the local level before an administrative law judge, you must wait another year, or 2, or even 4 years before you are reinstated to the job that is rightfully yours.

How can we expect the working men and women of America to wait that long without an answer? How can we expect union members to wait 4 years for the NLRB to vindicate their federally protected right to engage in collective bargaining and to strike? The answer is that we simply cannot make union workers wait that long for justice.

The statistics during the last decade are astonishing. I ask my colleagues to note that from 1984 to 1989:

The NLRB in Washington took more than 2 years to decide 20 percent of the cases appealed to it; and

The Board took anywhere from 3 to 7 years to decide 11 percent of those cases.

I think that anyone who sees the length of time that it takes for working men and women to receive justice from our system would recognize that our system needs to be changed. The NLRB needs to be more responsive to cases where unfair labor practice charges are filed and where permanent replacements have been hired. Otherwise, both workers and management will lose faith in the system.

According to the GAO, between 1984 and 1989, 26 percent of these cases took between 1 and 3 years to decide. That figure represents nearly 1,000 cases. One thousand cases. Hundreds of thousands of workers. Another 200 cases, or 5 percent of the cases, took the Board between 3 and 4 years to resolve. I believe that the American people and the working men and women of this country deserve better from their Government.

#### ACTION IS REQUIRED

Mr. President, after examining these timeframes, I think it is obvious that we cannot expect working men and women to file unfair labor practice charges, to be permanently replaced by the owners of their company, and then to wait sometimes 4 years for the NLRB to vindicate their rights. In my view, that does not seem reasonable at all.

To remedy this situation, I propose an expedited review procedure for the adjudication of unfair labor practice charges. This new process would provide an opportunity for administrative law judges and the NLRB in Washington, DC to engage in a meaningful review of each case, while at the same time ensuring that the system vindicates the rights of striking workers.

Under the Durenberger proposal, the expedited adjudication process would apply in cases where a collective bargaining agreement has expired, any party to a labor contract alleges that the other party has failed to engage in good faith bargaining as required by the National Labor Relations Act, and an employer has hired permanent replacements.

In this situation, the ALJ would be required to hold a hearing within 60 days after the Board's regional office files a complaint. After the hearing has been held and the parties have filed their briefs, the ALJ would have no more than 60 days to issue his or her opinion.

As we noted before, however, delay is not caused solely by the administrative law judges. In fact, most of the problem is at the Board level here in Washington. Accordingly, my proposal also would place time constraints on the NLRB.

After the ALJ has issued a decision, a party would have 30 days to file an appeal with the NLRB and the other party would have 15 days to file its brief in opposition to the appeal. Thereafter, the Board would have to issue a decision in the case within 90 days. That period could be extended 30 days if oral arguments were required.

I should also mention that under the provisions of this bill, the parties themselves may agree to extend these timetables.

If either an ALJ or the Board fails to comply with these requirements, the bill requires them to submit the reasons for the delay to the Senate Labor

and Human Resources Committee and to publish such reasons in the Federal Register.

Mr. President, I do not like to place strict time requirements on Federal administrative agencies. In my view, Congress should not attempt to micro-manage executive and independent agencies.

At the same time, however, I believe strongly that the American people have a right to demand that their Government be responsive to their needs. When union members go on strike, they should not be expected to wait 3 or 4 or 5 years for the Board to determine whether their employer has committed an unfair labor practice.

Mr. President, the system has let our people down. We must restore meaningful redress to our organized work force. I ask my colleagues to support my proposal for expedited review of unfair labor practices where a labor contract has expired and permanent replacements have been hired.

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. 598

*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 "Justice for Permanently Displaced Striking Workers Act of 1993".

**SEC. 2. FINDINGS AND PURPOSES.**

(a) FINDINGS.—Congress finds that—

(1) when employers fail to bargain in good faith and hire permanent replacements, the National Labor Relations Board and its administrative law judges take too long to vindicate the rights of striking workers guaranteed under the National Labor Relations Act;

(2) undue delay in the adjudication of unfair labor practice charges during labor disputes where permanent replacements have been hired also unfairly prejudices employers by forcing them to pay striking workers unnecessarily large backpay awards if the National Labor Relations Board or an administrative law judge ultimately sustains an unfair labor practice charge and issues a reinstatement order; and

(3) the lack of timely adjudication of unfair labor practice charges in connection with labor disputes where permanent replacements have been utilized poses an obstacle to continued stable labor relations in the United States.

(b) PURPOSES.—It is the purpose of this Act—

(1) to provide for the expedited adjudication of unfair labor practice charges when permanent replacements have been hired; and

(2) to restore justice for striking workers exercising their legal rights secured under the National Labor Relations Act.

**SEC. 3. FACILITATE ADJUDICATION OF UNFAIR LABOR PRACTICE CHARGES.**

(a) PRIORITY OF CASES.—Section 10(m) of the National Labor Relations Act (29 U.S.C. 160(m)) is amended—

(1) by striking out "(a)(3) or (b)(2)" and inserting in lieu thereof "(a)(3), (a)(5), (b)(2), or (b)(3)"; and

(2) by adding at the end thereof the following new sentence: "In cases where a collective bargaining agreement has expired and a person alleges that a party to a collective bargaining agreement has failed to negotiate in good faith as required by the Act, and where permanent replacements have been hired, an expedited investigation and adjudication procedure shall be available as described in subsection (n).

(b) TIMETABLE FOR ADJUDICATION.—Section 10 of such Act (29 U.S.C. 160) is amended by adding at the end thereof the following new subsection:

"(n)(1) In cases described in the last sentence of subsection (m), administrative law judges shall have 60 days in which to hold a hearing after a complaint has been filed under this section. After such hearing has occurred and the parties have filed their briefs with respect to such, the administrative law judge involved shall have not more than 60 days to issue a decision with respect to such case.

"(2) A party in a case described in paragraph (1) shall have 30 days in which to file a brief with the Board containing exceptions to the decision of an administrative law judge under such paragraph. Other parties shall have 15 days in which to file their briefs in response to such exceptions.

"(3) The Board shall have 90 days after the date on which a brief has been filed under paragraph (1), to issue a decision in the case. Such period may be extended for an additional 30 days if an oral argument is scheduled.

"(4) By mutual agreement of the parties, the timetables contained in paragraphs (1) through (3) may be extended as agreed upon.

"(5) If the administrative law judge fails to meet any deadline contained in this subsection, the administrative law judge shall notify the parties, the National Labor Relations Board, and the Committee on Labor and Human Resources of the Senate and explain the reasons for the delay. The notification and reasons for the delay shall be submitted by the administrative law judge for publication in the Federal Register.

"(6) If the National Labor Relations Board fails to meet any deadline in this subsection, the Chairman of the National Labor Relations Board shall notify the Committee on Labor and Human Resources of the Senate and explain the reasons for the delay. The notification and reasons for the delay shall be submitted by the National Labor Relations Board for publication in the Federal Register."

**SEC. 4. EFFECTIVE DATE.**

This Act shall become effective upon the date of enactment of this Act.

By Mr. GRASSLEY (for himself, Mr. DURENBERGER, Mr. SIMON, and Mr. CONRAD):

S. 599. A bill to amend the Internal Revenue Code of 1986 to provide a permanent extension for the issuance of first-time farmer bonds; to the Committee on Finance.

**FIRST-TIME FARMER BONDS EXTENSION ACT**

Mr. GRASSLEY. Mr. President, I rise today to reintroduce legislation to extend permanently the Federal tax exemption for agricultural private activity bonds. These Aggie bonds are part of a larger package of tax-exempt

bonds that expired at the end of last June. Joining me in this effort are Senators DURENBERGER, SIMON, and CONRAD.

Aggie bonds are used to finance low-interest farm loans targeted to beginning farmers. The borrower must secure a participating private lender, who assumes all of the loan risk. Federal law limits use of the bonds for loans to first-time farm purchases and restricts them to a maximum of \$250,000 per family per lifetime. State law may impose additional restrictions, such as net worth and residency requirements.

Unfortunately, State programs have been languishing since the tax-exempt status was lost, because the tax-exempt status is precisely what enabled the finance programs to issue low-interest loans to first-time farmers.

As we all know Mr. President, there has been a steady flow of people and income from rural to urban and suburban America, which has had a detrimental effect on the rural economy. Continuation of the Aggie Bond Program could be a real boon for rural development. The program addresses the one problem, stressed by the task force, on agricultural finance—that of accessible and affordable credit to beginning farmers.

To date, over 4,000 loans worth nearly \$500 million have been processed through the Aggie Bond Program nationwide. In my State of Iowa, aggie bonds were first issued in 1981. Under Iowa's beginning farmer program, nearly 1,400 loans worth over \$120 million have been approved and closed. Since the program expired, 159 new loans, worth nearly \$19 million have been approved, but cannot be closed until the program is extended.

It is important to note that there is absolutely no financial risk to the Federal Government in this program and the cost is minimal.

I am very encouraged to see that the Clinton administration has expressed strong support for the program by including it as a small part of the new budget plan. It is one of the few bright spots in an otherwise dismal document.

I, therefore, urge my colleagues to join me and the cosponsors of this bill by supporting this effort to help America's beginning farmers.

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

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

S. 599

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

**SECTION 1. FIRST-TIME FARMER BONDS EXTENDED PERMANENTLY.**

(a) IN GENERAL.—Section 144(a)(12) of the Internal Revenue Code of 1986 is amended by adding at the end thereof the following new subparagraph:

"(D) FIRST-TIME FARMER BONDS.—Subparagraph (A) shall not apply to any bond issued

as part of an issue 95 percent or more of the net proceeds of which are to be used to provide any land or property in accordance with section 147(c)(2)."

(b) CONFORMING AMENDMENT.—Subparagraph (B) of section 144(a)(12) of such Code is amended to read as follows:

"(B) BONDS ISSUED TO FINANCE MANUFACTURING FACILITIES.—In the case of any bond issued as part of an issue 95 percent or more of the net proceeds of which are to be used to provide any manufacturing facility, subparagraph (A) shall be applied by substituting 'June 30, 1992' for 'December 31, 1986'."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to bonds issued after June 30, 1992.

Mr. DURENBERGER. Mr. President, I rise today in support of Senator GRASSLEY's bill which would permanently extend the Federal tax exemption for agricultural private activity bonds—also known as aggie bonds.

Aggie bonds are essential if farm loans are to be made for the next generation of farmers. As America sees record numbers of farmers leaving the land and younger generations moving to the cities, the need for tax exempt aggie bonds is clear. Federal law constricts the use of the bonds for loans to first-time farm purchases and restricts them to a maximum of \$250,000 per family per lifetime.

Since 1980, \$450 million in aggie bonds have been used by more than 3,500 beginning farmers to purchase farmland, construct agricultural facilities, and acquire needed machinery. Without aggie bonds, many of these farmers would not have been able to enter farming or modernize their facilities. In a survey conducted by the National Council of State Agricultural Finance Programs in August of 1990, 77 percent of the recipients of aggie bond financing used the loans to make their first land purchase; and, 66 percent of the recipients said they could not have made the purchases in question if not for these loans.

Local lenders are the primary purchasers of aggie bonds and it is the local community that benefits from the beginning farmers that are funded by them. As farmers are established by this financing, the benefits of this program ripples out to the implement dealers, seed suppliers, and other services in rural economy. Tax exemption for aggie bonds is good public policy.

Mr. President, the transfer of our Nation's farms to a new generation is at a critical junction. In 1991, the average age of an American farmer was 53. Fewer young farmers want to stay on the farm and cost is the most glaring problem. Commodity prices simply have not kept pace with the increase in expenses.

Assistance is therefore needed to help these new farmers to stay on the farm. The Aggie Bond Program does this by reducing the interest expense to young farmers. This helps their bottom line and gives them incentive to remain on the farm.

The Aggie Bond Program works. I am proud to join Senator GRASSLEY in co-sponsoring this bill and hope that the Senate will approve this exemption.

By Mr. BOREN (for himself, Mr. PACKWOOD, Mr. BAUCUS, Mr. DANFORTH, Mr. PRYOR, Mr. GRASSLEY, Mr. RIEGLE, Mr. DASCHLE, Mr. CONRAD, Mr. SARBANES, Mr. SIMON, Mr. THURMOND, Mr. INOUE, Mr. LIEBERMAN, Mr. REID, Mr. BINGAMAN, Mr. LEVIN, Mr. HOLINGS, Mr. BURNS, Mr. STEVENS, Mr. D'AMATO, Mr. HELMS, Mr. JEFFORDS, Mr. SASSER, Ms. MIKULSKI, Mr. KRUEGER, Mr. HEFLIN, Mr. LUGAR, Mr. SIMPSON, Mr. CAMPBELL, Mr. DODD, and Mr. WELLSTONE):

S. 600. A bill to amend the Internal Revenue Code of 1986 to extend and modify the targeted jobs credit; to the Committee on Finance.

TARGETED JOBS TAX CREDIT EXTENSION ACT

• Mr. BOREN. Mr. President, I am pleased to introduce with my colleague, Senator PACKWOOD, and 30 original cosponsors, legislation permanently extending the targeted jobs tax credit [TJTC]. Since its enactment 14 years ago, the TJTC has served America well. The credit encourages employers to hire structurally unemployed individuals who otherwise have few opportunities to join the work force because they lack job skills, work experience, or sufficient education. Each year the TJTC is responsible for turning approximately 500,000 individuals away from poverty and public assistance and toward productive self reliance.

The success of the TJTC stems from its design. The tax credit which employers receive against wages paid to eligible employees helps compensate for the additional training needed by these workers. Among those who benefit are welfare and general assistance recipients, economically disadvantaged youth, veterans, the disabled, certain ex-felons, and cooperative education students.

Employers are hesitant to hire these workers because they usually require training before they become fully productive. Perhaps due in part to this hesitancy, joblessness among the target groups is generally three to four times higher than among the general population. In times of high unemployment, the TJTC may represent the only hope for structurally unemployed. Even as the economy is beginning to rebound, unemployment rates remain unacceptably high.

The success of the TJTC in combating unemployment is clear. Since it was adopted, the tax credit has resulted in jobs for over 4 million structurally unemployed Americans. In 1991—the last full year the TJTC was in effect—there were 427,000 TJTC place-

ments; nearly 5,500 of those jobs were located in my State of Oklahoma. I was not surprised, therefore, that President Clinton included a permanent extension of the TJTC in his plan to increase government and private investment to ensure real economic growth.

This bill expands the coverage of the TJTC in two ways. First, economically disadvantaged veterans are considered eligible workers. This change in the credit is particularly important as we downsize the defense sector of the economy; it helps ease the transition for some veterans as they transfer their skills to the private sector. Second, the bill extends the eligibility to 23- and 24-year-old economically disadvantaged youths. Even though these youths are often the heads of households, no other jobs program, such as JTPA or Job Corps, specifically targets this age group. Extending coverage to them would help their families escape the cycle of poverty and dependency.

This bill, like President Clinton's proposal and last year's comprehensive tax bill, would extend the TJTC permanently. Permanent extension is crucial to allow employers and organizations that place these workers to make long-range plans and to coordinate more effectively with other State and Federal job programs. Our current stop-and-start tax policy causes too much uncertainty for effective use of this important tax incentive. We must send a strong signal of our commitment to this important employment program.

This uncertainty is justified. The veto last year of the comprehensive tax bill allowed the TJTC and several other tax provisions to expire on June 30, 1992. Because several of us have indicated our strong support for retroactive extension of the credit, employers have continued to place eligible employees and to pursue outreach programs. Retroactive extension will cause few, if any, tax administration problems. Unlike individuals, most corporations do not file their tax returns until September 15. Those corporations that file before we pass legislation extending the credit can easily amend their forms. Finally, it is my understanding that States that use TJTC as a placement tool have continued to meet Federal processing requirements, and that the Department of Labor has been appropriated money to process documents so that a backlog can be avoided.

Mr. President, this legislation is vitally important to our commitment to foster sustained growth. I urge my colleagues to join with us in ensuring quick passage of this permanent extension of the targeted jobs tax credit. I also ask unanimous consent that a copy of the bill and a statement by Mr. PACKWOOD appear in the CONGRESSIONAL RECORD immediately following my remarks.

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

S. 600

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

**SECTION 1. EXTENSION AND MODIFICATION OF TARGETED JOB CREDIT.**

(a) EXTENSION.—Paragraph (4) of section 51(c) of the Internal Revenue Code of 1986 (relating to termination) is hereby repealed.

(b) RESTORATION OF ECONOMICALLY DISADVANTAGED YOUTH STATUS TO INDIVIDUALS WHO HAVE NOT ATTAINED AGE 25.—

(1) IN GENERAL.—Subparagraph (B) of section 51(d)(3) of such Code is amended by striking "age 23" and inserting "age 25".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to individuals who begin work for the employer after June 30, 1992.

**SEC. 2. CREDIT ELIGIBILITY FOR CERTAIN VETERANS.**

(a) VETERANS DESIGNATED.—Paragraph (1) of section 51(d) of the Internal Revenue Code of 1986 (relating to members of targeted groups) is amended by striking "or" at the end of subparagraph (I), by striking the period at the end of subparagraph (J) and inserting ", or", and by adding at the end thereof the following new subparagraph:

"(K) an economically disadvantaged veteran."

(b) ECONOMICALLY DISADVANTAGED VETERAN DEFINED.—Section 51(d) of such Code is amended by adding at the end thereof the following new paragraph:

"(17) VETERAN WHO IS A MEMBER OF AN ECONOMICALLY DISADVANTAGED FAMILY.—The term 'veteran who is a member of an economically disadvantaged family' means any individual who is certified by the designated local agency as—

"(A) having served in the active military, naval, or air services (other than active duty for training) of the United States,

"(B) having been discharged or released from such service under conditions other than dishonorable, and

"(C) being a member of an economically disadvantaged family (determined under paragraph (11))."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to individuals who begin work for the employer after June 30, 1993.●

● Mr. PACKWOOD. Mr. President, I am pleased to join my distinguished colleague from Oklahoma, Senator BOREN, in introducing a bill to make the targeted jobs tax credit a permanent provision in the Internal Revenue Code and to add economically disadvantaged military veterans and 23-24 year-old economically disadvantaged youths to the categories of employees eligible for the targeted jobs tax credit program.

The targeted jobs tax credit is the single most important program offering economically disadvantaged Americans who have little or no job history and/or a limited education an opportunity to learn new skills and take the first steps toward becoming productive citizens.

I know in my own State of Oregon this program has been successful. In 1990, nearly 6,000 individuals were employed because of the targeted jobs tax

credit program, including 2,000 economically disadvantaged youths and more than 1,000 handicapped persons.

I am, however, concerned about the future of the targeted jobs tax credit program. During the past few years budget constraints have forced Congress to extend this program for only 1 year at a time. Last year, the program expired on June 30, 1992, without being renewed. Senator BOREN and I wrote the Secretary of Labor asking that Federal funds appropriated for States to use to administer the targeted jobs tax credit program continue to be used by the States to process eligible individuals in anticipation of the program being retroactively back to July 1, 1992. Just recently, I mentioned this matter again to Secretary Reich and am hopeful of a favorable outcome.

I urge all my colleagues to cosponsor this important piece of legislation. I believe that the targeted jobs tax credit program can achieve even greater success if the tax credit is made a permanent provision of the Internal Revenue Code. I hope my friends in Congress will make this a reality at the first possible opportunity.●

By Mr. INOUE:

S. 601. A bill to require that imported fresh papayas meet all the requirements imposed on domestic fresh papayas, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

**IMPORTED PAPAYA REQUIREMENTS**

Mr. INOUE. Mr. President, I rise to introduce a bill to amend section 8e of the Agricultural Adjustment Act, hereafter referred to as the "Act," as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, to require that imports of Solo-type papaya meet all requirements imposed on domestic fresh Solo-type papaya.

Under section 8e, whenever any marketing order issued by the Secretary of Agriculture:

\*\*\* contains any terms of conditions regulating the grade, size, quality, or maturity of tomatoes, raisings, olives (other than Spanish-style green olives), prunes, avocados, mangoes, limes, grapefruit, green peppers, Irish potatoes, cucumbers, oranges, onions, walnuts, dates, filberts, or eggplants produced in the United States the importation into the United States of any such commodity \*\*\* shall be prohibited unless it complies with the grade, size, quality, and maturity provisions of such order or comparable restrictions promulgated hereunder

This bill would add Solo-type papayas to this list of imported commodities that must meet minimum quality standards of domestically produced fruits, vegetables, and specialty crops.

Solo-type papayas are currently marketed under the provisions of marketing order, 7 CFR part 928, as amended, regulating among other things grade, size, quality, and maturity. The purpose of this marketing order, as with

other similar orders, is to protect the interests of our domestic consumers and provide them with high-quality commodities, whether the product is foreign or domestic. Oftentimes, however, the efforts of the domestic industries to market high-quality products are undercut by imports of a like commodity that is of inferior quality.

Since 1972, U.S. papaya growers have been fighting to get the equal treatment they deserve, but have been continually turned back by Congress under the pretext that such a measure would in effect be posing as a trade barrier against papaya exporting countries like the Dominican Republic and Mexico. Mr. President, all my bill does is guarantee equal treatment to both domestic and international producers.

Given the very remote possibility that my bill would pose a trade barrier, I note that the Congress has allowed for such an occurrence in the 1990 farm bill. I refer specifically to Public Law 101-624, section 1308 (7 U.S.C. 608e-1 (c) and (d)). This provision allows the Secretary of Agriculture to proceed with import quality regulations if in receipt of the U.S. Trade Representative's concurrence that the regulations are not inconsistent with U.S. obligations under any trade agreement.

In closing, Mr. President, I believe that the inclusion of Hawaii Solo-type papayas under section 8e of the act would result in higher quality produce for our Nation's consumers. The question here is not one of competition or protectionism, but rather of quality and taste. The bill I am introducing today would ensure that Solo-type papayas produced in foreign countries and marketed in the United States meet the same minimum quality standards of Solo-type papayas produced and marketed domestically.

I urge my colleagues to support this measure.

By Mr. BREAUX:

S. 602. A bill to amend title XVIII of the Social Security Act to provide coverage of outpatient self-management training services under part B of the Medicare Program for individuals with diabetes; to the Committee on Finance.

**MEDICARE DIABETES OUTPATIENT SELF-MANAGEMENT TRAINING ACT OF 1993**

● Mr. BREAUX. Mr. President, diabetes is the third leading cause of death from disease in the United States. Deaths accountable to diabetes or resulting complications number about 250,000 per year. Diabetes also results in about 12,000 new cases of blindness each year and greatly increases an individual's chance of heart disease or stroke.

The terrible irony, Mr. President, is that diabetes is largely a treatable condition. While there is no known cure, individuals who have diabetes can lead completely normal, active lives so long as they take proper care of them-

selves—inject themselves with insulin, stick to a proper diet, and get the proper exercise.

In order to take proper care of themselves, diabetics need to take self-maintenance educational programs—at least once when they are diagnosed with the disease and then periodically after that to keep up with the latest treatments and any changes in their own condition.

Appropriate preventive education services for diabetics have the potential to save a great deal of money that would otherwise go for hospitalizations and other acute care costs—not to mention a great deal of unnecessary pain and suffering. Studies by the American Diabetes Association and others have shown that the Medicare Program could save \$2 to \$3 for every \$1 spent on diabetes education.

Medicare currently covers diabetes self-maintenance education services in inpatient or hospital-based settings and in limited outpatient settings—specifically hospital outpatient departments or rural health clinics. Medicare does not cover education services if they are given in any other outpatient setting, such as a doctor's office. Even the limited coverage of outpatient settings that is currently permitted under Medicare is subject to State-by-State variation according to fiscal intermediaries' interpretation.

Today I am reintroducing a bill that I introduced in the 102d Congress, the Medicare Outpatient Diabetes Self-Management Education Act. This legislation would provide Medicare coverage for outpatient education on a consistent basis throughout the country. The bill would extend Medicare coverage of outpatient programs beyond hospital-based programs and rural health clinics and direct the Secretary of Health and Human Services to do two things: First, to develop and implement payment amounts for outpatient diabetes education programs; and second, to adopt quality standards for outpatient education programs. Only qualified programs would be eligible to receive Medicare reimbursement.

This preventive measure is a sensible one that will show savings for the Medicare Program in the long run. I encourage my colleagues to join me in supporting its passage in this Congress. I ask unanimous consent that a copy of the bill appear in the RECORD.

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

S. 602

*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 "Medicare Diabetes Outpatient Self-Management Training Act of 1993".

#### SEC. 2. MEDICARE COVERAGE OF DIABETES OUTPATIENT SELF-MANAGEMENT TRAINING SERVICES.

(a) IN GENERAL.—Section 1861(s)(2) of the Social Security Act (42 U.S.C. 1395x(s)(2)) is amended—

(1) by striking "and" at the end of subparagraph (O);

(2) by adding "and" at the end of subparagraph (P); and

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

"(Q) diabetes outpatient self-management training services (as defined in subsection (l))."

(b) DEFINITION.—Section 1861 (42 U.S.C. 1395x) is amended—

(1) by redesignating the subsection (jj) added by section 4163(a)(2) of the Omnibus Budget Reconciliation Act of 1990 as subsection (kk); and

(2) by inserting after such subsection the following new subsection:

#### "Diabetes Outpatient Self-Management Training Services

"(1)(1) The term 'diabetes outpatient self-management training services' means educational and training services furnished to an individual with diabetes by or under arrangements with a certified provider (as described in paragraph (2)(A)) if—

"(A) the services are furnished in an outpatient setting by an individual or entity meeting the quality standards described in paragraph (2)(B); and

"(B) the physician who is managing the individual's diabetic condition certifies that the services are needed under a comprehensive plan of care related to the individual's diabetic condition to provide the individual with necessary skills and knowledge (including skills related to the self-administration of injectable drugs) to participate in the management of the individual's condition.

"(2) In paragraph (1)—

"(A) a 'certified provider' is an individual or entity that, in addition to furnishing diabetes outpatient self-management training services, provides other items or services for which payment may be made under this title; and

"(B) an individual or entity meets the quality standards described in this paragraph if the individual or entity meets quality standards established by the Secretary, except that the individual or entity shall be deemed to have met such standards if the individual or entity meets applicable standards established by the National Diabetes Advisory Board or is certified by the American Diabetes Association as qualified to furnish the services."

(c) CONSULTATION WITH ORGANIZATIONS IN ESTABLISHING PAYMENT AMOUNTS FOR SERVICES PROVIDED BY PHYSICIANS.—In establishing payment amounts under section 1848(a) of the Social Security Act for physicians' services consisting of diabetes outpatient self-management training services, the Secretary of Health and Human Services shall consult with appropriate organizations, including the American Diabetes Association, in determining the relative value for such services under section 1848(c)(2) of such Act.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to services furnished on or after January 1, 1994.●

By Mr. D'AMATO:

S. 603. A bill to provide for adherence with the MacBride Principles by U.S. persons doing business in Northern Ireland; to the Committee on Finance.

#### NORTHERN IRELAND FAIR EMPLOYMENT PRACTICES ACT

● Mr. D'AMATO. Mr. President, I rise today to offer the Northern Ireland Fair Employment Practices Act. This legislation seeks to deter efforts to use the workplace as an arena of discrimination in Northern Ireland.

The Northern Ireland Fair Employment Practices Act incorporates the MacBride Principles, which are modeled after the famous Sullivan Principles, one of the initial efforts to apply U.S. pressure to change the system of apartheid in South Africa. The MacBride Principles are named in honor of the late Sean MacBride, winner of the Nobel Peace Prize and co-founder of Amnesty International.

This amendment will enlist the cooperation of United States companies active in Northern Ireland in the campaign to force the end of discrimination in the workplace by:

First, eliminating religious discrimination in managerial, supervisory, administrative, clerical, and technical jobs and significantly increasing the representation in such jobs of individuals from underrepresented religious groups;

Second, providing adequate security for the protection of minority employees at the workplace;

Third, banning provocative sectarian and political emblems from the workplace;

Fourth, publicly advertising all job openings and undertaking special recruitment efforts to attract applicants from underrepresented religious groups, and establishing procedures to identify and recruit minority individuals with potential for further advancement, including managerial programs;

Fifth, establishing layoff, recall, and termination procedures which do not favor particular religious groupings;

Sixth, abolishing job reservations, apprenticeship restrictions, and differential employment criteria which discriminate on the basis of religious or ethnic origin;

Seventh, developing and expanding upon existing training and educational programs that will prepare substantial numbers of minority employees for managerial, supervisory, administrative, clerical, and technical jobs; and

Eighth, appointing a senior management staff member to oversee the U.S. company's compliance with the principles described above.

It is at the workplace in Northern Ireland, which can be used to either foster or eliminate discrimination, where improving the employment opportunities for the underprivileged will help factor out the economic causes of the current strife in Northern Ireland and, hopefully, begin the process toward a peaceful resolution of the so-called troubles.

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

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

S. 603

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 "Northern Ireland Fair Employment Practices Act".

**SEC. 2. FINDINGS.**

The Congress finds the following:

(1) Overall unemployment in Northern Ireland exceeds 14 percent.

(2) Unemployment in some neighborhoods of Northern Ireland comprised of religious minorities has exceeded 70 percent.

(3) The British Government Fair Employment Commission (F.E.C.), formerly the Fair Employment Agency (F.E.A.), has consistently reported that a member of the minority community is two and one-half times more likely to be unemployed than a member of the majority community.

(4) The Industrial Development Organization for Northern Ireland lists twenty-five firms in Northern Ireland which are controlled by United States persons.

(5) The Investor Responsibility Research Center (IRRC), Washington, District of Columbia, lists forty-nine publicly held and nine privately held United States companies doing business in Northern Ireland.

(6) The religious minority population of Northern Ireland is frequently subject to discriminatory hiring practices by United States businesses which have resulted in a disproportionate number of minority individuals holding menial and low-paying jobs.

(7) The MacBride Principles are a nine point set of guidelines for fair employment in Northern Ireland which establishes a corporate code of conduct to promote equal access to regional employment but does not require disinvestment, quotas, or reverse discrimination.

**SEC. 3. RESTRICTION ON IMPORTS.**

An article from Northern Ireland may not be entered, or withdrawn from warehouse for consumption, in the customs territory of the United States unless there is presented at the time of entry to the customs officer concerned documentation indicating that the enterprise which manufactured or assembled such article was in compliance at the time of manufacture with the principles described in section 5.

**SEC. 4. COMPLIANCE WITH FAIR EMPLOYMENT PRINCIPLES.**

(a) COMPLIANCE.—Any United States person who—

(1) has a branch or office in Northern Ireland, or

(2) controls a corporation, partnership, or other enterprise in Northern Ireland,

in which more than twenty people are employed shall take the necessary steps to insure that, in operating such branch, office, corporation, partnership, or enterprise, those principles relating to employment practices set forth in section 5 are implemented and this Act is complied with.

(b) REPORT.—Each United States person referred to in subsection (a) shall submit to the Secretary—

(1) a detailed and fully documented annual report, signed under oath, on showing compliance with the provisions of this Act; and

(2) such other information as the Secretary determines is necessary.

**SEC. 5. MACBRIDE PRINCIPLES.**

The principles referred to in section 4, which are based on the MacBride Principles, are as follows:

(1) Eliminating religious discrimination in managerial, supervisory, administrative, clerical, and technical jobs and significantly increasing the representation in such jobs of individuals from underrepresented religious groups.

(2) Providing adequate security for the protection of minority employees at the workplace.

(3) Banning provocative sectarian and political emblems from the workplace.

(4) Advertising publicly all job openings and undertaking special recruitment efforts to attract applicants from underrepresented religious groups.

(5) Establishing layoff, recall, and termination procedures which do not favor particular religious groupings.

(6) Providing equal employment for all employees, including implementing equal and nondiscriminatory terms and conditions of employment for all employees, and abolishing job reservations, apprenticeship restrictions, and differential employment criteria, which discriminate on the basis of religion or ethnic origin.

(7) Developing training programs that will prepare substantial numbers of minority employees for managerial, supervisory, administrative, clerical, and technical jobs, including—

(A) expanding existing programs and forming new programs to train, upgrade, and improve the skills of all categories of minority employees;

(B) creating on-the-job training programs and facilities to assist minority employees to advance to higher paying jobs requiring greater skills; and

(C) establishing and expanding programs to enable minority employees to further their education and skills at recognized education facilities.

(8) Establishing procedures to assess, identify, and actively recruit minority individuals with potential for further advancement, and identifying those minority individuals who have high management potential and enrolling them in accelerated management programs.

(9) Appointing a senior management staff member to oversee the United States person's compliance with the principles described in this section.

**SEC. 6. WAIVER OF PROVISIONS.**

(a) WAIVER OF PROVISIONS.—In any case in which the President determines that compliance by a United States person with the provisions of this Act would harm the national security of the United States, the President may waive those provisions with respect to that United States person. The President shall publish in the Federal Register each waiver granted under this section and shall submit to the Congress a justification for granting each such waiver. Any such waiver shall become effective at the end of ninety days after the date on which the justification is submitted to the Congress unless the Congress, within that ninety-day period, adopts a joint resolution disapproving the waiver. In the computation of such ninety-day period, there shall be excluded the days on which either House of Congress is not in session because of an adjournment of more than three days to a day certain or because of an adjournment of the Congress sine die.

(b) CONSIDERATION OF RESOLUTIONS.—

(1) Any resolution described in subsection (a) shall be considered in the Senate in accordance with the provisions of section 601(b) of the International Security Assistance and Arms Export Control Act of 1976.

(2) For the purpose of expediting the consideration and adoption of a resolution under

subsection (a) in the House of Representatives, a motion to proceed to the consideration of such resolution after it has been reported by the appropriate committee shall be treated as highly privileged in the House of Representatives.

**SEC. 7. DEFINITIONS AND PRESUMPTIONS.**

(a) DEFINITIONS.—For the purpose of this Act—

(1) the term "United States person" means any United States resident or national and any domestic concern (including any permanent domestic establishment of any foreign concern);

(2) the term "Secretary" means the Secretary of Commerce; and

(3) the term "Northern Ireland" includes the counties of Antrim, Armagh, Londonderry, Down, Tyrone, and Fermanagh.

(b) PRESUMPTION.—A United States person shall be presumed to control a corporation, partnership, or other enterprise in Northern Ireland if—

(1) the United States person beneficially owns or controls (whether directly or indirectly) more than 50 percent of the outstanding voting securities of the corporation, partnership, or enterprise;

(2) the United States person beneficially owns or controls (whether directly or indirectly) 25 percent or more of the voting securities of the corporation, partnership, or enterprise, if no other person owns or controls (whether directly or indirectly) an equal or larger percentage;

(3) the corporation, partnership, or enterprise is operated by the United States person pursuant to the provisions of an exclusive management contract;

(4) a majority of the members of the board of directors of the corporation, partnership, or enterprise are also members of the comparable governing body of the United States person;

(5) the United States person has authority to appoint the majority of the members of the board of directors of the corporation, partnership, or enterprise; or

(6) the United States person has authority to appoint the chief operating officer of the corporation, partnership, or enterprise.

**SEC. 8. EFFECTIVE DATE.**

This Act shall take effect six months after the date of enactment of this Act.●

By Mr. DOMENICI:

S. 604. A bill to provide for programs for the prosecution of driving while intoxicated charges to be included in the Edward Byrne Memorial State and Local Enforcement Assistance Program; to the Committee on the Judiciary.

S. 605. A bill to amend title 23, United States Code, to require the Secretary of Transportation to withhold certain funds from States that fail to deem a person driving with a blood alcohol concentration of 0.08 percent or greater to be driving while intoxicated, and for other purposes; to the Committee on Environment and Public Works.

LEGISLATION TO COMBAT DRUNK DRIVING

Mr. DOMENICI. Mr. President, I am pleased to introduce today legislation that will help our country address the continuing problem of suffering and financial losses due to accidents caused by drivers operating motor vehicles while under the influence of alcohol.

All of us are painfully aware of the psychological and physical costs and

the fiscal implications which result from the carnage which we as a nation inflict upon ourselves each year on America's highways. Approximately 5 million of our constituents yearly are motor vehicle crash victims, costing employers 15 million days of lost time and \$48.5 billion annually, according to some estimates. Drunk drivers are a major part of the problem. As a result, I am now introducing two bills which will make significant contributions to the attack on drunk driving throughout our country.

The first initiative amends the 1968 Omnibus Crime Control and Safe Streets Act by adding a 22d category of initiatives toward which States may apply formula grant money. The amendment will allow States to fund programs for the prosecution of driving-under-the-influence charges and for the enforcement of laws relating to alcohol use and the operation of motor vehicles.

The second bill will encourage States that have not yet done so to establish a .08 blood alcohol content level as the legal standard for intoxication. Five percent of formula highway funds would be withheld in the first year from States failing to adopt the standard; 10 percent in subsequent years. States adopting the .08 standard would immediately receive, without limitation on their uses, any funds then currently being withheld under this provision of law. For any State which continues to fail to pass the required standard, funds would be returned after being withheld for 3 years. In such cases, however, funds would be designated exclusively for drunk driving programs as approved by the Secretary of Transportation for uses including prevention, education, enforcement, and prosecution.

I hope that the Senate will consider this measure on an expeditious basis.

I ask unanimous consent that copies of the bills be printed in the RECORD.

There being no objection, the bills were ordered to be printed in the RECORD, as follows:

S. 604

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

**SECTION 1. DRIVING WHILE INTOXICATED PROSECUTION PROGRAM.**

Section 501(b) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3751) is amended—

(1) in paragraph (20) by striking out "and" at the end thereof;

(2) in paragraph (21) by striking out the period and inserting in lieu thereof a semicolon and "and"; and

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

"(22) programs for the prosecution of driving while intoxicated charges and the enforcement of other laws relating to alcohol use and the operation of motor vehicles."

S. 605

*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 "Drunk Driving Prevention Act of 1993".

**SEC. 2. WITHHOLDING OF FUNDS FOR CERTAIN BLOOD ALCOHOL CONCENTRATIONS.**

(a) IN GENERAL.—Chapter 1 of title 23, United States Code, is amended by adding at the end the following new section:

**"§ 161. Withholding of funds for certain blood alcohol concentrations**

"(a) WITHHOLDING OF FUNDS FOR NON-COMPLIANCE; STANDARD.—The Secretary shall withhold an amount (determined under subsection (b)) required to be apportioned to any State under each of paragraphs (1), (3), and (5) of section 104(b) that fails to provide that a person with a blood alcohol concentration of 0.08 percent or greater when driving a motor vehicle shall be deemed to be driving while intoxicated.

"(b) FORMULA FOR WITHHOLDING.—

"(1) FIRST YEAR.—The Secretary shall withhold 5 percent of the amounts to be apportioned to a State, as described in subsection (a), on the first day of the first fiscal year or on the first day of the first fiscal year after the expiration of the next regular session of the State legislature, whichever is later, in which the State is not in compliance with the standard described in subsection (a).

"(2) AFTER THE FIRST YEAR.—The Secretary shall withhold 10 percent of the amounts to be apportioned to a State, as described in subsection (a), on the first day of each fiscal year after the first fiscal year described in paragraph (1) in which the State is not in compliance with the standard described in subsection (a).

"(c) RELEASE OF AMOUNTS WITHHELD.—

"(1) STATES NOT ADOPTING STANDARD.—

"(A) IN GENERAL.—Subject to subparagraph (B), if the Secretary withholds funds from apportionment to a State under this section for a period in excess of 3 fiscal years, the Secretary shall release to the State the funds withheld from apportionment for the period exceeding 3 fiscal years.

"(B) USE OF CERTAIN RELEASED FUNDS.—Funds released to a State under subparagraph (A) may be used by the State only to carry out programs approved by the Administrator of the National Highway Traffic Safety Administration that prevent driving while intoxicated, including—

"(i) enforcement of laws designed to prevent or punish driving while intoxicated; and

"(ii) establishment of systems to maintain records of repeat offenders of laws designed to prevent or punish driving while intoxicated.

"(2) STATES ADOPTING STANDARD.—If the Secretary withholds funds from apportionment to a State under this section and the State subsequently provides that a person with a blood alcohol concentration of 0.08 percent or greater when driving a motor vehicle shall be deemed to be driving while intoxicated, the Secretary shall release to the State the funds withheld from apportionment and not previously released under paragraph (1).

"(3) AVAILABILITY OF RELEASED FUNDS.—Funds released to a State under this subsection shall remain available until the end of the third fiscal year succeeding the fiscal year in which the funds are released. If funds are not expended by the end of the third fiscal year, the authority of the State to expend the funds shall expire."

(b) CONFORMING AMENDMENT.—The analysis for chapter 1 of title 23, United States Code, is amended by adding at the end the following:

"161. National standard for drunk driving prevention."

**SEC. 3. EFFECTIVE DATE.**

This Act and the amendments made by this Act shall become effective on October 1, 1994.

By Mr. HELMS:

S. 607. A bill to amend the Harmonized Schedule of the United States with respect to the tariff treatment of pharmaceutical grade phospholipids and soybean oil; to the Committee on Finance.

**AMENDING THE TARIFF TREATMENT OF PHOSPHOLIPIDS AND SOYBEAN OIL**

Mr. HELMS. Mr. President, I am today introducing legislation to restore the prior tariff duty rate for pharmaceutical-grade egg yolk phospholipid. Pharmaceutical-grade, FDA-approved egg yolk phospholipid is one of the main components of Intralipid, a unique intravenous fat product used as life support for sick or injured hospital patients who cannot assimilate food through their digestive tracts.

Mr. President, Intralipid is the main product of Kabi Pharmacia, a company located in Clayton, NC. More than 30 million units of Intralipid have been manufactured by Kabi in Clayton since 1979.

Kabi imports egg yolk phospholipid and pharmaceutical-grade soybean oil from its parent in Sweden to make Intralipid. It would not be economical for these products to be produced in the United States because of the unique manufacturing process needed to produce these high grade components.

In 1989 the U.S. Customs Service created a new classification category for all phospholipids. This new category unintentionally tripled the duty on this unique phospholipid used by Kabi to manufacture Intralipid.

The bill I am introducing today will restore this duty to its pre-HTS rate. It creates a subcategory for this type of phospholipid because of its uniqueness as a component of a product with therapeutic value.

Additionally, this legislation is intended to change the tariff treatment for pharmaceutical-grade soybean oil if the President reduces the rate of duty for pharmaceutical-grade products in the Uruguay round of GATT negotiations.

Mr. President, this reclassification is very important to the people of Clayton and my State. Kabi today employs 175 people in Clayton and does about \$35 million in annual business, generating about \$90 million in annual economic activity for the region.

By Mr. EXON:

S. 608. A bill entitled the "Armored Car Industry Reciprocity Act of 1993"; to the Committee on Commerce, Science, and Transportation.

ARMORED CAR INDUSTRY RECIPROCITY ACT  
 Mr. EXON. Mr. President, last year I was contacted by Joe Shea, the president of Rochester Armored Car Co. in Omaha, NE, about a serious problem which is facing America's armored car industry.

I am pleased to rise to introduce the Armored Car Industry Reciprocity Act to address this problem and help protect the security of goods, currency, and securities moving in interstate commerce. Virtually identical legislation unanimously passed the Senate Commerce Committee and the full Senate last year and Congresswoman CARLISS COLLINS is the sponsor of companion legislation in the House of Representatives.

America transports billions of dollars of cash, securities, food stamps, bullion, and other valuables by armored car. Without armored car transportation, interstate commerce would come to a grinding halt. This mode of transportation which is used extensively by Federal and State governments is absolutely vital to our Nation's economy.

The legislation I introduce today would address a problem which threatens to impede the efficient movement of valuables in interstate commerce. That problem occurs when States and localities have various rules relating to the licensing of weapons which are used by crews working on armored cars.

In recent years there have been several instances where armored cars moving in interstate commerce have been stopped and armed guards have been arrested or had their weapons confiscated by local authorities. These individuals were licensed to carry their weapons in their home States. Unfortunately, those permits were not honored in the arresting States.

The legislation I introduce today would grant reciprocity to qualified weapons licenses for armed guards working on armored cars. The legislation establishes minimum State standards for armored car crew weapons licenses. These standards will require criminal background checks, and annual classroom and range training. The legislation will not require States to adopt these minimum standards but will provide reciprocity for the licenses of those States which do so. Most States already meet these standards.

As chairman of the Senate Surface Transportation Subcommittee, I am pleased to introduce this legislation which will facilitate the safe and efficient transport of currency and valuables, improve law enforcement and gun safety. It is a commonsense proposal which has the support of Federal agencies and has not sparked any known opposition. I encourage my colleagues to review and support this important legislation.

I ask unanimous consent that the text of the Armored Car Industry Reciprocity Act be printed in full in the RECORD at the end of my remarks.

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

S. 608

*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 "Armored Car Industry Reciprocity Act of 1993."

**SEC. 2. FINDINGS.**

- Congress finds that—
- (1) the distributions of goods and services to consumers in the United States requires the free flow of currency, bullion, securities, food stamps, and other items of unusual value in interstate commerce;
  - (2) the armored car industry transports and protects such items in interstate commerce, including daily transportation of currency and food stamps valued at more than \$1,000,000,000;
  - (3) armored car crew members are often subject to armed attack by individuals attempting to steal such items;
  - (4) to protect themselves and the items they transport, such crew members are armed with weapons;
  - (5) various States require both weapons' training and a criminal record background check before licensing a crew member to carry a weapon; and
  - (6) there is a need for each State to reciprocally accept weapons' licenses of other States for armored car crew members to assure the free and safe transport of valuable items in interstate commerce.

**SEC. 3. STATE RECIPROCITY OF WEAPONS' LICENSES ISSUED TO ARMORED CAR COMPANY CREW MEMBERS.**

- (a) IN GENERAL.—If an armored car crew member employed by an armored car company has in effect a license issued by the appropriate State agency (in the State in which such member is primarily employed by such company) to carry a weapon while acting in the services of such company in that State, and such State agency meets the minimum State requirements under subsection (b), then such crew member shall be entitled to lawfully carry any weapon to which such license relates in any State while such crew member is acting in the service of such company.
- (b) MINIMUM STATE REQUIREMENTS.—A State agency meets the minimum State requirements of this subsection if in issuing a weapon's license to an armored car crew member described in subsection (a), the agency requires the crew member to provide information on an annual basis to the satisfaction of the agency that the crew member—
  - (1) has received classroom and range training in weapon's safety and marksmanship during the current year by a qualified instructor for each weapon that the crew member is licensed to carry; and
  - (2) the receipt or possession of a weapon by the crew member would not violate Federal law, determined on the basis of a criminal record background check conducted during the current year.

**SEC. 4. RELATION TO OTHER LAWS.**

This Act shall supersede any provision of State law (or any subdivision thereof) that is inconsistent with this Act.

**SEC. 5. DEFINITIONS.**

- As used in this Act:
  - (1) The term "armored car crew member" means an individual who provides protection

for goods transported by an armored car company.

- (2) The term "armored car company" means a company—
  - (A) subject to regulation under subchapter II of chapter 105 of title 49, United States Code; and
  - (B) holding the appropriated certificate, permit, or license issued under subchapter II of chapter 109 of such title, in order to engage in the business of transporting and protecting currency, bullion, securities, precious metals, food stamps, and other articles of unusual value in interstate commerce.

By Mr. HARKIN (for himself, Mr. BRADLEY, and Mr. BINGAMAN):

S. 609. A bill to amend the Internal Revenue Code of 1986 to limit deductions for advertising and promotional expenses for tobacco products, and to use the resulting revenues for advertising expenditures to persuade individuals not to use tobacco products and for other purposes; to the Committee on Finance.

TOBACCO ADVERTISING LEGISLATION

● Mr. HARKIN. Mr. President, I rise today to introduce an important piece of legislation that addresses a very serious problem in a moderate commonsense way. I am very pleased to be joined today in introducing this legislation by my colleagues, Senator BILL BRADLEY and Senator JEFF BINGAMAN. I am also very pleased that our legislation enjoys the support of a broad coalition of groups representing children, public health, medicine, nursing, consumers, Hispanic Americans, and the religious community.

Mr. President, as you might remember, last fall the cosponsors of this legislation joined me in offering an amendment to the tax bill to lower the tax deductibility of tobacco advertising from 100 to 80 percent. It didn't pass—we got 38 votes. Because it didn't pass, the American taxpayer is still coughing up about \$1 billion a year as a silent partner in subsidies to promote smoking.

The legislation we are introducing today is similar to the amendment we offered last year. It would cut in half the taxpayer subsidy of tobacco promotion and will use 40 percent of the resulting revenues to finance a program of counter/advertising aimed at lowering the incidence of smoking, especially among children, women and minorities. According to preliminary estimates from the Joint Tax Committee our bill would raise \$1.9 billion in revenue over the next 5 years. Of that, \$764 million would go to counteradvertising; \$1.2 billion would be dedicated to reducing the Federal budget deficit.

So, in essence what our legislation is about is smarter spending. It takes taxpayer money that is now directed at increasing hazardous and costly activities and directs it to decreasing hazardous and costly activities and improving health. Our amendment would save lives, increase productivity and lower

health care costs, without spending a nickel more of the taxpayers' money.

Mr. President, the case for our legislation couldn't be clearer. The U.S. tobacco industry spent roughly \$4 billion in 1990 promoting its products. This taxpayer-subsidized multi-billion dollar effort includes ads in magazines and newspapers, billboards and other outside advertising, advertising at supermarkets and convenience stores, use of noncigarette specialty item gifts, and sponsorship of promotional events. And it is designed to convince people that smoking is necessary for social acceptance, that it makes one attractive to the opposite sex, and that it enhances self-image. It is designed to keep people smoking, but more importantly, to attract a new generation of smokers.

Mr. President, while smoking is particularly harmful to America's children and youth, it takes a tremendous toll on our Nation as a whole. This one single activity drains over \$72 billion a year from our economy in health care costs and lost productivity—\$72 billion a year. In terms of increased Government health care costs alone, 1990 estimates were that smoking added \$4.2 billion to Medicare and Medicaid, \$210 million in medical costs to the Defense Department and \$400 million in medical costs to the Veterans' Administration. The costs today are undoubtedly higher.

Smoking's human toll is even greater. It is the single largest preventable cause of death and disease in America. As former Surgeon General C. Everett Koop said, "Smoking is associated with more death and illness than drugs, alcohol, automobile accidents and AIDS combined."

The latest figures from the U.S. Public Health Service tell us that 434,000 Americans will die from cigarette smoking this year. That is more than the number of Americans who died in all of World War II. Over 1,000 Americans will die today from smoking. That is more than the equivalent of two fully loaded jumbo jets crashing with no survivors—every day.

The medical data on the health effects from smoking are well established. Since 1964, when the first Surgeon General's Report on Smoking and Health was first issued, some 50,000 scientific studies on the relationship between smoking and disease have been conducted. Smoking has been shown to be a major cause of heart disease; chronic bronchitis and emphysema; cancers of the lung, larynx, mouth, esophagus, pancreas, and bladder; and pneumonia and stomach ulcers.

As this chart indicates, smoking is responsible for 87 percent of all lung cancer deaths, 82 percent of all chronic lung disease deaths, 40 percent of all heart disease deaths before age 65, 33 percent of all cancer deaths, 21 percent of total heart disease deaths, 18 percent of deaths caused by strokes, and 10 percent of all infant deaths.

Mr. President, at a time when we are working to improve our Nation's efforts in the area of women's health—after decades of serious neglect—it is appropriate to take at least a quick look at the impact smoking and the taxpayer subsidized promotion of smoking has on women's health. In 1986, lung cancer surpassed breast cancer as the leading cancer killer among women. This year, over 50,000 women will die from lung cancer, 75 percent as a result of smoking. And the rates of lung cancer among women continue to grow.

In addition, a number of recent studies have made other disturbing findings. A recent article in the *New England Journal of Medicine* showed that women who smoke are more than 3 times more likely to have a heart attack than those who have never smoked. Several studies have shown connections between smoking and uterine and cervical cancer. We also know that smoking promotes osteoporosis in older women.

Smoking by women also directly impacts children. More than 900,000 American babies—nearly  $\frac{1}{4}$ —will be born this year to mothers who smoke. And the results are dramatic. Cigarette smoking during pregnancy accounts for 20-30 percent of low-birth weight babies, 14 percent of preterm deliveries, and about 10 percent of all infant deaths. And the EPA now estimates that children's exposure to environmental tobacco smoke—much of it from mothers and fathers who smoke—results in up to 300,000 lower respiratory infections a year, up to 15,000 hospitalizations for these infections a year, and up to 1 million attacks of asthma and 26,000 new cases of asthma a year.

Another group of Americans especially hard hit by tobacco use and its promotion are African-Americans and other minorities. Mr. President, smoking rates are much higher among African-Americans than whites, especially African-American men. And, again, the results are dramatic. African-Americans are 20 percent more likely than whites to die of diseases attributable to smoking. Compared with white men, African-American men are 45 percent more likely to die of respiratory system cancers, 25 percent more likely to die of heart disease, and 90 percent more likely to die of stroke.

Mr. President, today Senator BRADLEY and I held a press conference to announce the reintroduction of our bill, but we also wanted to shine a public spotlight on the latest, and I believe, most egregious tobacco marketing scheme the American taxpayers are subsidizing. Since we offered our amendment last fall, the tobacco companies and their slick promoters have come up with a new gimmick that is sure to entice more of our children to smoke. They have started what I call

merchandising clubs in which you can get cash to buy all sorts of gifts simply by buying cigarettes. Let me show you what your tax dollars are paying for.

First, let's say hello again to our friend Old Joe Camel. You may recognize him—if not, just ask any 6-year-old. According to a recent study published in the *Journal of the American Medical Association*, more 6-year-olds can identify Old Joe Camels than adults. In fact, just as many can identify Old Joe Camel as they can Mickey Mouse. And his name recognition has really paid off—in the 3 years since the introduction of Old Joe sales of Camel cigarettes to children under 18 went from \$6 million to \$476 million a year. Well now he has the Camel Cash Catalog. I got a copy of the catalog in *Rolling Stone* magazine. But if you missed it there, you could have picked it up at nearly any store. In fact, there were plenty available right here at the Senate shop.

The catalog says if you're smooth enough, and you have 175 C-notes from smoking 3,500 Camel cigarettes, you can get this nice Joe's Fish and Game Club camouflage thermos. At around \$1.90 a pack, that's \$332.50. It is a nice thermos and it does look strikingly familiar to G.I. Joe. For those with a little less Camel Cash, you can get this cigarette lighter. For that you only have to smoke 400 cigarettes.

And for those young women who can't afford the higher end of trendy youth fashion, you can now get them courtesy of Virginia Slims. They just came out with a "fashion collection with a streetwise attitude." For 225 UCP's you can get a top of the line leather backpack. It looks like the kind kids carry their high school books in. All you have to do is smoke 4,500 Virginia Slims cigarettes and send in your proof of purchase seals to get it. At \$1.90 a pack, that's \$427.50 worth of cigarettes.

And not to be outdone, Marlboro is launching the Marlboro Adventure Team. Some reports indicate that Philip Morris plans on spending \$200 million on this campaign. When you join the Adventure Team, you get 5 miles for every pack of Marlboros you smoke. If you go the distance, you can get the miles and the gear made for adventure. For just 400 miles, or 1,600 cigarettes, you can get this Marlboro team bag and water bottle.

Mr. President, these campaigns are outrageous. And while they deny it, they are obviously geared toward children and youths. Most of these items that you can get are clearly things that would most interest young people. I believe these campaigns also violate the industry's own cigarette advertising code. Their own code says that "cigarette advertising shall not represent that cigarette smoking is essential to social prominence, distinction, success or sexual attraction." It also

says that "cigarette advertising shall not depict as a smoker any person participating in, or obviously having just participated in, physical activity requiring stamina or athletic conditioning, beyond that of normal recreation." How does that square with the Marlboro Adventure Team? We are here today to say to the tobacco companies, live by your own inadequate code and withdraw these campaigns now.

Mr. President, these merchandising clubs make a great case for our legislation. They are all part of the over \$10 million a day, \$4 billion a year that tobacco companies put into pushing their product. And you and I are helping to foot the bill because it's all tax deductible. At a time when the Government is spending \$114 million a year to stop smoking, American taxpayers are providing a \$1 billion subsidy to promote smoking.

So, Mr. President, I urge my colleagues to support our modest proposal. I will be seeking to get action on this proposal at the earliest possible opportunity. It makes sense. It will improve health, save health care costs, and reduce the Federal deficit. Every day we fail to act, another 3,000 of our children start smoking. Every day we fail to act another 1,200 people die of smoking-related illness. And every day we fail to act over \$200 million in decreased productivity and increased health care costs is lost to our economy due to smoking.

Mr. President, I want to take this time to give special thanks to groups that are providing strong support for this legislation and have provided me help in putting this all together. The Coalition on Smoking or Health, which is headed by the American Cancer Society, the American Heart Association, and the American Lung Association, includes a broad coalition of organizations concerned about smoking. They have been of great help. Also, DOC [Doctors Ought To Care] provided me with excellent material and information and provides critical advice and assistance. In addition, the National PTA, the American Nurses Association, Action on Smoking and Health, the American Academy of Pediatrics, the American Medical Association, and COSSMHO, the National Coalition of Hispanic Health and Human Services Organizations, all have been very helpful to our effort and attended our press conference today.

I ask unanimous consent that a copy of the legislation appear at this point in the RECORD.

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

S. 609

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

**SECTION 1. ADVERTISING AND PROMOTIONAL EXPENSES RELATING TO TOBACCO PRODUCT USE.**

(a) LIMITATION ON DEDUCTION.—

(1) IN GENERAL.—Part IX of subchapter B of chapter 1 of subtitle A of the Internal Revenue Code of 1986 (relating to items not deductible) is amended by adding at the end thereof the following new section:

**"SEC. 280I. LIMITATION ON DEDUCTION FOR TOBACCO ADVERTISING AND PROMOTIONAL EXPENSES.**

The amount allowable as a deduction under this chapter for expenses relating to advertising or promoting cigars, cigarettes, smokeless tobacco, pipe tobacco, or any similar tobacco product shall not exceed 50 percent of the amount of such expenses which would (but for this section) be allowable as a deduction under this chapter. For purposes of this section, any term used in this section which is also used in section 5702 shall have the same meaning given such term by section 5702."

(2) CONFORMING AMENDMENT.—The table of sections for such part IX is amended by adding after the item relating to section 280H the following new item:

"Sec. 280I. Limitation on deduction for tobacco advertising and promotion expenses."

(b) ESTABLISHMENT OF TRUST FUND.—

(1) IN GENERAL.—Subchapter A of chapter 98 of the Internal Revenue Code of 1986 (relating to trust fund code) is amended by adding at the end thereof the following new section:

**"SEC. 9512. TRUST FUND TO REDUCE TOBACCO USE.**

"(a) CREATION OF TRUST FUND.—There is established in the Treasury of the United States a trust fund to be known as the 'Trust Fund to Reduce Tobacco Use' (hereafter referred to in this section as the 'Trust Fund'); consisting of such amounts as may be appropriated or transferred to the Trust Fund as provided in this section or section 9602(b).

"(b) TRANSFERS TO TRUST FUND.—The Secretary shall transfer to the Trust Fund an amount equivalent to 40 percent of the net increase in revenues received in the Treasury attributable to section 280I, as estimated by the Secretary.

"(c) DISTRIBUTION OF AMOUNTS IN TRUST FUND.—

"(1) IN GENERAL.—The amounts in the Trust Fund shall be available in each fiscal year, as provided by appropriation Acts, to the Secretary to distribute to each State based upon such State's population in relation to the population of all the States, as determined by using the most recent decennial census data.

"(2) USE OF DISTRIBUTIONS.—Each State, through its agency responsible for public health, may use its distribution to fund advertising programs designed to persuade individuals (especially children, pregnant women, and minorities) not to use cigars, cigarettes, smokeless tobacco, pipe tobacco, or any similar tobacco product. For purposes of this paragraph, any term used in this paragraph which is also used in section 5702 shall have the same meaning given such term by section 5702.

"(3) LIMITATION ON ADMINISTRATIVE COSTS.—Each State may use not more than 3 percent of the amount described in paragraph (2) for administrative expenses."

(2) CONFORMING AMENDMENT.—The table of sections for such subchapter A is amended by adding at the end thereof the following new item:

"Sec. 9512. Trust Fund to Reduce Tobacco Use."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after December 31, 1993.●

**ADDITIONAL COSPONSORS**

S. 4

At the request of Mr. HOLLINGS, the name of the Senator from Nebraska [Mr. KERREY] was added as a cosponsor of S. 4, a bill to promote the industrial competitiveness and economic growth of the United States by strengthening and expanding the civilian technology programs of the Department of Commerce, amending the Stevenson-Wylder Technology Innovation Act of 1980 to enhance the development and nationwide deployment of manufacturing technologies, and authorizing appropriations for the Technology Administration of the Department of Commerce, including the National Institute of Standards and Technology, and for other purposes.

S. 70

At the request of Mr. COCHRAN, the names of the Senator from Oregon [Mr. HATFIELD] and the Senator from Connecticut [Mr. DODD] were added as cosponsors of S. 70, a bill to reauthorize the National Writing Project, and for other purposes.

S. 207

At the request of Mr. LOTT, the name of the Senator from Indiana [Mr. COATS] was added as a cosponsor of S. 207, a bill to amend title II of the Social Security Act to eliminate the earnings test for individuals who have attained retirement age.

S. 342

At the request of Mr. BOREN, the name of the Senator from Arkansas [Mr. PRYOR] was added as a cosponsor of S. 342, a bill to amend the Internal Revenue Code of 1986 to encourage investment in real estate and for other purposes.

S. 368

At the request of Mr. BUMPERS, the name of the Senator from Utah [Mr. BENNETT] was added as a cosponsor of S. 368, a bill to amend the Internal Revenue Code of 1986 to provide a capital gains tax differential for individual and corporate taxpayers who make high-risk, long-term, growth-oriented venture and seed capital investments in startup and other small enterprises.

At the request of Mr. BUMPERS, the name of the Senator from Montana [Mr. BURNS] was withdrawn as a cosponsor of S. 368, supra.

S. 468

At the request of Mr. THURMOND, the name of the Senator from Utah [Mr. HATCH] was added as a cosponsor of S. 468, a bill to amend provisions of title 18, United States Code, relating to terms of imprisonment and supervised release following revocation of a term of probation or supervised release.

S. 470

At the request of Mrs. BOXER, the name of the Senator from Nevada [Mr. REID] was added as a cosponsor of S. 470, a bill to amend chapter 41 of title 18, United States Code, to punish stalk-

S. 477

At the request of Mr. FEINGOLD, the name of the Senator from Nevada [Mr. BRYAN] was added as a cosponsor of S. 477, a bill to eliminate the price support program for wool and mohair, and for other purposes.

S. 503

At the request of Mr. D'AMATO, the name of the Senator from Iowa [Mr. GRASSLEY] was added as a cosponsor of S. 503, a bill to amend the Immigration and Nationality Act to provide that members of Hamas—commonly known as the Islamic Resistance Movement—be considered to be engaged in a terrorist activity and ineligible to receive visas and excluded from admission into the United States.

## SENATE JOINT RESOLUTION 53

At the request of Mr. HATCH, the names of the Senator from Delaware [Mr. BIDEN], the Senator from Indiana [Mr. COATS], the Senator from Mississippi [Mr. COCHRAN], the Senator from Ohio [Mr. METZENBAUM], the Senator from Illinois [Ms. MOSELEY-BRAUN], and the Senator from South Carolina [Mr. THURMOND] were added as cosponsors of Senate Joint Resolution 53, a joint resolution designating March 1993 and March 1994 both as "Women's History Month."

## SENATE RESOLUTION 13

At the request of Mrs. KASSEBAUM, the name of the Senator from Utah [Mr. BENNETT] was added as a cosponsor of Senate Resolution 13, a resolution to amend the rules of the Senate to improve legislative efficiency, and for other purposes.

## SENATE RESOLUTION 35

At the request of Mr. LAUTENBERG, the name of the Senator from New York [Mr. MOYNIHAN] was added as a cosponsor of Senate Resolution 35, a resolution expressing the sense of the Senate concerning systematic rape in the conflict in the former Socialist Federal Republic of Yugoslavia.

## SENATE RESOLUTION 64

At the request of Mr. LUGAR, the name of the Senator from Utah [Mr. HATCH] was added as a cosponsor of Senate Resolution 64, a resolution expressing the sense of the Senate that increasing the effective rate of taxation by lowering the estate tax exemption would devastate homeowners, farmers, and small business owners, further hindering the creation of jobs and economic growth.

## SENATE RESOLUTION 68

At the request of Mr. D'AMATO, the name of the Senator from Arizona [Mr. DECONCINI] was added as a cosponsor of Senate Resolution 68, a resolution urg-

ing the President of the United States to seek an international oil embargo through the United Nations against Libya because of its refusal to comply with United Nations Security Council Resolutions 731 and 748 concerning the bombing of Pan Am Flight 103.

## AMENDMENT NO. 111

At the request of Mr. HELMS the names of the Senator from Indiana [Mr. COATS], the Senator from Mississippi [Mr. COCHRAN], the Senator from Georgia [Mr. COVERDELL], the Senator from New York [Mr. D'AMATO], the Senator from Kansas [Mr. DOLE], the Senator from Texas [Mr. GRAMM], the Senator from New Hampshire [Mr. GREGG], the Senator from Utah [Mr. HATCH], the Senator from Mississippi [Mr. LOTT], the Senator from Florida [Mr. MACK], the Senator from Arizona [Mr. MCCAIN], the Senator from Alaska [Mr. MURKOWSKI], the Senator from Wyoming [Mr. SIMPSON], the Senator from Alaska [Mr. STEVENS], the Senator from South Carolina [Mr. THURMOND], the Senator from Wyoming [Mr. WALLOP], and the Senator from Idaho [Mr. KEMPTHORNE] were added as cosponsors of amendment No. 111 proposed to S. 460, an original bill to establish national voter registration procedures for Federal elections, and for other purposes.

## AMENDMENT NO. 112

At the request of Mr. THURMOND his name was added as a cosponsor of amendment No. 112 proposed to S. 460, an original bill to establish national voter registration procedures for Federal elections, and for other purposes.

## AMENDMENT NO. 126

At the request of Mr. SIMPSON the names of the Senator from Oklahoma [Mr. NICKLES], the Senator from Virginia [Mr. WARNER], the Senator from North Carolina [Mr. HELMS], the Senator from New Hampshire [Mr. SMITH], and the Senator from Mississippi [Mr. LOTT] were added as cosponsors of amendment No. 126 intended to be proposed to S. 460, an original bill to establish national voter registration procedures for Federal elections, and for other purposes.

## AMENDMENT NO. 127

At the request of Mr. SIMPSON the names of the Senator from Iowa [Mr. GRASSLEY], the Senator from New York [Mr. D'AMATO], and the Senator from Mississippi [Mr. LOTT] were added as cosponsors of amendment No. 127 proposed to S. 460, an original bill to establish national voter registration procedures for Federal elections, and for other purposes.

## AMENDMENT NO. 128

At the request of Mr. SIMPSON the names of the Senator from Iowa [Mr. GRASSLEY], the Senator from New York [Mr. D'AMATO], and the Senator from Mississippi [Mr. LOTT] were added as cosponsors of amendment No. 128 proposed to S. 460, an original bill to es-

tablish national voter registration procedures for Federal elections, and for other purposes.

## AMENDMENT NO. 129

At the request of Mr. SIMPSON the names of the Senator from New York [Mr. D'AMATO], the Senator from Iowa [Mr. GRASSLEY], and the Senator from Mississippi [Mr. LOTT] were added as cosponsors of amendment No. 129 proposed to S. 460, an original bill to establish national voter registration procedures for Federal elections, and for other purposes.

## AMENDMENTS SUBMITTED

## NATIONAL VOTER REGISTRATION ACT

## BROWN AMENDMENT NOS. 157 THROUGH 161

(Ordered to lie on the table.)

Mr. BROWN submitted five amendments intended to be proposed by him to the bill (S. 460), to establish national voter registration procedures for Federal elections, and for other purposes, as follows:

## AMENDMENT No. 157

On page 2, strike line 23 and all that follows through the end of the bill and insert the following:

## SEC. 3. DEFINITIONS.

As used in this Act—

(1) the term "election" has the meaning stated in section 301(1) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(1));

(2) the term "Federal office" has the meaning stated in section 301(3) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(3));

(3) the term "motor vehicle driver's license" includes any personal identification document issued by a State motor vehicle authority;

(4) the term "State" means a State of the United States and the District of Columbia; and

(5) the term "voter registration agency" means an office designated under section 7(a)(1) to perform voter registration activities.

## SEC. 4. NATIONAL PROCEDURES FOR VOTER REGISTRATION FOR ELECTIONS FOR FEDERAL OFFICE.

(a) IN GENERAL.—Except as provided in subsection (b), notwithstanding any other Federal or State law, in addition to any other method of voter registration provided for under State law, each State shall establish procedures to register to vote in elections for Federal office—

(1) by application made simultaneously with an application for a motor vehicle driver's license pursuant to section 5;

(2) by mail application pursuant to section 6; and

(3) by application in person—

(A) at the appropriate registration site designated with respect to the residence of the applicant in accordance with State law; and

(B) at a Federal, State, or nongovernmental office designated under section 7.

(b) NONAPPLICABILITY TO CERTAIN STATES.—This Act does not apply to a State

described in either or both of the following paragraphs:

(1) A State in which, under law that is in effect continuously on and after March 11, 1993, there is no voter registration requirement for any voter in the State with respect to an election for Federal office.

(2) A State in which, under law that is in effect continuously on and after March 11, 1993, or that was enacted on or prior to March 11, 1993, and by its terms is to come into effect upon the enactment of this Act, so long as that law remains in effect, all voters in the State may register to vote at the polling place at the time of voting in a general election for Federal office in a year in which an election for the office of President is held."

**SEC. 5. SIMULTANEOUS APPLICATION FOR VOTER REGISTRATION AND APPLICATION FOR MOTOR VEHICLE DRIVER'S LICENSE.**

(a) **IN GENERAL.**—(1) Each State motor vehicle driver's license application (including any renewal application) submitted to the appropriate State motor vehicle authority under State law shall serve as an application for voter registration with respect to elections for Federal office unless the applicant fails to sign the voter registration application.

(2) An application for voter registration submitted under paragraph (1) shall be considered as updating any previous voter registration by the applicant.

(b) **LIMITATION ON USE OF INFORMATION.**—No information relating to the failure of an applicant for a State motor vehicle driver's license to sign a voter registration application may be used for any purpose other than voter registration.

(c) **FORMS AND PROCEDURES.**—(1) Each State shall include a voter registration application form for elections for Federal office as part of an application for a State motor vehicle driver's license.

(2) The voter registration application portion of an application for a State motor vehicle driver's license—

(A) may not require any information that duplicates information required in the driver's license portion of the form (other than a second signature or other information necessary under subparagraph (C));

(B) may require only the minimum amount of information necessary to—

(i) prevent duplicate voter registrations; and

(ii) enable State election officials to assess the eligibility of the applicant and to administer voter registration and other parts of the election process;

(C) shall include a statement that—

(i) states each eligibility requirement (including citizenship);

(ii) contains an attestation that the applicant meets each such requirement; and

(iii) requires the signature of the applicant, under penalty of perjury;

(D) shall include, in print that is identical to that used in the attestation portion of the application—

(i) the information required in section 8(a)(5) (A) and (B);

(ii) a statement that, if an applicant declines to register to vote, the fact that the applicant has declined to register will remain confidential and will be used only for voter registration purposes; and

(iii) a statement that if an applicant does register to vote, the office at which the applicant submits a voter registration application will remain confidential and will be used only for voter registration purposes; and

(E) shall be made available (as submitted by the applicant, or in machine readable or other format) to the appropriate State election official as provided by State law.

(d) **CHANGE OF ADDRESS.**—Any change of address form submitted in accordance with State law for purposes of a State motor vehicle driver's license shall serve as notification of change of address for voter registration with respect to elections for Federal office for the registrant involved unless the registrant states on the form that the change of address is not for voter registration purposes.

(e) **TRANSMITTAL DEADLINE.**—(1) Subject to paragraph (2), a completed voter registration portion of an application for a State motor vehicle driver's license accepted at a State motor vehicle authority shall be transmitted to the appropriate State election official not later than 10 days after the date of acceptance.

(2) If a registration application is accepted within 5 days before the last day for registration to vote in an election, the application shall be transmitted to the appropriate State election official not later than 5 days after the date of acceptance.

**SEC. 6. MAIL REGISTRATION.**

(a) **FORM.**—(1) Each State shall accept and use the mail voter registration application form prescribed by the Federal Election Commission pursuant to section 9(a)(2) for the registration of voters in elections for Federal office.

(2) In addition to accepting and using the form described in paragraph (1), a State may develop and use a mail voter registration form that meets all of the criteria stated in section 9(b) for the registration of voters in elections for Federal office.

(3) A form described in paragraph (1) or (2) shall be accepted and used for notification of a registrant's change of address.

(b) **AVAILABILITY OF FORMS.**—The chief State election official of a State shall make the forms described in subsection (a) available for distribution through governmental and private entities, with particular emphasis on making them available for organized voter registration programs.

(c) **FIRST-TIME VOTERS.**—(1) Subject to paragraph (2), a State may by law require a person to vote in person if—

(A) the person was registered to vote in a jurisdiction by mail; and

(B) the person has not previously voted in that jurisdiction.

(2) Paragraph (1) does not apply in the case of a person—

(A) who is entitled to vote by absentee ballot under the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-1 et seq.);

(B) who is provided the right to vote otherwise than in person under section 3(b)(2)(B)(ii) of the Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. 1973ee-1(b)(2)(B)(ii)); or

(C) who is entitled to vote otherwise than in person under any other Federal law.

(d) **UNDELIVERED NOTICES.**—If a notice described in section 8(a)(2) is sent by nonforwardable mail and is returned undelivered, the name of the applicant may be removed from the official list of eligible voters in accordance with section 8(d).

**SEC. 7. VOTER REGISTRATION AGENCIES.**

(a) **DESIGNATION.**—(1) Each State shall designate agencies for the registration of voters in elections for Federal office.

(2) Each State shall designate as voter registration agencies—

(A) all offices in the State that provide public assistance, unemployment compensation, or related services; and

(B) all offices in the State that provide State-funded programs primarily engaged in providing services to persons with disabilities.

(3)(A) In addition to voter registration agencies designated under paragraph (2), each State shall designate other offices within the State as voter registration agencies.

(B) Voter registration agencies designated under subparagraph (A) may include—

(i) State or local government offices such as public libraries, public schools, offices of city and county clerks (including marriage license bureaus), fishing and hunting license bureaus, government revenue offices, and offices not described in paragraph (2)(B) that provide services to persons with disabilities; and

(ii) Federal and nongovernmental offices, with the agreement of such offices.

(4)(A) At each voter registration agency, the following services shall be made available:

(i) Distribution of mail voter registration application forms in accordance with paragraph (6).

(ii) Assistance to applicants in completing voter registration application forms, unless the applicant refuses such assistance.

(iii) Acceptance of completed voter registration application forms for transmittal to the appropriate State election official.

(B) If a voter registration agency designated under paragraph (2)(B) provides services to a person with a disability at the person's home, the agency shall provide the services described in subparagraph (A) at the person's home.

(5) A person who provides service described in paragraph (4) shall not—

(A) seek to influence an applicant's political preference or party registration;

(B) display any such political preference or party allegiance; or

(C) make any statement to an applicant or take any action the purpose or effect of which is to discourage the applicant from registering to vote.

(6) A voter registration agency that is an office that provides service or assistance in addition to conducting voter registration shall—

(A) distribute with each application for such service or assistance, and with each recertification, renewal, or change of address form relating to such service or assistance—

(i) the mail voter registration application form described in section 9(a)(2), including a statement that—

(I) specifies each eligibility requirement (including citizenship);

(II) contains an attestation that the applicant meets each such requirement; and

(III) requires the signature of the applicant, under penalty of perjury; or

(ii) the office's own form if it is equivalent to the form described in section 9(a)(2), unless the applicant, in writing, declines to register to vote;

(B) to the greatest extent practicable, incorporate in application forms and other forms used at those offices for purposes other than voter registration a means by which a person who completes the form may decline, in writing, to register to vote in elections for Federal office; and

(C) provide to each applicant who does not decline to register to vote the same degree of assistance with regard to the completion of the registration application form as is provided by the office with regard to the completion of its own forms, unless the applicant refuses such assistance.

(7) No information relating to a declination to register to vote in connection with

an application made at an office described in paragraph (6) may be used for any purpose other than voter registration.

(b) **FEDERAL GOVERNMENT AND PRIVATE SECTOR COOPERATION.**—All departments, agencies, and other entities of the executive branch of the Federal Government shall, to the greatest extent practicable, cooperate with the States in carrying out subsection (a), and all nongovernmental entities are encouraged to do so.

(c) **TRANSMITTAL DEADLINE.**—(1) Subject to paragraph (2), a completed registration application accepted at a voter registration agency shall be transmitted to the appropriate State election official not later than 10 days after the date of acceptance.

(2) If a registration application is accepted within 5 days before the last day for registration to vote in an election, the application shall be transmitted to the appropriate State election official not later than 5 days after the date of acceptance.

(d) **ARMED FORCES RECRUITMENT OFFICES.**—(1) Each State and the Secretary of Defense shall jointly develop and implement procedures for persons to apply to register to vote at recruitment offices of the Armed Forces of the United States.

(2) A recruitment office of the Armed Forces of the United States shall be considered to be a voter registration agency designated under subsection (a)(2) for all purposes of this Act.

**SEC. 8. REQUIREMENTS WITH RESPECT TO ADMINISTRATION OF VOTER REGISTRATION.**

(a) **IN GENERAL.**—In the administration of voter registration for elections for Federal office, each State shall—

(1) ensure that any eligible applicant is registered to vote in an election—

(A) in the case of registration with a motor vehicle application under section 5, if the valid voter registration form of the applicant is submitted to the appropriate State motor vehicle authority not later than the lesser of 30 days, or the period provided by State law, before the date of the election;

(B) in the case of registration by mail under section 6, if the valid voter registration form of the applicant is postmarked not later than the lesser of 30 days, or the period provided by State law, before the date of the election;

(C) in the case of registration at a voter registration agency, if the valid voter registration form of the applicant is accepted at the voter registration agency not later than the lesser of 30 days, or the period provided by State law, before the date of the election; and

(D) in any other case, if the valid voter registration form of the applicant is received by the appropriate State election official not later than the lesser of 30 days, or the period provided by State law, before the date of the election;

(2) require the appropriate State election official to send notice to each applicant of the disposition of the application;

(3) provide that the name of a registrant may not be removed from the official list of eligible voters except—

(A) at the request of the registrant;

(B) as provided by State law, by reason of criminal conviction or mental incapacity; or

(C) as provided under paragraph (4);

(4) conduct a general program that makes a reasonable effort to remove the names of ineligible voters from the official lists of eligible voters by reason of—

(A) the death of the registrant; or

(B) a change in the residence of the registrant, in accordance with subsections (b), (c), and (d);

(5) inform applicants under sections 5, 6, and 7 of—

(A) voter eligibility requirements; and

(B) penalties provided by law for submission of a false voter registration application; and

(6) ensure that the identity of the voter registration agency through which any particular voter is registered is not disclosed to the public.

(b) **CONFIRMATION OF VOTER REGISTRATION.**—Any State program or activity to protect the integrity of the electoral process by ensuring the maintenance of an accurate and current voter registration roll for elections for Federal office—

(1) shall be uniform, nondiscriminatory, and in compliance with the Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.); and

(2) shall not result in the removal of the name of any person from the official list of voters registered to vote in an election for Federal office by reason of the person's failure to vote.

(c) **VOTER REMOVAL PROGRAMS.**—(1) A State may meet the requirement of subsection (a)(4) by establishing a program under which—

(A) change-of-address information supplied by the Postal Service through its licensees is used to identify registrants whose addresses may have changed; and

(B) if it appears from information provided by the Postal Service that—

(i) a registrant has moved to a different residence address in the same registrar's jurisdiction in which the registrant is currently registered, the registrar changes the registration records to show the new address and sends the registrant a notice of the change by forwardable mail and a postage prepaid pre-addressed return form by which the registrant may verify or correct the address information; or

(ii) the registrant has moved to a different residence address not in the same registrar's jurisdiction, the registrar uses the notice procedure described in subsection (d)(2) to confirm the change of address.

(2)(A) A State shall complete, not later than 90 days prior to the date of a primary or general election for Federal office, any program the purpose of which is to systematically remove the names of ineligible voters from the official lists of eligible voters.

(B) Subparagraph (A) shall not be construed to preclude—

(i) the removal of names from official lists of voters on a basis described in paragraph (3) (A) or (B) or (4)(A) of subsection (a); or

(ii) correction of registration records pursuant to this Act.

(d) **REMOVAL OF NAMES FROM VOTING ROLLS.**—(1) A State shall not remove the name of a registrant from the official list of eligible voters in elections for Federal office on the ground that the registrant has changed residence unless—

(A) the registrant confirms in writing that the registrant has changed residence to a place outside the registrar's jurisdiction in which the registrant is registered;

(B) the registrant—

(i) has failed to respond to a notice described in paragraph (2); and

(ii) has not voted or appeared to vote (and, if necessary, correct the registrar's record of the registrant's address) in an election during the period beginning on the date of the notice and ending on the day after the date of the second general election for Federal office that occurs after the date of the notice; or

(C) the address given by the registrant at the time of registration is affirmatively de-

termined on the basis of credible evidence, after affording the registrant an opportunity to rebut the evidence, not to be his or her place of residence.

(2) A notice is described in this paragraph if it is a postage prepaid and pre-addressed return card, sent by forwardable mail, on which the registrant may state his or her current address, together with a notice to the following effect:

(A) If the registrant did not change his or her residence, or changed residence but remained in the registrar's jurisdiction, the registrant should return the card not later than the time provided for mail registration under subsection (a)(1)(B). If the card is not returned, affirmation or confirmation of the registrant's address may be required before the registrant is permitted to vote in a Federal election during the period beginning on the date of the notice and ending on the day after the date of the second general election for Federal office that occurs after the date of the notice, and if the registrant does not vote in an election during that period the registrant's name will be removed from the list of eligible voters.

(B) If the registrant has changed residence to a place outside the registrar's jurisdiction in which the registrant is registered, information concerning how the registrant can continue to be eligible to vote.

(3) A voting registrar shall correct an official list of eligible voters in elections for Federal office in accordance with change of residence information obtained in conformance with this subsection.

(e) **PROCEDURE FOR VOTING FOLLOWING FAILURE TO RETURN CARD.**—(1) A registrant who has moved from an address in the area covered by a polling place to an address in the same area shall, notwithstanding failure to notify the registrar of the change of address prior to the date of an election, be permitted to vote at that polling place upon the registrant's making a sworn written statement of the change of address before an election official at that polling place.

(2)(A) A registrant who has moved from an address in the area covered by one polling place to an address in an area covered by a second polling place within the same registrar's jurisdiction and the same congressional district and who has failed to notify the registrar of the change of address prior to the date of an election, at the option of the registrant—

(i) shall be permitted to correct the voting records and vote at the registrant's former polling place, upon making a sworn written statement of the new address witnessed by an election official at that polling place; or

(ii)(I) shall be permitted to correct the voting records and vote at a central location within the same registrar's jurisdiction designated by the registrar where a list of eligible voters is maintained, upon the registrant's making a sworn written statement, witnessed by an election official, of the new address on a standard form provided by the registrar at the central location; or

(II) shall be permitted to correct the voting records for purposes of voting in future elections at the appropriate polling place for the current address and, if permitted by State law, shall be permitted to vote in the present election, upon the registrant's making a sworn written statement of the new address witnessed by an election official.

(B) If State law permits the registrant to vote in the current election upon the registrant's making a sworn written statement of the new address, witnessed by an election official, at a polling place described in sub-

paragraph (A)(ii)(II), voting at the former polling place as described in subparagraph (A)(i) and at a central location as described in subparagraph (A)(ii)(I) need not be provided as alternative options.

(3) If the registration records indicate that a registrant has moved from an address in the area covered by a polling place, the registrant shall, upon the registrant's making a sworn written statement, witnessed by an election official at that polling place, that the registrant continues to reside at the address previously made known to the registrar, be permitted to vote at that polling place.

(f) CHANGE OF VOTING ADDRESS WITHIN A JURISDICTION.—In the case of a change of address, for voting purposes, of a registrant to another address within the same registrar's jurisdiction, the registrar shall correct the voting registration list accordingly, and the registrant's name may not be removed from the official list of eligible voters by reason of such a change of address except as provided in subsection (d).

(g) CONVICTION IN FEDERAL COURT.—(1) On the conviction of a person of a felony in a district court of the United States, the United States attorney shall give written notice of the conviction to the chief State election official designated under section 10 of the State of the person's residence.

(2) A notice given pursuant to paragraph (1) shall include—

- (A) the name of the offender;
- (B) the offender's age and residence address;
- (C) the date of entry of the judgment;
- (D) a description of the offenses of which the offender was convicted; and
- (E) the sentence imposed by the court.

(3) On request of the chief State election official of a State or other State official with responsibility for determining the effect that a conviction may have on an offender's qualification to vote, the United States attorney shall provide such additional information as the United States attorney may have concerning the offender and the offense of which the offender was convicted.

(4) If a conviction of which notice was given pursuant to paragraph (1) is overturned, the United States attorney shall give the official to whom the notice was given written notice of the vacation of the judgment.

(5) The chief State election official shall notify the voter registration officials of the local jurisdiction in which an offender resides of the information received under this subsection.

(h) REDUCED POSTAL RATES.—(1) Subchapter II of chapter 36 of title 39, United States Code, is amended by adding at the end the following:

**"§ 3629. Reduced rates for voter registration purposes**

"The Postal Service shall make available to a State or local voting registration official the rate for any class of mail that is available to a qualified nonprofit organization under section 3626 for the purpose of making a mailing that the official certifies is required or authorized by the National Voter Registration Act of 1993."

(2) The first sentence of section 2401(c) of title 39, United States Code, is amended by striking out "and 3626(a)-(h) and (j)-(k) of this title," and inserting in lieu thereof "3626(a)-(h), 3626(j)-(k), and 3629 of this title".

(3) Section 3627 of title 39, United States Code, is amended by striking out "or 3626 of this title," and inserting in lieu thereof "3626, or 3629 of this title".

(4) 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 voter registration purposes."

(i) PUBLIC DISCLOSURE OF VOTER REGISTRATION ACTIVITIES.—(1) Each State shall maintain for at least 2 years and shall make available for public inspection and, where available, photocopying at a reasonable cost, all records concerning the implementation of programs and activities conducted for the purpose of ensuring the accuracy and currency of official lists of eligible voters, except to the extent that such records relate to a declaration to register to vote or to the identity of a voter registration agency through which any particular voter is registered.

(2) The records maintained pursuant to paragraph (1) shall include lists of the names and addresses of all persons to whom notices described in subsection (d)(2) are sent, and information concerning whether or not each such person has responded to the notice as of the date that inspection of the records is made.

(j) DEFINITION.—For the purposes of this section, the term "registrar's jurisdiction" means—

(1) an incorporated city, town, borough, or other form of municipality;

(2) if voter registration is maintained by a county, parish, or other unit of government that governs a larger geographic area than a municipality, the geographic area governed by that unit of government; or

(3) if voter registration is maintained on a consolidated basis for more than one municipality or other unit of government by an office that performs all of the functions of a voting registrar, the geographic area of the consolidated municipalities or other geographic units.

**SEC. 9. FEDERAL COORDINATION AND REGULATIONS.**

(a) IN GENERAL.—The Federal Election Commission—

(1) in consultation with the chief election officers of the States, shall prescribe such regulations as are necessary to carry out paragraphs (2) and (3);

(2) in consultation with the chief election officers of the States, shall develop a mail voter registration application form for elections for Federal office;

(3) not later than June 30 of each odd-numbered year, shall submit to the Congress a report assessing the impact of this Act on the administration of elections for Federal office during the preceding 2-year period and including recommendations for improvements in Federal and State procedures, forms, and other matters affected by this Act; and

(4) shall provide information to the States with respect to the responsibilities of the States under this Act.

(b) CONTENTS OF MAIL VOTER REGISTRATION FORM.—The mail voter registration form developed under subsection (a)(2)—

(1) may require only such identifying information (including the signature of the applicant) and other information (including data relating to previous registration by the applicant), as is necessary to enable the appropriate State election official to assess the eligibility of the applicant and to administer voter registration and other parts of the election process;

(2) shall include a statement that—  
(A) specifies each eligibility requirement (including citizenship);

(B) contains an attestation that the applicant meets each such requirement; and

(C) requires the signature of the applicant, under penalty of perjury;

(3) may not include any requirement for notarization or other formal authentication; and

(4) shall include, in print that is identical to that used in the attestation portion of the application—

(i) the information required in section 8(a)(5) (A) and (B);

(ii) a statement that, if an applicant declines to register to vote, the fact that the applicant has declined to register will remain confidential and will be used only for voter registration purposes; and

(iii) a statement that if an applicant does register to vote, the office at which the applicant submits a voter registration application will remain confidential and will be used only for voter registration purposes; and

**SEC. 10. DESIGNATION OF CHIEF STATE ELECTION OFFICIAL.**

Each State shall designate a State officer or employee as the chief State election official to be responsible for coordination of State responsibilities under this Act.

**SEC. 11. CIVIL ENFORCEMENT AND PRIVATE RIGHT OF ACTION.**

(a) ATTORNEY GENERAL.—The Attorney General may bring a civil action in an appropriate district court for such declaratory or injunctive relief as is necessary to carry out this Act.

(b) PRIVATE RIGHT OF ACTION.—(1) A person who is aggrieved by a violation of this Act may provide written notice of the violation to the chief election official of the State involved.

(2) If the violation is not corrected within 90 days after receipt of a notice under paragraph (1), or within 20 days after receipt of the notice if the violation occurred within 120 days before the date of an election for Federal office, the aggrieved person may bring a civil action in an appropriate district court for declaratory or injunctive relief with respect to the violation.

(3) If the violation occurred within 30 days before the date of an election for Federal office, the aggrieved person need not provide notice to the chief election official of the State under paragraph (1) before bringing a civil action under paragraph (2).

(c) ATTORNEY'S FEES.—In a civil action under this section, the court may allow the prevailing party (other than the United States) reasonable attorney fees, including litigation expenses, and costs.

(d) RELATION TO OTHER LAWS.—(1) The rights and remedies established by this section are in addition to all other rights and remedies provided by law, and neither the rights and remedies established by this section nor any other provision of this Act shall supersede, restrict, or limit the application of the Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.).

(2) Nothing in this Act authorizes or requires conduct that is prohibited by the Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.).

**SEC. 12. CRIMINAL PENALTIES.**

A person, including an election official, who in any election for Federal office—

(1) knowingly and willfully intimidates, threatens, or coerces, or attempts to intimidate, threaten, or coerce, any person for—

(A) registering to vote, or voting, or attempting to register or vote;

(B) urging or aiding any person to register to vote, to vote, or to attempt to register or vote; or

(C) exercising any right under this Act; or  
 (2) knowingly and willfully deprives, defrauds, or attempts to deprive or defraud the residents of a State of a fair and impartially conducted election process, by—

(A) the procurement or submission of voter registration applications that are known by the person to be materially false, fictitious, or fraudulent under the laws of the State in which the election is held; or

(B) the procurement, casting, or tabulation of ballots that are known by the person to be materially false, fictitious, or fraudulent under the laws of the State in which the election is held.

shall be fined in accordance with title 18, United States Code (which fines shall be paid into the general fund of the Treasury, miscellaneous receipts (pursuant to section 3302 of title 31, United States Code), notwithstanding any other law), or imprisoned not more than 5 years, or both.

#### SEC. 13. EFFECTIVE DATE.

This Act shall take effect—

(1) with respect to a State that on the date of enactment of this Act has a provision in the constitution of the State that would preclude compliance with this Act unless the State maintained separate Federal and State official lists of eligible voters, on the later of—

(A) January 1, 1996; or

(B) the date that is 120 days after the date by which, under the constitution of the State as in effect on the date of enactment of this Act, it would be legally possible to adopt and place into effect any amendments to the constitution of the State that are necessary to permit such compliance with this Act without requiring a special election; and

(2) with respect to any State not described in paragraph (1), on January 1, 1995.

#### AMENDMENT No. 158

At the appropriate place insert the following:

#### SEC. . REMOVAL OF NAMES FROM VOTER LISTS.

Section (8)(d)(1)(B) shall be deemed to read as follows:

(B)(i) has failed to respond to a notice described in paragraph (2); or

(ii) is shown to have given an address at the time of registration that is affirmatively determined on the basis of credible evidence, after affording the registrant an opportunity to rebut the evidence, not to be his or her place of residence.

#### AMENDMENT No. 159

Strike section (8)(d)(1)(B) and insert the following:

#### SEC. . REMOVAL OF NAMES FROM VOTERS LISTS.

(B)(i) has failed to respond to a notice described in paragraph (2); or

(ii) is shown to have given an address at the time of registration that is affirmatively determined on the basis of credible evidence, after affording the registrant an opportunity to rebut the evidence, not to be his or her place of residence.

#### AMENDMENT No. 160

Strike section 8(e) and insert the following:

#### SEC. . REQUIREMENT OF SWORN STATEMENTS VERIFYING RESIDENCE IN THE PROCEDURE FOR VOTING FOLLOWING FAILURE TO RETURN A NOTICE UNDER SECTION 8(d).

(e) PROCEDURE FOR VOTING FOLLOWING FAILURE TO RETURN CARD.—(1) A registrant who has moved from an address in the area

covered by a polling place to an address in the area covered by a polling place to an address in the same area shall, notwithstanding failure to notify the registrar of the change of address prior to the date of an election, be permitted to vote at that polling place upon the registrant's making a sworn written statement of the change of address before an election official at that polling place.

(2)(A) A registrant who has moved from an address in the area covered by one polling place to an address in an area covered by a second polling place within the same registrar's jurisdiction and the same congressional district and who has failed to notify the registrar of the change of address prior to the date of an election, at the option of the registrant—

(i) shall be permitted to correct the voting records and vote at the registrant's former polling place, upon making a sworn written statement of the new address witnessed by an election official at that polling place; or

(ii)(I) shall be permitted to correct the voting records and vote at a central location within the same registrar's jurisdiction designated by the registrar where a list of eligible voters is maintained, upon the registrant's making a sworn written statement, witnessed by an election official, of the new address on a standard form provided by the registrar at the central location; or

(II) shall be permitted to correct the voting records for purposes of voting in future elections at the appropriate polling place for the current address and, if permitted by State law, shall be permitted to vote in the present election, upon the registrant's making a sworn written statement of the new address witnessed by an election official.

(B) If State law permits the registrant to vote in the current election upon the registrant's making a sworn written statement of the new address, witnessed by an election official, at a polling place described in subparagraph (A)(ii)(II), voting at the former polling place as described in subparagraph (A)(i) and at a central location as described in subparagraph (A)(ii)(I) need not be provided as alternative options.

(3) If the registration records indicate that a registrant has moved from an address in the area covered by a polling place, the registrant shall, upon the registrant's making a sworn written statement, witnessed by an election official at that polling place, that the registrant continues to reside at the address previously made known to the registrar, be permitted to vote at that polling place.

#### AMENDMENT No. 161

At the appropriate place, insert the following:

#### SEC. . REQUIREMENT OF SWORN STATEMENTS VERIFYING RESIDENCE IN THE PROCEDURE FOR VOTING FOLLOWING FAILURE TO RETURN A NOTICE UNDER SECTION 8(d).

Section 8(e) shall be deemed to read as follows:

(e) PROCEDURE FOR VOTING FOLLOWING FAILURE TO RETURN CARD.—(1) A registrant who has moved from an address in the area covered by a polling place to an address in the same area shall, notwithstanding failure to notify the registrar of the change of address prior to the date of an election, be permitted to vote at that polling place upon the registrant's making a sworn written statement of the change of address before an election official at that polling place.

(2)(A) A registrant who has moved from an address in the area covered by one polling

place to an address in an area covered by a second polling place within the same registrar's jurisdiction and the same congressional district and who has failed to notify the registrar of the change of address prior to the date of an election, at the option of the registrant—

(i) shall be permitted to correct the voting records and vote at the registrant's former polling place, upon making a sworn written statement of the new address witnessed by an election official at that polling place; or

(ii)(I) shall be permitted to correct the voting records and vote at a central location within the same registrar's jurisdiction designated by the registrar where a list of eligible voters is maintained, upon the registrant's making a sworn written statement, witnessed by an election official, of the new address on a standard form provided by the registrar at the central location; or

(II) shall be permitted to correct the voting records for purposes of voting in future elections at the appropriate polling place for the current address and, if permitted by State law, shall be permitted to vote in the present election, upon the registrant's making a sworn written statement of the new address witnessed by an election official.

(B) If State law permits the registrant to vote in the current election upon the registrant's making a sworn written statement of the new address, witnessed by an election official, at a polling place described in subparagraph (A)(ii)(II), voting at the former polling place as described in subparagraph (A)(i) and at a central location as described in subparagraph (A)(ii)(I) need not be provided as alternative options.

(3) If the registration records indicate that a registrant has moved from an address in the area covered by a polling place, the registrant shall, upon the registrant's making a sworn written statement, witnessed by an election official at that polling place, that the registrant continues to reside at the address previously made known to the registrar, be permitted to vote at that polling place.

#### FORD AMENDMENT NOS. 162 AND 163

(Ordered to lie on the table.)

Mr. FORD submitted two amendments intended to be proposed by him to the bill (S. 460), supra, as follows:

#### AMENDMENT No. 162

At the appropriate place insert the following:

Any provision of this Act to the contrary notwithstanding, if State law permits the registrant to vote in the current election upon oral or written affirmation by the registrant of the new address, at the polling place described in section 8(e)(2)(A)(i), or at a central location as described in section 8(e)(2)(A)(ii)(I), or at a polling place described in section 8(e)(2)(A)(ii)(II), voting at the other locations described in section 8(e)(2)(A) need not be provided as options.

#### AMENDMENT No. 163

On page 2, strike all after line 11 and insert the following:

(4) It is the duty of Federal, State, and local government to facilitate the opportunity for citizens to register to vote to the greatest extent practicable.

(b) PURPOSES.—The purposes of this Act are—

(1) to establish procedures that will increase the number of eligible citizens who

register to vote in elections for Federal office;

(2) to make it possible for Federal, State, and local governments to implement this Act in a manner that enhances the participation of eligible citizens as voters in elections for Federal office;

(3) to protect the integrity of the electoral process; and

(4) to ensure that accurate and current voter registration rolls are maintained.

**SEC. 3. DEFINITIONS.**

As used in this Act—

(1) the term "election" has the meaning stated in section 301(1) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(1));

(2) the term "Federal office" has the meaning stated in section 301(3) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(3));

(3) the term "motor vehicle driver's license" includes any personal identification document issued by a State motor vehicle authority;

(4) the term "State" means a State of the United States and the District of Columbia; and

(5) the term "voter registration agency" means an office designated under section 7(a)(1) to perform voter registration activities.

**SEC. 4. NATIONAL PROCEDURES FOR VOTER REGISTRATION FOR ELECTIONS FOR FEDERAL OFFICE.**

(a) IN GENERAL.—Except as provided in subsection (b), notwithstanding any other Federal or State law, in addition to any other method of voter registration provided for under State law, each State shall establish procedures to register to vote in elections for Federal office—

(1) by application made simultaneously with an application for a motor vehicle driver's license pursuant to section 5;

(2) by mail application pursuant to section 6; and

(3) by application in person—

(A) at the appropriate registration site designated with respect to the residence of the applicant in accordance with State law; and

(B) at a Federal, State, or nongovernmental office designated under section 7.

(b) NONAPPLICABILITY TO CERTAIN STATES.—This Act does not apply to a State described in either or both of the following paragraphs:

(1) A State in which, under law that is in effect continuously on and after March 11, 1993, there is no voter registration requirement for any voter in the State with respect to an election for Federal office.

(2) A State in which, under law that is in effect continuously on and after March 11, 1993, or that was enacted on or prior to March 11, 1993, and by its terms is to come into effect upon the enactment of this Act, so long as that law remains in effect, all voters in the State may register to vote at the polling place at the time of voting in a general election for Federal office in a year in which an election for the office of President is held."

**SEC. 5. SIMULTANEOUS APPLICATION FOR VOTER REGISTRATION AND APPLICATION FOR MOTOR VEHICLE DRIVER'S LICENSE.**

(a) IN GENERAL.—(1) Each State motor vehicle driver's license application (including any renewal application) submitted to the appropriate State motor vehicle authority under State law shall serve as an application for voter registration with respect to elections for Federal office unless the applicant fails to sign the voter registration application.

(2) An application for voter registration submitted under paragraph (1) shall be considered as updating any previous voter registration by the applicant.

(b) LIMITATION ON USE OF INFORMATION.—No information relating to the failure of an applicant for a State motor vehicle driver's license to sign a voter registration application may be used for any purpose other than voter registration.

(c) FORMS AND PROCEDURES.—(1) Each State shall include a voter registration application form for elections for Federal office as part of an application for a State motor vehicle driver's license.

(2) The voter registration application portion of an application for a State motor vehicle driver's license—

(A) may not require any information that duplicates information required in the driver's license portion of the form (other than a second signature or other information necessary under subparagraph (C));

(B) may require only the minimum amount of information necessary to—

(i) prevent duplicate voter registrations; and

(ii) enable State election officials to assess the eligibility of the applicant and to administer voter registration and other parts of the election process;

(C) shall include a statement that—

(i) states each eligibility requirement (including citizenship);

(ii) contains an attestation that the applicant meets each such requirement; and

(iii) requires the signature of the applicant, under penalty of perjury;

(D) shall include, in print that is identical to that used in the attestation portion of the application—

(i) the information required in section 8(a)(5) (A) and (B);

(ii) a statement that, if an applicant declines to register to vote, the fact that the applicant has declined to register will remain confidential and will be used only for voter registration purposes; and

(iii) a statement that if an applicant does register to vote, the office at which the applicant submits a voter registration application will remain confidential and will be used only for voter registration purposes; and

(E) shall be made available (as submitted by the applicant, or in machine readable or other format) to the appropriate State election official as provided by State law.

(d) CHANGE OF ADDRESS.—Any change of address form submitted in accordance with State law for purposes of a State motor vehicle driver's license shall serve as notification of change of address for voter registration with respect to elections for Federal office for the registrant involved unless the registrant states on the form that the change of address is not for voter registration purposes.

(e) TRANSMITTAL DEADLINE.—(1) Subject to paragraph (2), a completed voter registration portion of an application for a State motor vehicle driver's license accepted at a State motor vehicle authority shall be transmitted to the appropriate State election official not later than 10 days after the date of acceptance.

(2) If a registration application is accepted within 5 days before the last day for registration to vote in an election, the application shall be transmitted to the appropriate State election official not later than 5 days after the date of acceptance.

**SEC. 6. MAIL REGISTRATION.**

(a) FORM.—(1) Each State shall accept and use the mail voter registration application

form prescribed by the Federal Election Commission pursuant to section 9(a)(2) for the registration of voters in elections for Federal office.

(2) In addition to accepting and using the form described in paragraph (1), a State may develop and use a mail voter registration form that meets all of the criteria stated in section 9(b) for the registration of voters in elections for Federal office.

(3) A form described in paragraph (1) or (2) shall be accepted and used for notification of a registrant's change of address.

(b) AVAILABILITY OF FORMS.—The chief State election official of a State shall make the forms described in subsection (a) available for distribution through governmental and private entities, with particular emphasis on making them available for organized voter registration programs.

(c) FIRST-TIME VOTERS.—(1) Subject to paragraph (2), a State may by law require a person to vote in person if—

(A) the person was registered to vote in a jurisdiction by mail; and

(B) the person has not previously voted in that jurisdiction.

(2) Paragraph (1) does not apply in the case of a person—

(A) who is entitled to vote by absentee ballot under the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-1 et seq.);

(B) who is provided the right to vote otherwise than in person under section 3(b)(2)(B)(ii) of the Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. 1973ee-1(b)(2)(B)(ii)); or

(C) who is entitled to vote otherwise than in person under any other Federal law.

(d) UNDELIVERED NOTICES.—If a notice described in section 8(a)(2) is sent by nonforwardable mail and is returned undelivered, the name of the applicant may be removed from the official list of eligible voters in accordance with section 8(d).

**SEC. 7. VOTER REGISTRATION AGENCIES.**

(a) DESIGNATION.—(1) Each State may designate agencies for the registration of voters in elections for Federal office.

(2) Each State may designate as voter registration agencies—

(A) all offices in the State that provide public assistance, unemployment compensation, or related services; and

(B) all offices in the State that provide State-funded programs primarily engaged in providing services to persons with disabilities.

(3)(A) In addition to voter registration agencies designated under paragraph (2), each State shall designate other offices within the State as voter registration agencies.

(B) Voter registration agencies designated under subparagraph (A) may include—

(i) State or local government offices such as public libraries, public schools, offices of city and county clerks (including marriage license bureaus), fishing and hunting license bureaus, government revenue offices, and offices not described in paragraph (2)(B) that provide services to persons with disabilities; and

(ii) Federal and nongovernmental offices, with the agreement of such offices.

(4)(A) At each voter registration agency, the following services shall be made available:

(i) Distribution of mail voter registration application forms in accordance with paragraph (6).

(ii) Assistance to applicants in completing voter registration application forms, unless the applicant refuses such assistance.

(iii) Acceptance of completed voter registration application forms for transmittal to the appropriate State election official.

(B) If a voter registration agency designated under paragraph (2)(B) provides services to a person with a disability at the person's home, the agency shall provide the services described in subparagraph (A) at the person's home.

(5) A person who provides service described in paragraph (4) shall not—

(A) seek to influence an applicant's political preference or party registration;

(B) display any such political preference or party allegiance; or

(C) make any statement to an applicant or take any action the purpose or effect of which is to discourage the applicant from registering to vote.

(6) A voter registration agency that is an office that provides service or assistance in addition to conducting voter registration shall—

(A) distribute with each application for such service or assistance, and with each recertification, renewal, or change of address form relating to such service or assistance—

(i) the mail voter registration application form described in section 9(a)(2), including a statement that—

(I) specifies each eligibility requirement (including citizenship);

(II) contains an attestation that the applicant meets each such requirement; and

(III) requires the signature of the applicant, under penalty of perjury; or

(ii) the office's own form if it is equivalent to the form described in section 9(a)(2),

unless the applicant, in writing, declines to register to vote;

(B) to the greatest extent practicable, incorporate in application forms and other forms used at those offices for purposes other than voter registration a means by which a person who completes the form may decline, in writing, to register to vote in elections for Federal office; and

(C) provide to each applicant who does not decline to register to vote the same degree of assistance with regard to the completion of the registration application form as is provided by the office with regard to the completion of its own forms, unless the applicant refuses such assistance.

(7) No information relating to a declination to register to vote in connection with an application made at an office described in paragraph (6) may be used for any purpose other than voter registration.

(b) **FEDERAL GOVERNMENT AND PRIVATE SECTOR COOPERATION.**—All departments, agencies, and other entities of the executive branch of the Federal Government shall, to the greatest extent practicable, cooperate with the States in carrying out subsection (a), and all nongovernmental entities are encouraged to do so.

(c) **TRANSMITTAL DEADLINE.**—(1) Subject to paragraph (2), a completed registration application accepted at a voter registration agency shall be transmitted to the appropriate State election official not later than 10 days after the date of acceptance.

(2) If a registration application is accepted within 5 days before the last day for registration to vote in an election, the application shall be transmitted to the appropriate State election official not later than 5 days after the date of acceptance.

(d) **ARMED FORCES RECRUITMENT OFFICES.**—(1) Each State and the Secretary of Defense shall jointly develop and implement procedures for persons to apply to register to vote at recruitment offices of the Armed Forces of the United States.

(2) A recruitment office of the Armed Forces of the United States shall be considered to be a voter registration agency designated under subsection (a)(2) for all purposes of this Act.

**SEC. 8. REQUIREMENTS WITH RESPECT TO ADMINISTRATION OF VOTER REGISTRATION.**

(a) **IN GENERAL.**—In the administration of voter registration for elections for Federal office, each State shall—

(1) ensure that any eligible applicant is registered to vote in an election—

(A) in the case of registration with a motor vehicle application under section 5, if the valid voter registration form of the applicant is submitted to the appropriate State motor vehicle authority not later than the lesser of 30 days, or the period provided by State law, before the date of the election;

(B) in the case of registration by mail under section 6, if the valid voter registration form of the applicant is postmarked not later than the lesser of 30 days, or the period provided by State law, before the date of the election;

(C) in the case of registration at a voter registration agency, if the valid voter registration form of the applicant is accepted at the voter registration agency not later than the lesser of 30 days, or the period provided by State law, before the date of the election; and

(D) in any other case, if the valid voter registration form of the applicant is received by the appropriate State election official not later than the lesser of 30 days, or the period provided by State law, before the date of the election;

(2) require the appropriate State election official to send notice to each applicant of the disposition of the application;

(3) provide that the name of a registrant may not be removed from the official list of eligible voters except—

(A) at the request of the registrant;

(B) as provided by State law, by reason of criminal conviction or mental incapacity; or

(C) as provided under paragraph (4);

(4) conduct a general program that makes a reasonable effort to remove the names of ineligible voters from the official lists of eligible voters by reason of—

(A) the death of the registrant; or

(B) a change in the residence of the registrant, in accordance with subsections (b), (c), and (d);

(5) inform applicants under sections 5, 6, and 7 of—

(A) voter eligibility requirements; and

(B) penalties provided by law for submission of a false voter registration application; and

(6) ensure that the identity of the voter registration agency through which any particular voter is registered is not disclosed to the public.

(b) **CONFIRMATION OF VOTER REGISTRATION.**—Any State program or activity to protect the integrity of the electoral process by ensuring the maintenance of an accurate and current voter registration roll for elections for Federal office—

(1) shall be uniform, nondiscriminatory, and in compliance with the Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.); and

(2) shall not result in the removal of the name of any person from the official list of voters registered to vote in an election for Federal office by reason of the person's failure to vote.

(c) **VOTER REMOVAL PROGRAMS.**—(1) A State may meet the requirement of subsection (a)(4) by establishing a program under which—

(A) change-of-address information supplied by the Postal Service through its licensees is used to identify registrants whose addresses may have changed; and

(B) if it appears from information provided by the Postal Service that—

(i) a registrant has moved to a different residence address in the same registrar's jurisdiction in which the registrant is currently registered, the registrar changes the registration records to show the new address and sends the registrant a notice of the change by forwardable mail and a postage prepaid pre-addressed return form by which the registrant may verify or correct the address information; or

(ii) the registrant has moved to a different residence address not in the same registrar's jurisdiction, the registrar uses the notice procedure described in subsection (d)(2) to confirm the change of address.

(2)(A) A State shall complete, not later than 90 days prior to the date of a primary or general election for Federal office, any program the purpose of which is to systematically remove the names of ineligible voters from the official lists of eligible voters.

(B) Subparagraph (A) shall not be construed to preclude—

(i) the removal of names from official lists of voters on a basis described in paragraph (3) (A) or (B) or (4)(A) of subsection (a); or

(ii) correction of registration records pursuant to this Act.

(d) **REMOVAL OF NAMES FROM VOTING ROLLS.**—(1) A State shall not remove the name of a registrant from the official list of eligible voters in elections for Federal office on the ground that the registrant has changed residence unless the registrant—

(A) confirms in writing that the registrant has changed residence to a place outside the registrar's jurisdiction in which the registrant is registered; or

(B)(i) has failed to respond to a notice described in paragraph (2); and

(ii) has not voted or appeared to vote (and, if necessary, correct the registrar's record of the registrant's address) in an election during the period beginning on the date of the notice and ending on the day after the date of the second general election for Federal office that occurs after the date of the notice.

(2) A notice is described in this paragraph if it is a postage prepaid and pre-addressed return card, sent by forwardable mail, on which the registrant may state his or her current address, together with a notice to the following effect:

(A) If the registrant did not change his or her residence, or changed residence but remained in the registrar's jurisdiction, the registrant should return the card not later than the time provided for mail registration under subsection (a)(1)(B). If the card is not returned, affirmation or confirmation of the registrant's address may be required before the registrant is permitted to vote in a Federal election during the period beginning on the date of the notice and ending on the day after the date of the second general election for Federal office that occurs after the date of the notice, and if the registrant does not vote in an election during that period the registrant's name will be removed from the list of eligible voters.

(B) If the registrant has changed residence to a place outside the registrar's jurisdiction in which the registrant is registered, information concerning how the registrant can continue to be eligible to vote.

(3) A voting registrar shall correct an official list of eligible voters in elections for Federal office in accordance with change of

residence information obtained in conformance with this subsection.

(e) PROCEDURE FOR VOTING FOLLOWING FAILURE TO RETURN CARD.—(1) A registrant who has moved from an address in the area covered by a polling place to an address in the same area shall, notwithstanding failure to notify the registrar of the change of address prior to the date of an election, be permitted to vote at that polling place upon oral or written affirmation by the registrant of the change of address before an election official at that polling place.

(2)(A) A registrant who has moved from an address in the area covered by one polling place to an address in an area covered by a second polling place within the same registrar's jurisdiction and the same congressional district and who has failed to notify the registrar of the change of address prior to the date of an election, at the option of the registrant—

(i) shall be permitted to correct the voting records and vote at the registrant's former polling place, upon oral or written affirmation by the registrant of the new address before an election official at that polling place; or

(ii)(I) shall be permitted to correct the voting records and vote at a central location within the same registrar's jurisdiction designated by the registrar where a list of eligible voters is maintained, upon written affirmation by the registrant of the new address on a standard form provided by the registrar at the central location; or

(II) shall be permitted to correct the voting records for purposes of voting in future elections at the appropriate polling place for the current address and, if permitted by State law, shall be permitted to vote in the present election, upon confirmation by the registrant of the new address by such means as are required by law.

(B) If State law permits the registrant to vote in the current election upon oral or written affirmation by the registrant of the new address at a polling place described in subparagraph (A)(ii)(II), voting at the former polling place as described in subparagraph (A)(i) and at a central location as described in subparagraph (A)(ii)(I) need not be provided as alternative options.

(3) If the registration records indicate that a registrant has moved from an address in the area covered by a polling place, the registrant shall, upon oral or written affirmation by the registrant before an election official at that polling place that the registrant continues to reside at the address previously made known to the registrar, be permitted to vote at that polling place.

(f) CHANGE OF VOTING ADDRESS WITHIN A JURISDICTION.—In the case of a change of address, for voting purposes, of a registrant to another address within the same registrar's jurisdiction, the registrar shall correct the voting registration list accordingly, and the registrant's name may not be removed from the official list of eligible voters by reason of such a change of address except as provided in subsection (d).

(g) CONVICTION IN FEDERAL COURT.—(1) On the conviction of a person of a felony in a district court of the United States, the United States attorney shall give written notice of the conviction to the chief State election official designated under section 10 of the State of the person's residence.

(2) A notice given pursuant to paragraph (1) shall include—

- (A) the name of the offender;
- (B) the offender's age and residence address;

(C) the date of entry of the judgment;

(D) a description of the offenses of which the offender was convicted; and

(E) the sentence imposed by the court.

(3) On request of the chief State election official of a State or other State official with responsibility for determining the effect that a conviction may have on an offender's qualification to vote, the United States attorney shall provide such additional information as the United States attorney may have concerning the offender and the offense of which the offender was convicted.

(4) If a conviction of which notice was given pursuant to paragraph (1) is overturned, the United States attorney shall give the official to whom the notice was given written notice of the vacation of the judgment.

(5) The chief State election official shall notify the voter registration officials of the local jurisdiction in which an offender resides of the information received under this subsection.

(h) REDUCED POSTAL RATES.—(1) Subchapter II of chapter 36 of title 39, United States Code, is amended by adding at the end the following:

**"§ 3629. Reduced rates for voter registration purposes**

"The Postal Service shall make available to a State or local voting registration official the rate for any class of mail that is available to a qualified nonprofit organization under section 3626 for the purpose of making a mailing that the official certifies is required or authorized by the National Voter Registration Act of 1993."

(2) The first sentence of section 2401(c) of title 39, United States Code, is amended by striking out "and 3626(a)-(h) and (j)-(k) of this title," and inserting in lieu thereof "3626(a)-(h), 3626(j)-(k), and 3629 of this title".

(3) Section 3627 of title 39, United States Code, is amended by striking out "or 3626 of this title," and inserting in lieu thereof "3626, or 3629 of this title".

(4) 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 voter registration purposes."

(i) PUBLIC DISCLOSURE OF VOTER REGISTRATION ACTIVITIES.—(1) Each State shall maintain for at least 2 years and shall make available for public inspection and, where available, photocopying at a reasonable cost, all records concerning the implementation of programs and activities conducted for the purpose of ensuring the accuracy and currency of official lists of eligible voters, except to the extent that such records relate to a declination to register to vote or to the identity of a voter registration agency through which any particular voter is registered.

(2) The records maintained pursuant to paragraph (1) shall include lists of the names and addresses of all persons to whom notices described in subsection (d)(2) are sent, and information concerning whether or not each such person has responded to the notice as of the date that inspection of the records is made.

(j) DEFINITION.—For the purposes of this section, the term "registrar's jurisdiction" means—

- (1) an incorporated city, town, borough, or other form of municipality;
- (2) if voter registration is maintained by a county, parish, or other unit of government

that governs a larger geographic area than a municipality, the geographic area governed by that unit of government; or

(3) if voter registration is maintained on a consolidated basis for more than one municipality or other unit of government by an office that performs all of the functions of a voting registrar, the geographic area of the consolidated municipalities or other geographic units.

**SEC. 9. FEDERAL COORDINATION AND REGULATIONS.**

(a) IN GENERAL.—The Federal Election Commission—

(1) in consultation with the chief election officers of the States, shall prescribe such regulations as are necessary to carry out paragraphs (2) and (3);

(2) in consultation with the chief election officers of the States, shall develop a mail voter registration application form for elections for Federal office;

(3) not later than June 30 of each odd-numbered year, shall submit to the Congress a report assessing the impact of this Act on the administration of elections for Federal office during the preceding 2-year period and including recommendations for improvements in Federal and State procedures, forms, and other matters affected by this Act; and

(4) shall provide information to the States with respect to the responsibilities of the States under this Act.

(b) CONTENTS OF MAIL VOTER REGISTRATION FORM.—The mail voter registration form developed under subsection (a)(2)—

(1) may require only such identifying information (including the signature of the applicant) and other information (including data relating to previous registration by the applicant), as is necessary to enable the appropriate State election official to assess the eligibility of the applicant and to administer voter registration and other parts of the election process;

(2) shall include a statement that—

(A) specifies each eligibility requirement (including citizenship);

(B) contains an attestation that the applicant meets each such requirement; and

(C) requires the signature of the applicant, under penalty of perjury;

(3) may not include any requirement for notarization or other formal authentication; and

(4) shall include, in print that is identical to that used in the attestation portion of the application—

(i) the information required in section 8(a)(5) (A) and (B);

(ii) a statement that, if an applicant declines to register to vote, the fact that the applicant has declined to register will remain confidential and will be used only for voter registration purposes; and

(iii) a statement that if an applicant does register to vote, the office at which the applicant submits a voter registration application will remain confidential and will be used only for voter registration purposes; and

**SEC. 10. DESIGNATION OF CHIEF STATE ELECTION OFFICIAL.**

Each State shall designate a State officer or employee as the chief State election official to be responsible for coordination of State responsibilities under this Act.

**SEC. 11. CIVIL ENFORCEMENT AND PRIVATE RIGHT OF ACTION.**

(a) ATTORNEY GENERAL.—The Attorney General may bring a civil action in an appropriate district court for such declaratory or injunctive relief as is necessary to carry out this Act.

(b) PRIVATE RIGHT OF ACTION.—(1) A person who is aggrieved by a violation of this Act may provide written notice of the violation to the chief election official of the State involved.

(2) If the violation is not corrected within 90 days after receipt of a notice under paragraph (1), or within 20 days after receipt of the notice if the violation occurred within 120 days before the date of an election for Federal office, the aggrieved person may bring a civil action in an appropriate district court for declaratory or injunctive relief with respect to the violation.

(3) If the violation occurred within 30 days before the date of an election for Federal office, the aggrieved person need not provide notice to the chief election official of the State under paragraph (1) before bringing a civil action under paragraph (2).

(c) ATTORNEY'S FEES.—In a civil action under this section, the court may allow the prevailing party (other than the United States) reasonable attorney fees, including litigation expenses, and costs.

(d) RELATION TO OTHER LAWS.—(1) The rights and remedies established by this section are in addition to all other rights and remedies provided by law, and neither the rights and remedies established by this section nor any other provision of this Act shall supersede, restrict, or limit the application of the Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.).

(2) Nothing in this Act authorizes or requires conduct that is prohibited by the Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.).

#### SEC. 12. CRIMINAL PENALTIES.

A person, including an election official, who in any election for Federal office—

(1) knowingly and willfully intimidates, threatens, or coerces, or attempts to intimidate, threaten, or coerce, any person for—

(A) registering to vote, or voting, or attempting to register or vote;

(B) urging or aiding any person to register to vote, to vote, or to attempt to register or vote; or

(C) exercising any right under this Act; or

(2) knowingly and willfully deprives, defrauds, or attempts to deprive or defraud the residents of a State of a fair and impartially conducted election process, by—

(A) the procurement or submission of voter registration applications that are known by the person to be materially false, fictitious, or fraudulent under the laws of the State in which the election is held; or

(B) the procurement, casting, or tabulation of ballots that are known by the person to be materially false, fictitious, or fraudulent under the laws of the State in which the election is held,

shall be fined in accordance with title 18, United States Code (which fines shall be paid into the general fund of the Treasury, miscellaneous receipts (pursuant to section 3302 of title 31, United States Code), notwithstanding any other law), or imprisoned not more than 5 years, or both.

#### SEC. 13. EFFECTIVE DATE.

This Act shall take effect—

(1) with respect to a State that on the date of enactment of this Act has a provision in the constitution of the State that would preclude compliance with this Act unless the State maintained separate Federal and State official lists of eligible voters, on the later of—

(A) January 1, 1996; or

(B) the date that is 120 days after the date by which, under the constitution of the State as in effect on the date of enactment of this Act, it would be legally possible to

adopt and place into effect any amendments to the constitution of the State that are necessary to permit such compliance with this Act without requiring a special election; and

(2) with respect to any State not described in paragraph (1), on January 1, 1995.

### MCCONNELL AMENDMENTS NOS. 164 THROUGH 172

(Ordered to lie on the table.)

Mr. MCCONNELL submitted nine amendments intended to be proposed by him to the bill (S. 460), supra, as follows:

#### AMENDMENT No. 164

Strike all that follows after the enacting clause through the end of the bill and insert the following:

This Act may be cited as the "National Voter Registration Act of 1993".

#### SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) the right of citizens of the United States to vote is a fundamental right;

(2) it is the duty of the Federal, State, and local governments to promote the exercise of that right; and

(3) discriminatory and unfair registration laws and procedures can have a direct and damaging effect on voter participation in elections for Federal office and disproportionately harm voter participation by various groups, including racial minorities.

(b) PURPOSES.—The purposes of this Act are—

(1) to establish procedures that will increase the number of eligible citizens who register to vote in elections for Federal office;

(2) to make it possible for Federal, State, and local governments to implement this Act in a manner that enhances the participation of eligible citizens as voters in elections for Federal office;

(3) to protect the integrity of the electoral process; and

(4) to ensure that accurate and current voter registration rolls are maintained.

#### SEC. 3. DEFINITIONS.

As used in this Act—

(1) the term "election" has the meaning stated in section 301(1) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(1));

(2) the term "Federal office" has the meaning stated in section 301(3) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(3));

(3) the term "motor vehicle driver's license" includes any personal identification document issued by a State motor vehicle authority;

(4) the term "State" means a State of the United States and the District of Columbia; and

(5) the term "voter registration agency" means an office designated under section 7(a)(1) to perform voter registration activities.

#### SEC. 4. NATIONAL PROCEDURES FOR VOTER REGISTRATION FOR ELECTIONS FOR FEDERAL OFFICE.

(a) IN GENERAL.—Except as provided in subsection (b), notwithstanding any other Federal or State law, in addition to any other method of voter registration provided for under State law, each State shall establish procedures to register to vote in elections for Federal Office—

(1) by application made simultaneously with and application for a motor vehicle driver's license pursuant to section 5;

(2) by mail application pursuant to section 6; and

(3) by application in person—

(A) at the appropriate registration site designated with respect to the residence of the applicant in accordance with State law; and

(B) at a Federal, State, or nongovernmental office designated under section 7.

(b) NONAPPLICABILITY TO CERTAIN STATES.—This Act does not apply to a State described in either or both of the following paragraphs:

(1) A State in which, under law that is in effect continuously on and after March 11, 1993, there is no voter registration requirement for any voter in the State with respect to an election for Federal office.

(2) A State in which, under law that is in effect continuously on and after March 11, 1993, or that was enacted on or prior to March 11, 1993, and by its terms is to come into effect upon the enactment of this Act, so long as that law remains in effect, all voters in the State may register to vote at the polling place at the time of voting in a general election for Federal office in a year in which an election for the office of President is held.

#### SEC. 5. SIMULTANEOUS APPLICATION FOR VOTER REGISTRATION AND APPLICATION FOR MOTOR VEHICLE DRIVER'S LICENSE.

(a) IN GENERAL.—(1) Each State motor vehicle driver's license application (including any renewal application) submitted to the appropriate State motor vehicle authority under State law shall serve as an application for voter registration with respect to elections for Federal office unless the applicant fails to sign the voter registration application.

(2) An application for voter registration submitted under paragraph (1) shall be considered as updating any previous voter registration by the applicant.

(b) LIMITATION ON USE OF INFORMATION.—No information relating to the failure of an applicant for a State motor vehicle driver's license to sign a voter registration application may be used for any purpose other than voter registration.

(c) FORMS AND PROCEDURES.—(1) Each State shall include a voter registration application form for elections for Federal office as part of an application for a State motor vehicle driver's license.

(2) The voter registration application portion of an application for a State motor vehicle driver's license—

(A) may not require any information that duplicates information required in the driver's license portion of the form (other than a second signature or other information necessary under subparagraph (C));

(B) may require only the minimum amount of information necessary to—

(i) prevent duplicate voter registrations; and

(ii) enable State election officials to assess the eligibility of the applicant and to administer voter registration and other parts of the election process;

(C) shall include a statement that—

(i) states each eligibility requirement (including citizenship);

(ii) contains an attestation that the applicant meets each such requirement; and

(iii) requires the signature of the applicant, under penalty of perjury;

(D) shall include, in print that is identical to that used in the attestation portion of the application—

(i) the information required in section 8(a)(5) (A) and (B);

(ii) a statement that, if an applicant declines to register to vote, the fact that the applicant has declined to register will re-

main confidential and will be used only for voter registration purposes; and

(iii) a statement that if an applicant does register to vote, the office at which the applicant submits a voter registration application will remain confidential and will be used only for voter registration purposes; and

(E) shall be made available (as submitted by the applicant, or in machine readable or other format) to the appropriate State election official as provided by State law.

(d) CHANGE OF ADDRESS.—Any change of address form submitted in accordance with State law for purposes of a State motor vehicle driver's license shall serve as notification of change of address for voter registration with respect to elections for Federal office for the registrant involved unless the registrant states on the form that the change of address is not for voter registration purposes.

(e) TRANSMITTAL DEADLINE.—(1) Subject to paragraph (2), a completed voter registration portion of an application for a State motor vehicle driver's license accepted at a State motor vehicle authority shall be transmitted to the appropriate State election official not later than 10 days after the date of acceptance.

(2) If a registration application is accepted within 5 days before the last day for registration to vote in an election, the application shall be transmitted to the appropriate State election official not later than 5 days after the date of acceptance.

#### SEC. 6. MAIL REGISTRATION.

(a) FORM.—(1) Each State shall accept and use the mail voter registration application form prescribed by the Federal Election Commission pursuant to section 9(a)(2) for the registration of voters in elections for Federal office.

(2) In addition to accepting and using the form described in paragraph (1), a State may develop and use a mail voter registration form that meets all of the criteria stated in section 9(b) for the registration of voters in elections for Federal office.

(3) A form described in paragraph (1) or (2) shall be accepted and used for notification of a registrant's change of address.

(b) AVAILABILITY OF FORMS.—The chief State election official of a State shall make the forms described in subsection (a) available for distribution through governmental and private entities, with particular emphasis on making them available for organized voter registration programs.

(c) FIRST-TIME VOTERS.—(1) Subject to paragraph (2), a State may by law require a person to vote in person if—

(A) the person was registered to vote in a jurisdiction by mail; and

(B) the person has not previously voted in that jurisdiction.

(2) Paragraph (1) does not apply in the case of a person—

(A) who is entitled to vote by absentee ballot under the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-1 et seq.);

(B) who is provided the right to vote otherwise than in person under section 3(b)(2)(B)(ii) of the Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. 1973ee-1(b)(2)(B)(ii)); or

(C) who is entitled to vote otherwise than in person under any other Federal law.

(d) UNDELIVERED NOTICES.—If a notice described in section 8(a)(2) is sent by nonforwardable mail and is returned undelivered, the name of the applicant may be removed from the official list of eligible voters in accordance with section 8(d).

#### SEC. 7. VOTER REGISTRATION AGENCIES.

(a) DESIGNATION.—(1) Each State shall designate agencies for the registration of voters in elections for Federal office.

(2) Each State shall designate as voter registration agencies—

all offices in the State that provide State-funded programs primarily engaged in providing services to persons with disabilities.

(3)(A) In addition to voter registration agencies designated under paragraph (2), each State shall designate other offices within the State as voter registration agencies.

(B) Voter registration agencies designated under subparagraph (A) may include—

(i) State or local government offices such as public libraries, public schools, offices of city and county clerks (including marriage license bureaus), fishing and hunting license bureaus, government revenue offices, and offices not described in paragraph (2)(B) that provide services to persons with disabilities;

(ii) all offices in the State that provide public assistance, unemployment compensation, or related services; and

(iii) Federal and nongovernmental offices, with the agreement of such offices.

(4)(A) At each voter registration agency, the following services shall be made available:

(i) Distribution of mail voter registration application forms in accordance with paragraph (6).

(ii) Assistance to applicants in completing voter registration application forms, unless the applicant refuses such assistance.

(iii) Acceptance of completed voter registration application forms for transmittal to the appropriate State election official.

(B) If a voter registration agency designated under paragraph (2)(B) provides services to a person with a disability at the person's home, the agency shall provide the services described in subparagraph (A) at the person's home.

(5) A person who provides service described in paragraph (4) shall not—

(A) seek to influence an applicant's political preference or party registration;

(B) display any such political preference or party allegiance; or

(C) make any statement to an applicant or take any action the purpose or effect of which is to discourage the applicant from registering to vote.

(6) A voter registration agency that is an office that provides service or assistance in addition to conducting voter registration shall—

(A) distribute with each application for such service or assistance, and with each recertification, renewal, or change of address form relating to such service or assistance—

(i) the mail voter registration application form described in section 9(a)(2), including a statement that—

(I) specifies each eligibility requirement (including citizenship);

(II) contains an attestation that the applicant meets each such requirement; and

(III) requires the signature of the applicant, under penalty of perjury; or

(ii) the office's own form if it is equivalent to the form described in section 9(a)(2),

unless the applicant, in writing, declines to register to vote;

(B) to the greatest extent practicable, incorporate in application forms and other forms used at those offices for purposes other than voter registration a means by which a person who completes the form may decline, in writing, to register to vote in elections for Federal office; and

(C) provide to each applicant who does not decline to register to vote the same degree of

assistance with regard to the completion of the registration application form as is provided by the office with regard to the completion of its own forms, unless the applicant refuses such assistance.

(7) No information relating to a declination to register to vote in connection with an application made at an office described in paragraph (6) may be used for any purpose other than voter registration.

(b) FEDERAL GOVERNMENT AND PRIVATE SECTOR COOPERATION.—All departments, agencies, and other entities of the executive branch of the Federal Government shall, to the greatest extent practicable, cooperate with the States in carrying out subsection (a), and all nongovernmental entities are encouraged to do so.

(c) TRANSMITTAL DEADLINE.—(1) Subject to paragraph (2), a completed registration application accepted at a voter registration agency shall be transmitted to the appropriate State election official not later than 10 days after the date of acceptance.

(2) If a registration application is accepted within 5 days before the last day for registration to vote in an election, the application shall be transmitted to the appropriate State election official not later than 5 days after the date of acceptance.

(d) REGISTRATION AT ARMED FORCES RECRUITMENT OFFICES.—(1) Each State and the Secretary of Defense shall jointly develop and implement procedures to register persons to vote at recruitment offices of the Armed Forces of the United States. (2) Such offices shall be subject to same requirements as agencies designed in part (a)(2).

#### SEC. 8. REQUIREMENTS WITH RESPECT TO ADMINISTRATION OF VOTER REGISTRATION.

(a) IN GENERAL.—In the administration of voter registration for elections for Federal office, each State shall—

(1) ensure that any eligible applicant is registered to vote in an election—

(A) in the case of registration with a motor vehicle application under section 5, if the valid voter registration form of the applicant is submitted to the appropriate State motor vehicle authority not later than the lesser of 30 days, or the period provided by State law, before the date of the election;

(B) in the case of registration by mail under section 6, if the valid voter registration form of the applicant is postmarked not later than the lesser of 30 days, or the period provided by State law, before the date of the election;

(C) in the case of registration at a voter registration agency, if the valid voter registration form of the applicant is accepted at the voter registration agency not later than the lesser of 30 days, or the period provided by State law, before the date of the election; and

(D) in any other case, if the valid voter registration form of the applicant is received by the appropriate State election official not later than the lesser of 30 days, or the period provided by State law, before the date of the election;

(2) require the appropriate State election official to send notice to each applicant of the disposition of the application;

(3) provide that the name of a registrant may not be removed from the official list of eligible voters except—

(A) at the request of the registrant;

(B) as provided by State law, by reason of criminal conviction or mental incapacity; or

(C) as provided under paragraph (4);

(4) conduct a general program that makes a reasonable effort to remove the names of

ineligible voters from the official lists of eligible voters by reason of—

- (A) the death of the registrant; or
- (B) a change in the residence of the registrant, in accordance with subsections (b), (c), and (d);
- (5) inform applicants under sections 5, 6, and 7 of—

- (A) voter eligibility requirements; and
- (B) penalties provided by law for submission of a false voter registration application; and

(6) ensure that the identity of the voter registration agency through which any particular voter is registered is not disclosed to the public.

(b) **CONFIRMATION OF VOTER REGISTRATION.**—Any State program or activity to protect the integrity of the electoral process by ensuring the maintenance of an accurate and current voter registration roll for elections for Federal office—

(1) shall be uniform, nondiscriminatory, and in compliance with the Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.); and

(2) shall not result in the removal of the name of any person from the official list of voters registered to vote in an election for Federal office by reason of the person's failure to vote.

(c) **VOTER REMOVAL PROGRAMS.**—(1) A State may meet the requirement of subsection (a)(4) by establishing a program under which—

(A) change-of-address information supplied by the Postal Service through its licensees is used to identify registrants whose addresses may have changed; and

(B) if it appears from information provided by the Postal Service that—

(i) a registrant has moved to a different residence address in the same registrar's jurisdiction in which the registrant is currently registered, the registrar changes the registration records to show the new address and sends the registrant a notice of the change by forwardable mail and a postage prepaid pre-addressed return form by which the registrant may verify or correct the address information; or

(ii) the registrant has moved to a different residence address not in the same registrar's jurisdiction, the registrar uses the notice procedure described in subsection (d)(2) to confirm the change of address.

(2)(A) A State shall complete, not later than 90 days prior to the date of a primary or general election for Federal office, any program the purpose of which is to systematically remove the names of ineligible voters from the official lists of eligible voters.

(B) Subparagraph (A) shall not be construed to preclude—

(i) the removal of names from official lists of voters on a basis described in paragraph (3) (A) or (B) or (4)(A) of subsection (a); or

(ii) correction of registration records pursuant to this Act.

(d) **REMOVAL OF NAMES FROM VOTING ROLLS.**—(1) A State shall not remove the name of a registrant from the official list of eligible voters in elections for Federal office on the ground that the registrant has changed residence unless the registrant—

(A) confirms in writing that the registrant has changed residence to a place outside the registrar's jurisdiction in which the registrant is registered; or

(B)(i) has failed to respond to a notice described in paragraph (2); and

(ii) has not voted or appeared to vote (and, if necessary, correct the registrar's record of the registrant's address) in an election during the period beginning on the date of the

notice and ending on the day after the date of the second general election for Federal office that occurs after the date of the notice.

(2) A notice is described in this paragraph if it is a postage prepaid and pre-addressed return card, sent by forwardable mail, on which the registrant may state his or her current address, together with a notice to the following effect:

(A) If the registrant did not change his or her residence, or changed residence but remained in the registrar's jurisdiction, the registrant should return the card not later than the time provided for mail registration under subsection (a)(1)(B). If the card is not returned, affirmation or confirmation of the registrant's address may be required before the registrant is permitted to vote in a Federal election during the period beginning on the date of the notice and ending on the day after the date of the second general election for Federal office that occurs after the date of the notice, and if the registrant does not vote in an election during that period the registrant's name will be removed from the list of eligible voters.

(B) If the registrant has changed residence to a place outside the registrar's jurisdiction in which the registrant is registered, information concerning how the registrant can continue to be eligible to vote.

(3) A voting registrar shall correct an official list of eligible voters in elections for Federal office in accordance with change of residence information obtained in conformance with this subsection.

(e) **PROCEDURE FOR VOTING FOLLOWING FAILURE TO RETURN CARD.**—(1) A registrant who has moved from an address in the area covered by a polling place to an address in the same area shall, notwithstanding failure to notify the registrar of the change of address prior to the date of an election, be permitted to vote at that polling place upon oral or written affirmation by the registrant of the change of address before an election official at that polling place.

(2)(A) A registrant who has moved from an address in the area covered by one polling place to an address in an area covered by a second polling place within the same registrar's jurisdiction and the same congressional district and who has failed to notify the registrar of the change of address prior to the date of an election, at the option of the registrant—

(i) shall be permitted to correct the voting records and vote at the registrant's former polling place, upon oral or written affirmation by the registrant of the new address before an election official at that polling place; or

(ii)(I) shall be permitted to correct the voting records and vote at a central location within the same registrar's jurisdiction designated by the registrar where a list of eligible voters is maintained, upon written affirmation by the registrant of the new address on a standard form provided by the registrar at the central location; or

(II) shall be permitted to correct the voting records for purposes of voting in future elections at the appropriate polling place for the current address and, if permitted by State law, shall be permitted to vote in the present election, upon confirmation by the registrant of the new address by such means as are required by law.

(B) If State law permits the registrant to vote in the current election upon oral or written affirmation by the registrant of the new address at a polling place described in subparagraph (A)(ii)(II), voting at the former polling place as described in subparagraph

(A)(i) and at a central location as described in subparagraph (A)(ii)(I) need not be provided as alternative options.

(3) If the registration records indicate that a registrant has moved from an address in the area covered by a polling place, the registrant shall, upon oral or written affirmation by the registrant before an election official at that polling place that the registrant continues to reside at the address previously made known to the registrar, be permitted to vote at that polling place.

(f) **CHANGE OF VOTING ADDRESS WITHIN A JURISDICTION.**—In the case of a change of address, for voting purposes, of a registrant to another address within the same registrar's jurisdiction, the registrar shall correct the voting registration list accordingly, and the registrant's name may not be removed from the official list of eligible voters by reason of such a change of address except as provided in subsection (d).

(g) **CONVICTION IN FEDERAL COURT.**—(1) On the conviction of a person of a felony in a district court of the United States, the United States attorney shall give written notice of the conviction to the chief State election official designated under section 10 of the State of the person's residence.

(2) A notice given pursuant to paragraph (1) shall include—

(A) the name of the offender;

(B) the offender's age and residence address;

(C) the date of entry of the judgment;

(D) a description of the offenses of which the offender was convicted; and

(E) the sentence imposed by the court.

(3) On request of the chief State election official of a State or other State official with responsibility for determining the effect that a conviction may have on an offender's qualification to vote, the United States attorney shall provide such additional information as the United States attorney may have concerning the offender and the offense of which the offender was convicted.

(4) If a conviction of which notice was given pursuant to paragraph (1) is overturned, the United States attorney shall give the official to whom the notice was given written notice of the vacation of the judgment.

(5) The chief State election official shall notify the voter registration officials of the local jurisdiction in which an offender resides of the information received under this subsection.

(h) **REDUCED POSTAL RATES.**—(1) Subchapter II of chapter 36 of title 39, United States Code, is amended by adding at the end the following:

**“§ 3629. Reduced rates for voter registration purposes**

“The Postal Service shall make available to a State or local voting registration official the rate for any class of mail that is available to a qualified nonprofit organization under section 3626 for the purpose of making a mailing that the official certifies is required or authorized by the National Voter Registration Act of 1993.”.

(2) The first sentence of section 2401(c) of title 39, United States Code, is amended by striking out “and 3626(a)-(h) and (j)-(k) of this title,” and inserting in lieu thereof “3626(a)-(h), 3626(j)-(k), and 3629 of this title”.

(3) Section 3627 of title 39, United States Code, is amended by striking out “or 3626 of this title,” and inserting in lieu thereof “3626, or 3629 of this title”.

(4) 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 voter registration purposes."

(i) PUBLIC DISCLOSURE OF VOTER REGISTRATION ACTIVITIES.—(1) Each State shall maintain for at least 2 years and shall make available for public inspection and, where available, photocopying at a reasonable cost, all records concerning the implementation of programs and activities conducted for the purpose of ensuring the accuracy and currency of official lists of eligible voters, except to the extent that such records relate to a declination to register to vote or to the identity of a voter registration agency through which any particular voter is registered.

(2) The records maintained pursuant to paragraph (1) shall include lists of the names and addresses of all persons to whom notices described in subsection (d)(2) are sent, and information concerning whether or not each such person has responded to the notice as of the date that inspection of the records is made.

(j) DEFINITION.—For the purposes of this section, the term "registrars' jurisdiction" means—

(1) an incorporated city, town, borough, or other form of municipality;

(2) if voter registration is maintained by a county, parish, or other unit of government that governs a larger geographic area than a municipality, the geographic area governed by that unit of government; or

(3) if voter registration is maintained on a consolidated basis for more than one municipality or other unit of government by an office that performs all of the functions of a voting registrar, the geographic area of the consolidated municipalities or other geographic units.

**SEC. 9. FEDERAL COORDINATION AND REGULATIONS.**

(a) IN GENERAL.—The Federal Election Commission—

(1) in consultation with the chief election officers of the States, shall prescribe such regulations as are necessary to carry out paragraphs (2) and (3);

(2) in consultation with the chief election officers of the States, shall develop a mail voter registration application form for elections for Federal office;

(3) not later than June 30 of each odd-numbered year, shall submit to the Congress a report assessing the impact of this Act on the administration of elections for Federal office during the preceding 2-year period and including recommendations for improvements in Federal and State procedures, forms, and other matters affected by this Act; and

(4) shall provide information to the States with respect to the responsibilities of the States under this Act.

(b) CONTENTS OF MAIL VOTER REGISTRATION FORM.—The mail voter registration form developed under subsection (a)(2)—

(1) may require only such identifying information (including the signature of the applicant) and other information (including data relating to previous registration by the applicant), as is necessary to enable the appropriate State election official to assess the eligibility of the applicant and to administer voter registration and other parts of the election process;

(2) shall include a statement that—

(A) specifies each eligibility requirement (including citizenship);

(B) contains an attestation that the applicant meets each such requirement; and

(C) requires the signature of the applicant, under penalty of perjury;

(3) may not include any requirement for notarization or other formal authentication; and

(4) shall include, in print that is identical to that used in the attestation portion of the application—

(i) the information required in section 8(a)(5) (A) and (B);

(ii) a statement that, if an applicant declines to register to vote, the fact that the applicant has declined to register will remain confidential and will be used only for voter registration purposes; and

(iii) a statement that if an applicant does register to vote, the office at which the applicant submits a voter registration application will remain confidential and will be used only for voter registration purposes; and

**SEC. 10. DESIGNATION OF CHIEF STATE ELECTION OFFICIAL.**

Each State shall designate a State officer or employee as the chief State election official to be responsible for coordination of State responsibilities under this Act.

**SEC. 11. CIVIL ENFORCEMENT AND PRIVATE RIGHT OF ACTION.**

(a) ATTORNEY GENERAL.—The Attorney General may bring a civil action in an appropriate district court for such declaratory or injunctive relief as is necessary to carry out this Act.

(b) PRIVATE RIGHT OF ACTION.—(1) A person who is aggrieved by a violation of this Act may provide written notice of the violation to the chief election official of the State involved.

(2) If the violation is not corrected within 90 days after receipt of a notice under paragraph (1), or within 20 days after receipt of the notice if the violation occurred within 120 days before the date of an election for Federal office, the aggrieved person may bring a civil action in an appropriate district court for declaratory or injunctive relief with respect to the violation.

(3) If the violation occurred within 30 days before the date of an election for Federal office, the aggrieved person need not provide notice to the chief election official of the State under paragraph (1) before bringing a civil action under paragraph (2).

(c) ATTORNEY'S FEES.—In a civil action under this section, the court may allow the prevailing party (other than the United States) reasonable attorney fees, including litigation expenses, and costs.

(d) RELATION TO OTHER LAWS.—(1) The rights and remedies established by this section are in addition to all other rights and remedies provided by law, and neither the rights and remedies established by this section nor any other provision of this Act shall supersede, restrict, or limit the application of the Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.).

(2) Nothing in this Act authorizes or requires conduct that is prohibited by the Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.).

**SEC. 12. CRIMINAL PENALTIES.**

A person, including an election official, who in any election for Federal office—

(1) knowingly and willfully intimidates, threatens, or coerces, or attempts to intimidate, threaten, or coerce, any person for—

(A) registering to vote, or voting, or attempting to register or vote;

(B) urging or aiding any person to register to vote, to vote, or to attempt to register or vote; or

(C) exercising any right under this Act; or

(2) knowingly and willfully deprives, defrauds, or attempts to deprive or defraud the

residents of a State of a fair and impartially conducted election process, by—

(A) the procurement or submission of voter registration applications that are known by the person to be materially false, fictitious, or fraudulent under the laws of the State in which the election is held; or

(B) the procurement, casting, or tabulation of ballots that are known by the person to be materially false, fictitious, or fraudulent under the laws of the State in which the election is held,

shall be fined in accordance with title 18, United States Code (which fines shall be paid into the general fund of the Treasury, miscellaneous receipts (pursuant to section 3302 of title 31, United States Code), notwithstanding any other law), or imprisoned not more than 5 years, or both.

**SEC. 13. EFFECTIVE DATE.**

This Act shall take effect—

(1) with respect to a State that on the date of enactment of this Act has a provision in the constitution of the State that would preclude compliance with this Act unless the State maintained separate Federal and State official lists of eligible voters, on the later of—

(A) January 1, 1996; or

(B) the date that is 120 days after the date by which, under the constitution of the State as in effect on the date of enactment of this Act, it would be legally possible to adopt and place into effect any amendments to the constitution of the State that are necessary to permit such compliance with this Act without requiring a special election; and

(2) with respect to any State not described in paragraph (1), on January 1, 1995.

**AMENDMENT No. 165**

At the end thereof add the following new section : "Notwithstanding any other provision of this Act, a State shall be permitted to remove from the official list of eligible voters the name of any registrant who has failed to vote during a period spanning at least 3 Presidential elections."

**AMENDMENT No. 166**

At the end thereof add the following new section : "Notwithstanding any other provision of this Act, a State shall be permitted to remove from the official list of eligible voters the name of any registrant who has failed to vote during a period spanning at least 4 Presidential elections."

**AMENDMENT No. 167**

At the end thereof add the following new section : "Notwithstanding any other provision of this Act, a State shall be permitted to remove from the official list of eligible voters the name of any registrant who has failed to vote during a period spanning at least 5 Presidential elections."

**AMENDMENT No. 168**

At the end thereof add the following new section : "Notwithstanding any other provision of this Act, a State shall be permitted to remove from the official list of eligible voters the name of any registrant who has failed to vote during a period spanning at least 2 Presidential elections."

**AMENDMENT No. 169**

At the end of the bill add the following:  
SEC. . Notwithstanding any other provision of this Act, a State shall be permitted to remove the name of a registrant from the official list of eligible voters if such reg-

istrant is ineligible to vote, either because the registrant is not a citizen of the United States, or because the registrant is of insufficient age.

#### AMENDMENT NO. 170

At the end of the bill add the following:

SEC. . A person, including an election official or anyone who provides voter registration services pursuant to section 5 or section 7 of this Act, who knowingly and willfully intimidates, threatens, or coerces, or attempts to intimidate, threaten, or coerce, any person to register to vote, or vote; or for refusing or declining to register to vote or refusing or declining to vote, shall be fined in accordance with title 18, United States Code (which fines shall be paid into the general fund of the Treasury, miscellaneous receipts, pursuant to section 3302 of title 31, United States Code, notwithstanding any other law), or imprisoned not more than 5 years, or both.

#### AMENDMENT NO. 171

At the end of the bill add the following:

SEC. . Notwithstanding any other provision of this Act, if State law permits the registrant to vote in the current election upon oral or written affirmation by the registrant of the new address, as the polling place described in section 8(e)(2)(A)(i) of this Act, or at a central location as described in section 8(e)(2)(A)(ii)(I), or at a polling place described in section 8(e)(2)(A)(ii)(II), voting at the other locations described in paragraph 2(A) of that section need not be provided as options.

#### AMENDMENT NO. 172

At the end of the bill add the following:

SEC. . Notwithstanding any other provision of this Act, if State law permits the registrant to vote in the current election upon oral or written affirmation by the registrant of the new address, as the polling place described in section 8(e)(2)(A)(i) of this Act, or at a central location as described in section 8(e)(2)(A)(ii)(I), or at a polling place described in section 8(e)(2)(A)(ii)(II), voting at the other locations described in paragraph 2(A) of that section need not be provided as options.

#### FORD AMENDMENT NO. 173

(Ordered to lie on the table.)

MR. FORD submitted an amendment intended to be proposed by him to the bill (S. 460), supra, as follows:

On page 2, strike all after line 11 and insert the following:

(4) It is the duty of Federal, State, and local government to facilitate the opportunity for citizens to register to vote to the greatest extent practicable.

(b) PURPOSES.—The purposes of this Act are—

(1) to establish procedures that will increase the number of eligible citizens who register to vote in elections for Federal office;

(2) to make it possible for Federal, State, and local governments to implement this Act in a manner that enhances the participation of eligible citizens as voters in elections for Federal office;

(3) to protect the integrity of the electoral process; and

(4) to ensure that accurate and current voter registration rolls are maintained.

#### SEC. 3. DEFINITIONS.

As used in this Act—

(1) the term "election" has the meaning stated in section 301(1) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(1));

(2) the term "Federal office" has the meaning stated in section 301(3) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(3));

(3) the term "motor vehicle driver's license" includes any personal identification document issued by a State motor vehicle authority;

(4) the term "State" means a State of the United States and the District of Columbia; and

(5) the term "voter registration agency" means an office designated under section 7(a)(1) to perform voter registration activities.

#### SEC. 4. NATIONAL PROCEDURES FOR VOTER REGISTRATION FOR ELECTIONS FOR FEDERAL OFFICE.

(a) IN GENERAL.—Except as provided in subsection (b), notwithstanding any other Federal or State law, in addition to any other method of voter registration provided for under State law, each State shall establish procedures to register to vote in elections for Federal office—

(1) by application made simultaneously with an application for a motor vehicle driver's license pursuant to section 5;

(2) by mail application pursuant to section 6; and

(3) by application in person—

(A) at the appropriate registration site designated with respect to the residence of the applicant in accordance with State law; and

(B) at a Federal, State, or nongovernmental office designated under section 7.

(b) NONAPPLICABILITY TO CERTAIN STATES.—This Act does not apply to a State described in either or both of the following paragraphs:

(1) A State in which, under law that is in effect continuously on and after March 11, 1993, there is no voter registration requirement for any voter in the State with respect to an election for Federal office.

(2) A State in which, under law that is in effect continuously on and after March 11, 1993, or that was enacted on or prior to March 11, 1993, and by its terms is to come into effect upon the enactment of this Act, so long as that law remains in effect, all voters in the State may register to vote at the polling place at the time of voting in a general election for Federal office in a year in which an election for the office of President is held.

#### SEC. 5. SIMULTANEOUS APPLICATION FOR VOTER REGISTRATION AND APPLICATION FOR MOTOR VEHICLE DRIVER'S LICENSE.

(a) IN GENERAL.—(1) Each State motor vehicle driver's license application (including any renewal application) submitted to the appropriate State motor vehicle authority under State law shall serve as an application for voter registration with respect to elections for Federal office unless the applicant fails to sign the voter registration application.

(2) An application for voter registration submitted under paragraph (1) shall be considered as updating any previous voter registration by the applicant.

(b) LIMITATION ON USE OF INFORMATION.—No information relating to the failure of an applicant for a State motor vehicle driver's license to sign a voter registration application may be used for any purpose other than voter registration.

(c) FORMS AND PROCEDURES.—(1) Each State shall include a voter registration application form for elections for Federal office as part of an application for a State motor vehicle driver's license.

(2) The voter registration application portion of an application for a State motor vehicle driver's license—

(A) may not require any information that duplicates information required in the driv-

er's license portion of the form (other than a second signature or other information necessary under subparagraph (C));

(B) may require only the minimum amount of information necessary to—

(i) prevent duplicate voter registrations; and

(ii) enable State election officials to assess the eligibility of the applicant and to administer voter registration and other parts of the election process;

(C) shall include a statement that—

(i) states each eligibility requirement (including citizenship);

(ii) contains an attestation that the applicant meets each such requirement; and

(iii) requires the signature of the applicant, under penalty of perjury;

(D) shall include, in print that is identical to that used in the attestation portion of the application—

(i) the information required in section 8(a)(5)(A) and (B);

(ii) a statement that, if an applicant declines to register to vote, the fact that the applicant has declined to register will remain confidential and will be used only for voter registration purposes; and

(iii) a statement that if an applicant does register to vote, the office at which the applicant submits a voter registration application will remain confidential and will be used only for voter registration purposes; and

(E) shall be made available (as submitted by the applicant, or in machine readable or other format) to the appropriate State election official as provided by State law.

(d) CHANGE OF ADDRESS.—Any change of address form submitted in accordance with State law for purposes of a State motor vehicle driver's license shall serve as notification of change of address for voter registration with respect to elections for Federal office for the registrant involved unless the registrant states on the form that the change of address is not for voter registration purposes.

(e) TRANSMITTAL DEADLINE.—(1) Subject to paragraph (2), a completed voter registration portion of an application for a State motor vehicle driver's license accepted at a State motor vehicle authority shall be transmitted to the appropriate State election official not later than 10 days after the date of acceptance.

(2) If a registration application is accepted within 5 days before the last day for registration to vote in an election, the application shall be transmitted to the appropriate State election official not later than 5 days after the date of acceptance.

#### SEC. 6. MAIL REGISTRATION.

(a) FORM.—(1) Each State shall accept and use the mail voter registration application form prescribed by the Federal Election Commission pursuant to section 9(a)(2) for the registration of voters in elections for Federal office.

(2) In addition to accepting and using the form described in paragraph (1), a State may develop and use a mail voter registration form that meets all of the criteria stated in section 9(b) for the registration of voters in elections for Federal office.

(3) A form described in paragraph (1) or (2) shall be accepted and used for notification of a registrant's change of address.

(b) AVAILABILITY OF FORMS.—The chief State election official of a State shall make the forms described in subsection (a) available for distribution through governmental and private entities, with particular emphasis on making them available for organized voter registration programs.

(c) **FIRST-TIME VOTERS.**—(1) Subject to paragraph (2), a State may by law require a person to vote in person if—

(A) the person was registered to vote in a jurisdiction by mail; and

(B) the person has not previously voted in that jurisdiction.

(2) Paragraph (1) does not apply in the case of a person—

(A) who is entitled to vote by absentee ballot under the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-1 et seq.);

(B) who is provided the right to vote otherwise than in person under section 3(b)(2)(B)(ii) of the Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. 1973ee-1(b)(2)(B)(ii)); or

(C) who is entitled to vote otherwise than in person under any other Federal law.

(d) **UNDELIVERED NOTICES.**—If a notice described in section 8(a)(2) is sent by nonforwardable mail and is returned undelivered, the name of the applicant may be removed from the official list of eligible voters in accordance with section 8(d).

**SEC. 7. VOTER REGISTRATION AGENCIES.**

(a) **DESIGNATION.**—(1) Each State shall designate agencies for the registration of voters in elections for Federal office.

(2) Each State may designate as voter registration agencies—

(A) all offices in the State that provide public assistance, unemployment compensation, or related services; and

(B) all offices in the State that provide State-funded programs primarily engaged in providing services to persons with disabilities.

(3)(A) In addition to voter registration agencies designated under paragraph (2), each State shall designate other offices within the State as voter registration agencies.

(B) Voter registration agencies designated under subparagraph (A) may include—

(i) State or local government offices such as public libraries, public schools, offices of city and county clerks (including marriage license bureaus), fishing and hunting license bureaus, government revenue offices, and offices not described in paragraph (2)(B) that provide services to persons with disabilities; and

(ii) Federal and nongovernmental offices, with the agreement of such offices.

(4)(A) At each voter registration agency, the following services shall be made available:

(i) Distribution of mail voter registration application forms in accordance with paragraph (6).

(ii) Assistance to applicants in completing voter registration application forms, unless the applicant refuses such assistance.

(iii) Acceptance of completed voter registration application forms for transmittal to the appropriate State election official.

(B) If a voter registration agency designated under paragraph (2)(B) provides services to a person with a disability at the person's home, the agency shall provide the services described in subparagraph (A) at the person's home.

(5) A person who provides service described in paragraph (4) shall not—

(A) seek to influence an applicant's political preference or party registration;

(B) display any such political preference or party allegiance; or

(C) make any statement to an applicant or take any action the purpose or effect of which is to discourage the applicant from registering to vote.

(6) A voter registration agency that is an office that provides service or assistance in

addition to conducting voter registration shall—

(A) distribute with each application for such service or assistance, and with each recertification, renewal, or change of address form relating to such service or assistance—

(i) the mail voter registration application form described in section 9(a)(2), including a statement that—

(I) specifies each eligibility requirement (including citizenship);

(II) contains an attestation that the applicant meets each such requirement; and

(III) requires the signature of the applicant, under penalty of perjury; or

(ii) the office's own form if it is equivalent to the form described in section 9(a)(2), unless the applicant, in writing, declines to register to vote;

(B) to the greatest extent practicable, incorporate in application forms and other forms used at those offices for purposes other than voter registration a means by which a person who completes the form may decline, in writing, to register to vote in elections for Federal office; and

(C) provide to each applicant who does not decline to register to vote the same degree of assistance with regard to the completion of the registration application form as is provided by the office with regard to the completion of its own forms, unless the applicant refuses such assistance.

(7) No information relating to a declination to register to vote in connection with an application made at an office described in paragraph (6) may be used for any purpose other than voter registration.

(b) **FEDERAL GOVERNMENT AND PRIVATE SECTOR COOPERATION.**—All departments, agencies, and other entities of the executive branch of the Federal Government shall, to the greatest extent practicable, cooperate with the States in carrying out subsection (a), and all nongovernmental entities are encouraged to do so.

(c) **TRANSMITTAL DEADLINE.**—(1) Subject to paragraph (2), a completed registration application accepted at a voter registration agency shall be transmitted to the appropriate State election official not later than 10 days after the date of acceptance.

(2) If a registration application is accepted within 5 days before the last day for registration to vote in an election, the application shall be transmitted to the appropriate State election official not later than 5 days after the date of acceptance.

(d) **ARMED FORCES RECRUITMENT OFFICES.**—(1) Each State and the Secretary of Defense shall jointly develop and implement procedures for persons to apply to register to vote at recruitment offices of the Armed Forces of the United States.

(2) A recruitment office of the Armed Forces of the United States shall be considered to be a voter registration agency designated under subsection (a)(2) for all purposes of this Act.

**SEC. 8. REQUIREMENTS WITH RESPECT TO ADMINISTRATION OF VOTER REGISTRATION.**

(a) **IN GENERAL.**—In the administration of voter registration for elections for Federal office, each State shall—

(1) ensure that any eligible applicant is registered to vote in an election—

(A) in the case of registration with a motor vehicle application under section 5, if the valid voter registration form of the applicant is submitted to the appropriate State motor vehicle authority not later than the lesser of 30 days, or the period provided by State law, before the date of the election;

(B) in the case of registration by mail under section 6, if the valid voter registration form of the applicant is postmarked not later than the lesser of 30 days, or the period provided by State law, before the date of the election;

(C) in the case of registration at a voter registration agency, if the valid voter registration form of the applicant is accepted at the voter registration agency not later than the lesser of 30 days, or the period provided by State law, before the date of the election; and

(D) in any other case, if the valid voter registration form of the applicant is received by the appropriate State election official not later than the lesser of 30 days, or the period provided by State law, before the date of the election;

(2) require the appropriate State election official to send notice to each applicant of the disposition of the application;

(3) provide that the name of a registrant may not be removed from the official list of eligible voters except—

(A) at the request of the registrant;

(B) as provided by State law, by reason of criminal conviction or mental incapacity; or

(C) as provided under paragraph (4);

(4) conduct a general program that makes a reasonable effort to remove the names of ineligible voters from the official lists of eligible voters by reason of—

(A) the death of the registrant; or

(B) a change in the residence of the registrant, in accordance with subsections (b), (c), and (d);

(5) inform applicants under sections 5, 6, and 7 of—

(A) voter eligibility requirements; and

(B) penalties provided by law for submission of a false voter registration application; and

(6) ensure that the identity of the voter registration agency through which any particular voter is registered is not disclosed to the public.

(b) **CONFIRMATION OF VOTER REGISTRATION.**—Any State program or activity to protect the integrity of the electoral process by ensuring the maintenance of an accurate and current voter registration roll for elections for Federal office—

(1) shall be uniform, nondiscriminatory, and in compliance with the Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.); and

(2) shall not result in the removal of the name of any person from the official list of voters registered to vote in an election for Federal office by reason of the person's failure to vote.

(c) **VOTER REMOVAL PROGRAMS.**—(1) A State may meet the requirement of subsection (a)(4) by establishing a program under which—

(A) change-of-address information supplied by the Postal Service through its licensees is used to identify registrants whose addresses may have changed; and

(B) if it appears from information provided by the Postal Service that—

(i) a registrant has moved to a different residence address in the same registrar's jurisdiction in which the registrant is currently registered, the registrar changes the registration records to show the new address and sends the registrant a notice of the change by forwardable mail and a postage prepaid pre-addressed return form by which the registrant may verify or correct the address information; or

(ii) the registrant has moved to a different residence address not in the same registrar's jurisdiction, the registrar uses the notice

procedure described in subsection (d)(2) to confirm the change of address.

(2)(A) A State shall complete, not later than 90 days prior to the date of a primary or general election for Federal office, any program the purpose of which is to systematically remove the names of ineligible voters from the official lists of eligible voters.

(B) Subparagraph (A) shall not be construed to preclude—

(i) the removal of names from official lists of voters on a basis described in paragraph (3) (A) or (B) or (4)(A) of subsection (a); or

(ii) correction of registration records pursuant to this Act.

(d) REMOVAL OF NAMES FROM VOTING ROLLS.—(1) A State shall not remove the name of a registrant from the official list of eligible voters in elections for Federal office on the ground that the registrant has changed residence unless the registrant—

(A) confirms in writing that the registrant has changed residence to a place outside the registrar's jurisdiction in which the registrant is registered; or

(B)(i) has failed to respond to a notice described in paragraph (2); and

(ii) has not voted or appeared to vote (and, if necessary, correct the registrar's record of the registrant's address) in an election during the period beginning on the date of the notice and ending on the day after the date of the second general election for Federal office that occurs after the date of the notice.

(2) A notice is described in this paragraph if it is a postage prepaid and pre-addressed return card, sent by forwardable mail, on which the registrant may state his or her current address, together with a notice to the following effect:

(A) If the registrant did not change his or her residence, or changed residence but remained in the registrar's jurisdiction, the registrant should return the card not later than the time provided for mail registration under subsection (a)(1)(B). If the card is not returned, affirmation or confirmation of the registrant's address may be required before the registrant is permitted to vote in a Federal election during the period beginning on the date of the notice and ending on the day after the date of the second general election for Federal office that occurs after the date of the notice, and if the registrant does not vote in an election during that period the registrant's name will be removed from the list of eligible voters.

(B) If the registrant has changed residence to a place outside the registrar's jurisdiction in which the registrant is registered, information concerning how the registrant can continue to be eligible to vote.

(3) A voting registrar shall correct an official list of eligible voters in elections for Federal office in accordance with change of residence information obtained in conformance with this subsection.

(e) PROCEDURE FOR VOTING FOLLOWING FAILURE TO RETURN CARD.—(1) A registrant who has moved from an address in the area covered by a polling place to an address in the same area shall, notwithstanding failure to notify the registrar of the change of address prior to the date of an election, be permitted to vote at that polling place upon oral or written affirmation by the registrar of the change of address before an election official at that polling place.

(2)(A) A registrant who has moved from an address in the area covered by one polling place to an address in an area covered by a second polling place within the same registrar's jurisdiction and the same congressional district and who has failed to notify

the registrar of the change of address prior to the date of an election, at the option of the registrant—

(i) shall be permitted to correct the voting records and vote at the registrant's former polling place, upon oral or written affirmation by the registrar of the new address before an election official at that polling place; or

(ii)(I) shall be permitted to correct the voting records and vote at a central location within the same registrar's jurisdiction designated by the registrar where a list of eligible voters is maintained, upon written affirmation by the registrant of the new address on a standard form provided by the registrar at the central location; or

(II) shall be permitted to correct the voting records for purposes of voting in future elections at the appropriate polling place for the current address and, if permitted by State law, shall be permitted to vote in the present election, upon confirmation by the registrar of the new address by such means as are required by law.

(B) If State law permits the registrant to vote in the current election upon oral or written affirmation by the registrant of the new address at a polling place described in subparagraph (A)(ii)(I), voting at the former polling place as described in subparagraph (A)(i) and at a central location as described in subparagraph (A)(ii)(I) need not be provided as alternative options.

(3) If the registration records indicate that a registrant has moved from an address in the area covered by a polling place, the registrant shall, upon oral or written affirmation by the registrant before an election official at that polling place that the registrant continues to reside at the address previously made known to the registrar, be permitted to vote at that polling place.

(f) CHANGE OF VOTING ADDRESS WITHIN A JURISDICTION.—In the case of a change of address, for voting purposes, of a registrant to another address within the same registrar's jurisdiction, the registrar shall correct the voting registration list accordingly, and the registrant's name may not be removed from the official list of eligible voters by reason of such a change of address except as provided in subsection (d).

(g) CONVICTION IN FEDERAL COURT.—(1) On the conviction of a person of a felony in a district court of the United States, the United States attorney shall give written notice of the conviction to the chief State election official designated under section 10 of the State of the person's residence.

(2) A notice given pursuant to paragraph (1) shall include—

(A) the name of the offender;

(B) the offender's age and residence address;

(C) the date of entry of the judgment;

(D) a description of the offenses of which the offender was convicted; and

(E) the sentence imposed by the court.

(3) On request of the chief State election official of a State or other State official with responsibility for determining the effect that a conviction may have on an offender's qualification to vote, the United States attorney shall provide such additional information as the United States attorney may have concerning the offender and the offense of which the offender was convicted.

(4) If a conviction of which notice was given pursuant to paragraph (1) is overturned, the United States attorney shall give the official to whom the notice was given written notice of the vacation of the judgment.

(5) The chief State election official shall notify the voter registration officials of the local jurisdiction in which an offender resides of the information received under this subsection.

(h) REDUCED POSTAL RATES.—(1) Subchapter II of chapter 36 of title 39, United States Code, is amended by adding at the end the following:

**"§ 3629. Reduced rates for voter registration purposes**

"The Postal Service shall make available to a State or local voting registration official the rate for any class of mail that is available to a qualified nonprofit organization under section 3626 for the purpose of making a mailing that the official certifies is required or authorized by the National Voter Registration Act of 1993."

(2) The first sentence of section 2401(c) of title 39, United States Code, is amended by striking out "and 3626(a)-(h) and (j)-(k) of this title," and inserting in lieu thereof "3626(a)-(h), 3626(j)-(k), and 3629 of this title".

(3) Section 3627 of title 39, United States Code, is amended by striking out "or 3626 of this title," and inserting in lieu thereof "3626, or 3629 of this title".

(4) 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 voter registration purposes."

(i) PUBLIC DISCLOSURE OF VOTER REGISTRATION ACTIVITIES.—(1) Each State shall maintain for at least 2 years and shall make available for public inspection and, where available, photocopying at a reasonable cost, all records concerning the implementation of programs and activities conducted for the purpose of ensuring the accuracy and currency of official lists of eligible voters, except to the extent that such records relate to a declination to register to vote or to the identity of a voter registration agency through which any particular voter is registered.

(2) The records maintained pursuant to paragraph (1) shall include lists of the names and addresses of all persons to whom notices described in subsection (d)(2) are sent, and information concerning whether or not each such person has responded to the notice as of the date that inspection of the records is made.

(j) DEFINITION.—For the purposes of this section, the term "registrar's jurisdiction" means—

(1) an incorporated city, town, borough, or other form of municipality;

(2) if voter registration is maintained by a county, parish, or other unit of government that governs a larger geographic area than a municipality, the geographic area governed by that unit of government; or

(3) if voter registration is maintained on a consolidated basis for more than one municipality or other unit of government by an office that performs all of the functions of a voting registrar, the geographic area of the consolidated municipalities or other geographic units.

**SEC. 9. FEDERAL COORDINATION AND REGULATIONS.**

(a) IN GENERAL.—The Federal Election Commission—

(1) in consultation with the chief election officers of the States, shall prescribe such regulations as are necessary to carry out paragraphs (2) and (3);

(2) in consultation with the chief election officers of the States, shall develop a mail

voter registration application form for elections for Federal office;

(3) not later than June 30 of each odd-numbered year, shall submit to the Congress a report assessing the impact of this Act on the administration of elections for Federal office during the preceding 2-year period and including recommendations for improvements in Federal and State procedures, forms, and other matters affected by this Act; and

(4) shall provide information to the States with respect to the responsibilities of the States under this Act.

(b) **CONTENTS OF MAIL VOTER REGISTRATION FORM.**—The mail voter registration form developed under subsection (a)(2)—

(1) may require only such identifying information (including the signature of the applicant) and other information (including data relating to previous registration by the applicant), as is necessary to enable the appropriate State election official to assess the eligibility of the applicant and to administer voter registration and other parts of the election process;

(2) shall include a statement that—

(A) specifies each eligibility requirement (including citizenship);

(B) contains an attestation that the applicant meets each such requirement; and

(C) requires the signature of the applicant, under penalty of perjury;

(3) may not include any requirement for notarization or other formal authentication; and

(4) shall include, in print that is identical to that used in the attestation portion of the application—

(i) the information required in section 8(a)(5) (A) and (B);

(ii) a statement that, if an applicant declines to register to vote, the fact that the applicant has declined to register will remain confidential and will be used only for voter registration purposes; and

(iii) a statement that if an applicant does register to vote, the office at which the applicant submits a voter registration application will remain confidential and will be used only for voter registration purposes; and

**SEC. 10. DESIGNATION OF CHIEF STATE ELECTION OFFICIAL.**

Each State shall designate a State officer or employee as the chief State election official to be responsible for coordination of State responsibilities under this Act.

**SEC. 11. CIVIL ENFORCEMENT AND PRIVATE RIGHT OF ACTION.**

(a) **ATTORNEY GENERAL.**—The Attorney General may bring a civil action in an appropriate district court for such declaratory or injunctive relief as is necessary to carry out this Act.

(b) **PRIVATE RIGHT OF ACTION.**—(1) A person who is aggrieved by a violation of this Act may provide written notice of the violation to the chief election official of the State involved.

(2) If the violation is not corrected within 90 days after receipt of a notice under paragraph (1), or within 20 days after receipt of the notice if the violation occurred within 120 days before the date of an election for Federal office, the aggrieved person may bring a civil action in an appropriate district court for declaratory or injunctive relief with respect to the violation.

(3) If the violation occurred within 30 days before the date of an election for Federal office, the aggrieved person need not provide notice to the chief election official of the State under paragraph (1) before bringing a civil action under paragraph (2).

(c) **ATTORNEY'S FEES.**—In a civil action under this section, the court may allow the prevailing party (other than the United States) reasonable attorney fees, including litigation expenses, and costs.

(d) **RELATION TO OTHER LAWS.**—(1) The rights and remedies established by this section are in addition to all other rights and remedies provided by law, and neither the rights and remedies established by this section nor any other provision of this Act shall supersede, restrict, or limit the application of the Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.).

(2) Nothing in this Act authorizes or requires conduct that is prohibited by the Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.).

**SEC. 12. CRIMINAL PENALTIES.**

A person, including an election official, who in any election for Federal office—

(1) knowingly and willfully intimidates, threatens, or coerces, or attempts to intimidate, threaten, or coerce, any person for—

(A) registering to vote, or voting, or attempting to register or vote;

(B) urging or aiding any person to register to vote, to vote, or to attempt to register or vote; or

(C) exercising any right under this Act; or

(2) knowingly and willfully deprives, defrauds, or attempts to deprive or defraud the residents of a State of a fair and impartially conducted election process, by—

(A) the procurement or submission of voter registration applications that are known by the person to be materially false, fictitious, or fraudulent under the laws of the State in which the election is held; or

(B) the procurement, casting, or tabulation of ballots that are known by the person to be materially false, fictitious, or fraudulent under the laws of the State in which the election is held,

shall be fined in accordance with title 18, United States Code (which fines shall be paid into the general fund of the Treasury, miscellaneous receipts (pursuant to section 3302 of title 31, United States Code), notwithstanding any other law), or imprisoned not more than 5 years, or both.

**SEC. 13. EFFECTIVE DATE.**

This Act shall take effect—

(1) with respect to a State that on the date of enactment of this Act has a provision in the constitution of the State that would preclude compliance with this Act unless the State maintained separate Federal and State official lists of eligible voters, on the later of—

(A) January 1, 1996; or

(B) the date that is 120 days after the date by which, under the constitution of the State as in effect on the date of enactment of this Act, it would be legally possible to adopt and place into effect any amendments to the constitution of the State that are necessary to permit such compliance with this Act without requiring a special election; and

(2) with respect to any State not described in paragraph (1), on January 1, 1995.

Any provision to the contrary notwithstanding, if State law permits the registrant to vote in the current election upon oral or written affirmation by the registrant of the new address, at the polling place described in section 8(e)(2)(A)(i), or at a central location as described in section 8(e)(2)(A)(ii)(I), or at a polling place described in section 8(e)(2)(A)(ii)(II), voting at the other locations described in section 8(e)(2)(A) need not be provided as options.

**SIMPSON (AND D'AMATO)  
AMENDMENT NO. 174**

(Ordered to lie on the table.)

Mr. SIMPSON (for himself and Mr. D'AMATO) submitted two amendments intended to be proposed by him to the bill (S. 460), supra, as follows:

**AMENDMENT No. 174**

At the end of the bill, add the following:

**TITLE —IMPROVED PROCEDURES FOR EXCLUSION OF ALIENS SEEKING TO ENTER THE UNITED STATES BY FRAUD**

**SEC. —01. SHORT TITLE.**

This title may be cited as the "Port of Entry Inspections Improvement Act of 1993".

**SEC. —02. ADMISSIONS FRAUD.**

(a) **EXCLUSION FOR FRAUDULENT DOCUMENTS OR FAILURE TO PRESENT DOCUMENTS.**—Section 212(a)(6)(C) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(6)(C)) is amended—

(1) by striking "(C) MISREPRESENTATION" and inserting in lieu thereof the following:

"(C) FRAUD, MISREPRESENTATION, AND FAILURE TO PRESENT DOCUMENTS";

(2) by adding at the end the following new clause:

"(iii) FRAUDULENT DOCUMENTS AND FAILURE TO PRESENT DOCUMENTS.—

"(I) Any alien who, in seeking entry to the United States or boarding a common carrier for the purpose of coming to the United States, presents any document which, in the determination of the immigration officer to whom the document is presented, is forged, counterfeit, altered, falsely made, stolen, or inapplicable to the alien presenting the document, or otherwise contains a misrepresentation of a material fact, is excludable.

"(II) Any alien who, in boarding a common carrier for the purpose of coming to the United States, presents a document which relates or purports to relate to the alien's eligibility to enter the United States, and fails to present such document to an immigration officer upon arrival at a port of entry into the United States, is excludable."

(b) **PROVISION FOR ASYLUM AND OTHER DISCRETIONARY RELIEF.**—

(1) Section 208 of the Immigration and Nationality Act (8 U.S.C. 1158) is amended by adding at the end the following new subsections:

"(e)(1) Notwithstanding subsection (a), any alien who, in seeking entry to the United States or boarding a common carrier pursuant to direct departure to the United States, presents any document which, in the determination of the immigration officer to whom the document is presented, is fraudulent, forged, stolen, or inapplicable to the person presenting the document, or otherwise contains a misrepresentation of a material fact, may not apply for or be granted asylum, unless presentation of the document was pursuant to direct departure from—

"(A) a country in which the alien has a credible fear of persecution; or

"(B) a country in which there is a significant danger that the alien would be returned to a country in which the alien would have a credible fear of persecution.

"(2) Notwithstanding subsection (a), an alien who, in boarding a common carrier pursuant to direct departure to the United States, presents any document which relates or purports to relate to the alien's eligibility to enter the United States, and who fails to present such document to an immigration official upon arrival at a port of entry into the United States, may not apply for or be granted asylum, unless presentation of such

document was pursuant to direct departure from—

“(A) a country in which the alien has a credible fear of persecution; or

“(B) a country in which there is a significant danger that the alien would be returned to a country in which the alien would have a credible fear of persecution.

“(3)(A) Whenever an immigration officer determines that an alien seeks entry to the United States as described in paragraph (1) or (2) and that the alien has indicated a desire to apply for asylum, the immigration officer shall refer the matter to an immigration officer specially trained to conduct interviews and to make determinations bearing on eligibility for asylum, who shall interview the alien to determine whether presentation of the document was pursuant to direct departure from—

“(i) a country in which the alien has a credible fear of persecution; or

“(ii) which there is a significant danger that the alien would be returned to a country in which the alien would have a credible fear of persecution.

“(B) If the immigration officer determines that the alien does not have a credible fear of persecution in the country from which the alien was last present before attempting entry into the United States, and that there is no significant danger that the alien would be returned from such country to a country in which the alien would have a credible fear of persecution, the alien may be specially excluded and deported in accordance with section 235(e). The alien may not appeal such determination.

“(4) As used in this subsection, the term ‘credible fear of persecution’ means—

“(A) it is more probable than not that the statements made by the alien in support of his or her claim are true; and

“(B) there is a significant possibility, in light of such statements and of such other facts as are known to the officer about country conditions, that the alien could establish eligibility as a refugee within the meaning of section 101(a)(42)(A).”

(2) Section 212(c) of the Immigration and Nationality Act (8 U.S.C. 1182(c)) is amended in the third sentence by inserting before the period “or to any alien who is excludable pursuant to section 212(a)(6)(C)(iii)”.

(3) Section 235 of the Immigration and Nationality Act (8 U.S.C. 1225) is amended by adding at the end the following new subsection:

“(d)(1) Subject to paragraph (2), any alien, who has not been admitted to the United States and who is excludable under section 212(a)(6)(C)(iii), is ineligible for withholding of deportation pursuant to section 243(h), and may not apply for withholding of deportation or for any other relief under this Act, except as provided in section 208(e) with respect to asylum.

“(2) An alien under paragraph (1) who has been found ineligible to apply for asylum under section 208(e) may be returned only—

“(A) to a country in which, in the judgment of an immigration officer specially trained to conduct interviews and to make determinations bearing on eligibility for asylum, the alien has no credible fear of persecution upon return; and

“(B) to a country from which, in the judgment of such officer, there is no significant danger that the alien would be returned to a country in which the alien would have a credible fear of persecution.”

(4) Section 237(a) of the Immigration and Nationality Act (8 U.S.C. 1227(a)) is amended—

(A) in the second sentence of paragraph (1) by striking out “Deportation” and inserting in lieu thereof “Subject to section 235(d)(2), deportation”; and

(B) in the first sentence of paragraph (2) by striking out “If” and inserting in lieu thereof “Subject to section 235(d)(2), if”.

**SEC. 03. SPECIAL PORT OF ENTRY EXCLUSION FOR ADMISSIONS FRAUD.**

Section 235 of the Immigration and Nationality Act (8 U.S.C. 1225) (as amended by section 02(b)(3) of this title) is amended by adding after subsection (d) the following new subsection:

“(e)(1) Subject to paragraph (2), any alien (including an alien crewman) who may appear to the examining immigration officer or to the special inquiry officer during the examination before either of such officers to be excludable under section 212(a)(6)(C)(iii) may be ordered specially excluded and deported by the Attorney General, either by a special inquiry officer or otherwise.

“(2)(A) An alien who has been found ineligible to apply for asylum under section 208(e) may be returned only—

“(i) to a country in which, in the judgment of an immigration officer specially trained to conduct interviews and to make determinations bearing on eligibility for asylum, the alien has no credible fear of persecution upon return; and

“(ii) to a country from which, in the judgment of such officer, there is no significant danger that the alien would be returned to a country in which the alien would have a credible fear of persecution.

“(B) Such special exclusion order is not subject to administrative appeal and shall have the same effect as if the alien has been ordered excluded and deported pursuant to section 236, except that judicial review of such an order shall not be available under section 106 or, except by habeas corpus as herein provided, under any other provision of law.

“(C) Nothing in this subsection may be construed as requiring an inquiry before a special inquiry officer in the case of an alien crewman.”

**SEC. 04. RESTRICTIONS ON JUDICIAL REVIEW.**

Section 235 of the Immigration and Nationality Act (8 U.S.C. 1225) (as amended by section 03 of this title) is amended by adding after subsection (e) the following new subsections:

“(f) ALIENS EXCLUDABLE FOR ADMISSIONS FRAUD.—Notwithstanding any other provision of law, no court shall have jurisdiction to review, except by petition for habeas corpus, any determination made with respect to an alien found excludable for admissions fraud pursuant to section 212(a)(6)(C)(iii). In any such case, review by habeas corpus shall be limited to examination of whether the petitioner (1) is an alien, and (2) was ordered specially excluded from the United States pursuant to sections 212(a)(6)(C)(iii) and 235(e).

“(g) INTERVIEWS AND SPECIAL EXCLUSION.—(1) Notwithstanding any other provision of law, no court shall have jurisdiction—

“(A) to review the procedures established by the Attorney General for the determination of admissions fraud pursuant to section 212(a)(6)(C)(iii); or

“(B) to enter declaratory or injunctive relief with respect to the implementation of subsection (d) or (e).

“(2) Notwithstanding the nature of the suit or claim, no court shall have jurisdiction (except by habeas corpus petition as provided in subsection (f)) to consider the validity of any adjudication or determination of special

exclusion or to provide declaratory or injunctive relief with respect to the special exclusion of any alien.

“(h) COLLATERAL ENFORCEMENT PROCEEDINGS.—In any action brought for the assessment of penalties for improper entry or re-entry of an alien under sections 275 and 276, no court shall have jurisdiction to hear claims collaterally attacking the validity of orders of exclusion, special exclusion, or deportation entered under sections 235, 236, and 242.”

**SEC. 05. ENHANCED PENALTIES FOR CERTAIN ALIEN SMUGGLING.**

Section 274(a)(1) of the Immigration and Nationality Act (8 U.S.C. 1324(a)(1)) is amended—

(1) by striking “five years” and inserting “ten years”; and

(2) by inserting before the period at the end of paragraph (1) “, except that in any case in which a person causes serious bodily injury to, or places in jeopardy the life of, any alien involved in the offense, such person shall be fined in accordance with the provisions of title 18, United States Code, or imprisoned not more than 20 years for each alien with respect to whom any violation of this paragraph occurs, or both.”

**SEC. 06. EFFECTIVE DATE.**

Notwithstanding section 13 of this Act, this title and the amendments made by this title shall take effect on the date of enactment of this Act, and such amendments shall apply to aliens who arrive in or seek admission to the United States on or after the date of enactment of this Act.

**SIMPSON AMENDMENT NO. 175**

(Ordered to lie on the table.)

Mr. SIMPSON submitted an amendment intended to be proposed by him to the bill (S. 460), supra, as follows:

At the appropriate place, add the following:

**SEC. FORMS WITH INCOME TAX INFORMATION.**

Each State which requires the filing of a State income tax return shall develop and implement procedures to comply with the provisions of this Act, permitting voter registration by mail by either—

(1) including such mail voter registration application materials with the State income tax forms which are mailed or otherwise provided to each State taxpayer, or

(2) providing on such State income tax form a method for such taxpayer to request the State to provide such taxpayer with the mail registration materials.

**FORD AMENDMENTS NOS. 176 AND 177**

Mr. FORD proposed two amendments to the bill (S. 460), supra, as follows:

**AMENDMENT NO. 176**

In section 7(a)(2), strike the word “shall” and insert the word “may”.

**AMENDMENT NO. 177**

At the appropriate place insert the following:

Any provision of this Act to the contrary notwithstanding, if State law permits the registrant to vote in the current election upon oral or written affirmation by the registrant of the new address, at the polling place described in section 8(e)(2)(A)(i), or at a central location as described in section 8(e)(2)(A)(ii)(I), or at a polling place de-

scribed in section 8(e)(2)(A)(ii)(II), voting at the other locations described in section 8(e)(2)(A) need not be provided as options.

**NATIONAL COMMISSION TO ENSURE A STRONG COMPETITIVE AIRLINE INDUSTRY**

**DANFORTH AMENDMENT NO. 178**

Mr. DANFORTH (for himself, Mr. EXON, Mr. DOLE, and Mr. MCCAIN) proposed an amendment to the bill (S. 366), to amend the Airport and Airway Safety, Capacity, Noise Improvement and Intermodal Surface Transportation Act of 1992 with respect to the establishment of the National Commission to Ensure a Strong and Competitive Airline Industry, as follows:

Strike subsection (a) of section 1 and insert the following:

(a) APPOINTMENT OF MEMBERS.—Paragraph (1) of subsection (e) of section 204 of the Airport and Airway Safety, Capacity, Noise Improvement, and Intermodal Transportation Act of 1992 (49 U.S.C. App. 1371 note) is amended to read as follows:

“(1) APPOINTMENT.—The Commission shall be composed of 15 voting members and 11 nonvoting members as follows:

“(A) 5 voting members and 1 nonvoting member appointed by the President.

“(B) 3 voting members and 3 nonvoting members appointed by the Speaker of the House of Representatives.

“(C) 2 voting members and 2 nonvoting members appointed by the minority leader of the House of Representatives.

“(D) 3 voting members and 3 nonvoting members appointed by the majority leader of the Senate.

“(E) 2 voting members and 2 nonvoting members appointed by the minority leader of the Senate.”

**DANFORTH AMENDMENT NO. 179**

Mr. DANFORTH (for himself and Mr. MCCAIN) proposed an amendment to the bill (S. 366), supra, as follows:

Strike subsection (g) of section 1 and insert the following:

(g) REPORT.—Subsection (1) of such section (as redesignated by subsection (e)(2) of this section) is amended by striking “6 months” and inserting “30 days”.

**OMNIBUS CONGRESSIONAL BUDGET RESOLUTION**

**SASSER AMENDMENT NO. 180**

Mr. SASSER proposed an amendment to the concurrent resolution (S. Con. Res. 18), setting forth the congressional budget for the U.S. Government for fiscal years 1994, 1995, 1996, 1997 and 1998, as follows:

On page 3, line 19, strike the amount and insert \$90,200,000,000.

On page 3, line 20, strike the amount and insert \$98,800,000,000.

On page 3, line 21, strike the amount and insert \$104,200,000,000.

On page 3, line 22, strike the amount and insert \$109,100,000,000.

On page 3, line 23, strike the amount and insert \$114,000,000,000.

**NOTICES OF HEARING**

**COMMITTEE ON ENERGY AND NATURAL RESOURCES**

Mr. BINGAMAN. Mr. President, I would like to announce for my colleagues and the public that a hearing has been scheduled before the Subcommittee on Renewable Energy, Energy Efficiency and Competitiveness of the Committee on Energy and Natural Resources.

The purpose of the hearing is to receive testimony on opportunities and barriers to commercialization of renewable energy and energy efficiency technologies.

The hearing will take place on Thursday, April 1, 1993, at 2 p.m. in room SD-366 of the Dirksen Senate Office Building, First and C Streets, NE, Washington, DC.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the printed hearing record should send their comments to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC. 20510, Attention: Patricia Temple.

For further information, please contact Leslie Black Cordes of the subcommittee staff at 202/224-9607.

**COMMITTEE ON ENERGY AND NATURAL RESOURCES**

Mr. JOHNSTON. Mr. President, I would like to announce for my colleagues and the public that a hearing has been scheduled before the Committee on Energy and Natural Resources.

The purpose of the hearing is to receive testimony on S. 447, legislation to facilitate the development of Federal policies with respect to those territories under the jurisdiction of the Secretary of the Interior.

The hearing will take place on Tuesday, March 30, 1993, at 2:30 p.m., in room SD-366 of the Dirksen Senate Office Building, First and C Streets, NE, Washington, DC.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the printed hearing record should send their comments to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC. 20510, Attention: Patricia Temple.

For further information, please contact Allen Stayman of the committee staff at (202) 224-7865.

**AUTHORITY FOR COMMITTEES TO MEET**

**SUBCOMMITTEE ON COMMUNICATIONS**

Mr. SASSER. Mr. President, I ask unanimous consent that the Communications Subcommittee of the Com-

mittee on Commerce, Science, and Transportation, be authorized to meet during the session of the Senate on March 17, 1993, at 10 a.m. on S. 335—Emerging Telecommunications Technologies Act of 1993.

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

**COMMITTEE ON THE JUDICIARY**

Mr. SASSER. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Wednesday, March 17, 1993, at 10 a.m. to hold a hearing on “antistalking proposals.”

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

**COMMITTEE ON BANKING, HOUSING AND URBAN AFFAIRS**

Mr. SASSER. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate, Wednesday, March 17, 1993, at 10 a.m. to conduct a hearing on the Resolution Trust Corporation Thrift Depositor Protection Oversight Board’s semiannual report to Congress.

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

**COMMITTEE ON FOREIGN RELATIONS**

Mr. SASSER. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, March 17 at 3 p.m. to receive a closed briefing on United States policy in Bosnia-Herzegovina.

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

**ADDITIONAL STATEMENTS**

**SENATE RESOLUTION 35—RAPE OF WOMEN IN BOSNIA**

• Mr. LAUTENBERG. Mr. President, on January 22, 1992, I, along with Senator DOLE and 14 Members of the Senate introduced a resolution condemning the systematic rape of women in Bosnia and calling for perpetrators of rape to be prosecuted in an international war crimes tribunal.

This resolution (S. Res. 35) currently has 40 cosponsors and has been referred to the Senate Foreign Relations Committee. It has also been endorsed by a wide range of religious, womens, and human rights organizations. I ask that copies of letters endorsing this resolution and the organizations which they represent be inserted in the RECORD.

Mr. President, the systematic rape of women in Bosnia is a war crime and a crime against humanity. The perpetrators of these crimes should be prosecuted in an international war crimes tribunal. I hope that the Senate Foreign Relations Committee will take action on this measure without delay.

The U.S. Senate should be squarely on record against these heinous crimes.

The letters follow:

February 22, 1993.

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

DEAR SENATOR LAUTENBERG: We write to convey our strong support for S. 35, expressing the sense of the Senate concerning systematic rape in the conflict in Bosnia-Herzegovina.

The undersigned organizations represent diverse constituencies. But we are united in our horror at the reports of systematic rape and forced impregnation of women and girls in the former Yugoslavia, and we call in a single voice for immediate action to prosecute those responsible for these crimes against humanity.

S. Res. 35 addresses the horrible reality of rape in the former Yugoslavia and the consequences it forces upon its victims. The resolution provides guidance for U.S. policy to respond to this crime against humanity. In addition, it reinforces positive policy statements on this issue by the European powers and provides a model for international action against those responsible for these atrocities.

We commend you for your leadership on this issue, and stand ready to assist you in whatever way we can.

Sincerely,

Henry Siegman, Executive Director,  
American Jewish Congress; Robert K.  
Lifton, President, American Jewish  
Congress; Ann F. Lewis, Chair, Com-  
mission on Women's Equality, Amer-  
ican Jewish Congress.

On behalf of:

American Jewish Committee.  
American Muslim Council.  
American Public Health Association.  
American Refugee Committee.  
American Task Force on Bosnia.  
Anti-Defamation League of B'nai Brith.  
Americian Assembly of America.  
B'nai B'rith Women.  
Catholics for a Free Choice.  
Central Conference of American Rabbis.  
Coalition on Abuse and Neglect of Latino  
Children.  
Ethiopian Development Community Coun-  
cil.  
Federation of Reconstructionist Congrega-  
tions and Havurot.  
Fund for a Feminist Majority.  
Hadassah, the Women's Zionist Organiza-  
tion of America.  
International League for Human Rights.  
International Rescue Committee.  
Jewish Labor Committee.  
Lutheran Immigration and Refugee Serv-  
ice.  
Lutheran Office for Governmental Affairs.  
Mary House.  
Na'amat USA.  
National Coalition Against Domestic Vio-  
lence.  
National Council of Churches, Washington  
Office.  
National Council of Jewish Women.  
National Federation of Business and Pro-  
fessional Women's Clubs/USA.  
NETWORK: A National Catholic Social  
Justice Lobby.  
The Rabbinical Assembly.  
Rabbinical Council of America.  
Reconstructionist Rabbinical Association.  
Synagogue Council of America.  
Tolstoy Foundation, Inc.  
Union of American Hebrew Congregations.  
Union of Orthodox Jewish Congregations of  
America.

Unitarian Universalist Service Committee.  
United Church of Christ—Office for Church  
in Society.

United Church of Christ—Board for World  
Ministries.

United Synagogue of Conservative Juda-  
ism.

Women of Reform Judaism, National Fed-  
eration of Temple Sisterhoods.

Women's American ORT.

Women's Commission for Refugee Women  
and Children.

Women's League for Conservation Juda-  
ism.

World Relief.

AD HOC WOMEN'S COALITION  
AGAINST WAR CRIMES IN THE  
FORMER YUGOSLAVIA.

February 17, 1993.

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

DEAR SENATOR LAUTENBERG: We are mem-  
bers of a rapidly growing coalition formed in  
response to reports of war crimes against  
women in the former Yugoslavia. We are  
writing to commend you for introducing  
Senate Resolution 35.

The Resolution recognizes that rape and  
forced pregnancy are both "crimes against  
humanity" and "war crimes" regardless of  
the ethnicity of religion of the perpetrator  
or victim. In so doing, the Resolution em-  
phatically and eloquently expresses the view  
of the United States Senate that abuse of  
women's bodies as a tactic of war—whether  
for purposes of traumatization, sexual gra-  
tification, or forced incubation of a selected  
ethnicity—is a grievous violation of inter-  
national law and should promptly be prose-  
cuted and redressed in an appropriate tribu-  
nal.

As such, we strongly support the Resolu-  
tion and urge that hearings be held by the  
Senate Foreign Relations Committee on rape  
and forced pregnancies as war crimes in the  
former Yugoslavia at the earliest juncture.

Sincerely,

Members of the Ad Hoc Women's Coalition  
Against War Crimes in the Former Yugo-  
slavia:

Rachael Pine, the Center for Reproductive  
Law & Policy, 120 Wall Street, New York, NY  
10005.

Charlotte Bunch, the Center for Women's  
Global Leadership, 27 Clifton Avenue, New  
Brunswick, NJ 08903.

Rhonda Copelon, CUNY Law School, Inter-  
national Women's Human Rights Clinic, 65-  
21 Main Street, Flushing, NY 11367.

Marie Wilson, Ms. Foundation for Women,  
141 Fifth Avenue, 6-S, New York, NY 10010.

Meredith Tax, International Pen Women  
Writer's Committee, 532 W 11th Street, #75,  
New York, NY 10025.

Laura Flanders, Fairness and Accuracy in  
Reporting, 130 W 25th Street, New York, NY  
10001.

Felice Gaer, International League for  
Human Rights, 485 Fifth Avenue, New York,  
NY 10017.

Clelia Steele, The Women's Commission on  
Women Refugees, International Rescue Com-  
mittee, 360 Park Avenue South, New York,  
NY 10016.

Jennifer Green, Human Rights Program,  
Harvard Law School, Cambridge, MA 02138.

Phyllis Krieger, New Directions for  
Women, 108 W Palisade Ave, Englewood, NJ  
07631.

Vivian Stromberg, MADRE, 121 W 27th  
Street, New York, NY 10001.

Ali Miller, International Human Rights  
Law Group, 1601 Connecticut Ave, NW, Suite  
700, Washington, DC 20009.

Kathryn Turnipseed, Women's Action Coa-  
lition, 206 Bloomfield Street, Hoboken, NJ  
07030.

Jessica Neuwirth, Equality Now, 226 West  
58th Street, #4, New York, NY 10019.

Beth Stephens, Center for Constitutional  
Rights, 666 Broadway, New York, NY 10012.

Nanette Funk, The Network of East-West  
Women, 100 West 12th Street, New York, NY  
10011.

Kristine Jenkins, Sane/Freeze Inter-  
national, 777 UN Plaza, New York, 10017.

Berta Esperanza Hernandez, St. John's  
University School of Law, Jamaica, NY  
11439.

Shulamith Koenig, Organizing Committee  
of the Decade of Human Rights Education,  
526 W 111th Street, Ste 3B, New York, NY  
10025.

Marie Edesess, St. Vincent's Hospital Rape  
Crisis Program, c/o Brooklyn Legal Services,  
105 Court Street, Brooklyn, NY 11201.

Lorna Scott Porter, Princeton Friends  
School, 142 W 26th Street, New York, NY  
10001.

Mary Haney, Women in Development, 4353  
Verplanck Place, NW, Washington, DC 20016.  
Vicky Hansen, GATHER (Global Action to  
End Rape), Philadelphia, PA, (215) 241-7170.

Dorie Wilsnack, War Resister's League, 339  
Lafayette Street, New York, NY 10012

Vondora Wilson-Corzen, The Lesbian and  
Gay People of Color Steering Committee, c/  
o Colorlife Magazine, 2840 Broadway, Box 387,  
New York, 10025.

NATIONAL COUNCIL OF THE  
CHURCHES OF CHRIST IN THE USA,  
New York, NY, February 3, 1993.

Hon. CLAIBORNE PELL,  
Chairman, Committee on Foreign Relations, 446  
Dirksen Building, Washington, DC.

DEAR SENATOR PELL: The National Council  
of the Churches of Christ in the U.S.A. en-  
dorses the efforts of the Senate Committee  
on Foreign Relations to address the use of  
massive rape of women, children and men in  
the war in the former Yugoslavia. We urge  
the Committee to pass the Senate Resolu-  
tion introduced by Senator Lautenberg on  
January 26, and seek early passage by the  
Senate.

Many members of the thirty-two Orthodox  
and Protestant communions of the National  
Council have direct ties to the innocent vic-  
tims of human rights abuses, including rape,  
in the conflict. We support the action of the  
Senate to condemn rape as a crime against  
humanity and the call for the United Na-  
tions to create an international tribunal to  
prosecute crimes committed during the war  
there. We urge the Committee to approve the  
Resolution regardless of any other action by  
the Congress or the Administration.

I am attaching a statement of the National  
Council on the grave public policy issues  
confronting the church and our nation aris-  
ing from the conflict in the former Yugo-  
slavia. We encourage churches to strengthen  
ministries of care for all victims of rape and  
other human rights violations. We urge the  
U.S. Government to avoid any unilateral ac-  
tion but rather to support the U.N. opera-  
tions and press all parties to seek an imme-  
diate cease fire and work for a negotiated  
settlement. I would be very glad to receive  
any reactions you might have to our state-  
ment.

Let us all work and pray for peace with  
justice in that troubled region. We are grate-  
ful for the efforts of the United States Con-  
gress to stop the horrible events occurring in  
Bosnia and Herzegovina.

Respectfully,  
(The Rev. Dr.) JOAN B. CAMPBELL,  
General Secretary.●

## A TRIBUTE TO GLENDALE

• Mr. McCONNELL. Mr. President, I rise today to pay tribute to the town of Glendale, a small community located 7 miles south of Elizabethtown in the rolling hills of Hardin County in western Kentucky.

Twenty years ago, Glendale was a disappearing village, lost in the shuffle of prosperity and growth. Stores were closing and people were moving to the nearby city. The only regular traffic in Glendale was the trains which frequently passed through the center of town.

This changed in 1975, when a Glendale resident with a little ingenuity and love for cooking decided to transform a portion of her husband's hardware store into a restaurant. The opening of the restaurant, which is known as The Whistle Stop because it is only yards from the railroad tracks, began Glendale's transformation to a thriving community.

Today, patrons of The Whistle Stop must wait up to 2 hours for a table. However, most guests don't mind. Visitors are invited to stroll down Glendale's refurbished Main Street and enjoy the big shade trees and frame houses with wrap-around porches. They can also stop and admire the numerous antique and craft shops, or pay a visit to the general store, which sells bologna and onion sandwiches and keeps monthly accounts for Glendale residents.

I honor the people of Glendale for their perseverance. Glendale has withstood a strong test and has emerged as a residential and commercial hub.

I ask that an accompanying story from Louisville's Courier-Journal be submitted for today's RECORD.

The article follows:

[From the Louisville Courier-Journal, Feb. 22, 1993]

GLENDALE

(By Beverly Bartlett)

Twenty years ago, Glendale was just one of those dying towns, a tiny out-of-the way place disappearing in this convenient world of economies of scale.

Its stores were closing. Its people were driving the seven miles to Elizabethtown to work and shop. It was like a dying old woman, pulling her covers up around her head and saying goodbye to an era.

But Glendale's flirtation with death—which started with a 1923 bank closing—ended in the spring of 1975, not because of a new industry or a new highway and not because of some Chamber of Commerce plan or a mineral discovery. The fortunes of Glendale turned on the simple idea of Idell Sego, a woman who loved to cook and who thought maybe a small section of her husband's hardware store could be turned into a restaurant.

The transformation of Glendale had begun, though no one realized it at the time. Sego thought the noisy trains that sweep through the town would be a detriment to the restaurant she decided to call The Whistle Stop.

And Mike Bell, the pastor at Glendale Christian Church, remembers hearing the endeavor denounced with a single sentence from one man:

"Nobody in this town will eat in a restaurant."

Marvin Swartz, who grew up near Glendale, says he was a little more generous, thinking maybe she could sell bean soup to farmers who came into town at noon.

But now, Swartz operates a family-owned antiques store that caters partially to people who are waiting to be seated at the restaurant, which seats 160 and has overtaken the hardware store. He calls the opening of The Whistle Stop "the greatest thing that ever happened to this town."

It is an almost incomprehensible success story. Through the years, the restaurant has done almost no advertising. It is a relatively inconvenient 2½ miles from Interstate 65 and there is no sign to point the way to travelers. But it's mostly travelers who keep the place going, people who have driven from Louisville or Fort Knox or Bowling Green and who want to watch trains go by and eat some "home cooking."

Its effects on the community have been historic. Craft shops and antiques stores have sprung up all over town as customers whiled away two-hour waits for weekend dinner tables. With competition, the weekend waits are shorter, but the shops seem prepared to stay. Vacant commercial structures are so scarce that the crunch has prompted an emotional zoning war. Parking and traffic have become a problem as the tree-lined Main Street becomes carlined. Residents have taken a renewed pride in their yards and their homes. "When The Whistle Stop opened up, that changed things," said Sonny Hattfield, who owns a competing restaurant and plans to open a toy museum. "Suddenly we were important then."

Glendale's importance lies, somehow, in its unimportance. There is a sense about the place that there is nothing urgent to be done, nothing worth worrying about or getting in a hurry over. The general store still sells "Dukes of Hazzard" jigsaw puzzles, as well as onion and bologna sandwiches and bib overalls.

"They say, You know, this even smells like a country store," said Houston Hardy, whose family has owned the store since 1952.

And it is not some tourist put-on. Local farm families still tell Hardy to put their purchases on their account.

John Howlett, a farmer who raised nine children, is among them. His monthly bill has sometimes averaged \$500, he says. And every time he pays it off, as he did two weeks ago while purchasing some pinto beans and saltine crackers, he helps himself to a free bottle of Coke.

Couldn't be cheaper, Hardy points out, unless Howlett started taking them two at a time.

There have, of course, been drawbacks, not the least of which being that the restaurant, a gathering place for out-of-towners, replaced the hardware store, a gathering place for locals.

"We need a place to loaf in Glendale again," said Leon Howlett, who works at the general store, the remaining hot spot for gossip now that the hardware store has gone.

Hardy says he considered opening up a vacant room as a place for locals to gather and drink coffee. But maybe he won't. He routinely gets inquiries from people interested in renting that room and opening a shop.

That crunch for commercial space has sparked the most divisive issue in recent Glendale history as the community has split over commercial enterprises opening in what were once residential houses. The issue has been hotly debated in Hardin County Plan-

ning and Development Commission meetings and has created a factionalism that is new to Glendale.

It came to a head two years ago, when Main Street resident Pat Puckett tried to get approval to open a gift shop in her garage. The request failed, but the issue has come up often enough that the county's planning administrator, Tim Asher, says that a revamping of the county's planning laws will seek a way to address the specific problems of Glendale—flattering attention for a tiny community in the midst of one of the largest and fastest growing counties in the state.

Meanwhile, residents are generally, genuinely giddy about their town.

"I can't explain why you love a place," said Hatfield. "It's hard to put in words. It's kind of a romance, I guess."

And in the romance of Glendale, visitors flirt back. Listen to the note left in one of the rooms of the Petticoat Junction Bed and Breakfast.

"No place has the right to be this nice. Why can't you be mean to us like everyone else."

Glendale's streets are lined with shady trees and frame houses that boast wrap-around porches. The streets are lighted by 28 lamps, a project of the Glendale Lions Club—the closest thing to a city government that the unincorporated community has. The club collects a voluntary \$15 annual fee from residents.

Life is slow and easy. When the air is crisp and daylight lingers, the wait for dinner seems reasonable. And once started, dinner can be interrupted at the sound of a train whistle. Children in the restaurant clap with glee at the sound. And even grownups "get up and run to the doors and windows whenever the train comes by," said Sego, sounding still a little amazed after all these years.

In this age of airplanes and interstates, Glendale is reminded of the romantic attraction of trains.

"Trains are what we've got," said Hatfield. "This is a train lovers' paradise."

And Hatfield considers himself among them. "I always loved trains. You know people are bird watchers. I'm a train watcher."

Trains come by at an irregular, but frequent rate. The whistle blares and the train whizzes by, briefly separating The Whistle Stop from its two-year-old competitor across the tracks, Depot Restaurant.

Trains first came to Glendale in 1859 and it was a train engineer, legend has it, who named the community. It had previously been known as Walker's Station, after a man who established a store there. But the engineer said the community reminded him of his hometown in Ohio.

Glendale became a bustling place. The train stopped twice a day, and a church had to build a fence around its cemetery to thwart wandering pigs being driven to the depot. At various points, the town has boasted a movie theater, a pool hall and several competing general stores and hardware stores.

But Glendale's heyday ended in 1923 when the bank president embezzled the bank's money. It was as though the Great Depression came early to Glendale. Bell, the unofficial local historian, says the closing devastated the town beyond the money lost by residents and businesses. It shattered their confidence and their pride in the town. The community didn't recover until the opening of The Whistle Stop, he said.

Of course, The Whistle Stop and the visitors can't really bring back a lost era. It is

hard to imagine that Glendale could ever again support a shoe repair service or a full-fledged grocery store. (Hardy give up trying to carry fresh meat and has remade the store himself into more of a convenience store, although some people still buy shoes and overalls there.) Supermarkets and discount stores and a mall are in Elizabethtown, just a 10-minute drive away for these people.

But the spirit of small-town America reigns. Just ask Bell, who was honored as the grand marshal of the annual October "Crossing Festival" one year and was overwhelmed by the signs that greeted him as he rode the parade. "We Love Mike Bell," they read.

He was happy and honored and humbled by the parade—until he got to the end. A fellow Lions Club member hurried up to him and said:

"Hey, we're out of toilet paper. Can you put some toilet paper in the portapotties?"

Population: Glendale is unincorporated so its size depends largely on where you want to draw the boundaries. More than 500 homes or businesses have Glendale addresses with the U.S. Postal Service.

Per capita income: (1990) Hardin County: \$13,459, or \$1,506 below the state average.

Jobs (Hardin County, 1989): Manufacturing, 4,761; wholesale/retail, 7,423; services, 4,115; state/local government, 4,130; contract construction, 1,283.

Big employers: The Whistle Stop, 60; The Depot, 35; East Hardin Middle School, 78; Glendale Auto/Truck Plaza, 50, Glen Dale Inc., children's home, 35.

Transportation: Glendale lies between the Western Kentucky Parkway and Interstate 65. The heart of town lies near Ky. 222's intersection with the CSX railroad tracks. There is a Glendale exit off I-65, complete with a truck stop and motel.

Media: Glendale has no local news outlets, but The (Elizabethtown) News-Enterprise is widely circulated there and the news staff covers Glendale, which is just seven miles from Elizabethtown. It also gets all the Elizabethtown radio stations.

Education: Glendale youngsters are served by Hardin County Public Schools, one of which is located near the heart of Glendale. About 881 students attend grades six-nine at East Hardin Middle School.

Topography: Glendale is surrounded by a gently rolling landscape that locals say is prime farmland.

#### FAMOUS FACTS AND FIGURES

Idell Segó, who sparked Glendale's rebirth by opening The Whistle Stop restaurant, said that if she had truly foreseen the restaurant's future—the friends and the famous that she would cook for—"it would have scared me to death." Ultimately, Segó and the rest of Glendale took all the change in stride. Col. Harland Sanders, who made a fortune through Kentucky Fried Chicken, became comfortable enough to poke around in the kitchen and stir the corn bread mixture. Once, he asked Segó what made the corn bread so good.

"I just said some secret herbs and species," she says. "So he didn't ask anymore." Across the street at Hardy's general store, Houston Hardy regrets not saving the credit card slip that Sanders signed while buying gas. Several years ago, while filming the movie "Stripes" at Fort Knox, Bill Murray ate at The Whistle Stop, much to the delight of the restaurant staff who initially thought he was suspect because he paid with a hundred-dollar bill.

The Glendale Crossing Festival, which became an annual event in 1978 to help the Lions Club pay for an eight-acre community

park, started so small that the club had to pay some craftspeople to open booths. Last year, about 170 booths lined Main Street, each having paid the Lions Club \$25. Traffic was, for a while, backed up all the way to the interstate. And local estimates put the crowd at 10,000 or more.

Glen Dale Inc., a children's home on 588 acres surrounded on three sides by the Nolin River, has been in operation outside of Glendale since 1915. It is affiliated with Kentucky Baptist Homes for Children and is home to 85 children. The director, Buckley Carlin, came to the home himself in 1949 as a 13-year-old. He says he was a delinquent then, but Glen Dale turned his life around.♦

#### IN HONOR OF SYLVIA WATANABE, NOMINEE FOR THE 1993 PEN/FAULKNER AWARD

♦ Mr. AKAKA. Mr. President, I am delighted to announce that former Hawaii resident, Sylvia Watanabe, the daughter of Walter Watanabe of Honolulu and the late Betty Muranaka Watanabe, is among the five American authors who has been nominated for the prestigious 1993 PEN/Faulkner Award for Fiction.

Although born on the island of Maui, Ms. Watanabe grew up in Kailua, a community on the windward side of Oahu. After graduating from Kailua High School, she attended Reed College in Oregon for a year and then returned to Honolulu where she earned her bachelor of arts from the University of Hawaii. Ms. Watanabe subsequently received a masters in creative writing from the State University in Binghamton, NY and now lives in Grand Rapids, MI with her husband, William Osborn.

One reviewer hails Ms. Watanabe's nominated book, "Talking to the Dead," as "a beautiful, spare evocation of an island hamlet caught in the swirl of its Polynesian heritage and modern America." The book, a series of 10 interrelated stories set in a small village on Maui, is a reflection of Ms. Watanabe's multicultural view. In addition to being nominated for the 1993 PEN/Faulkner Award, the book's title story won a 1991 O Henry Literary Award. Ms. Watanabe is also the recipient of a PEN/Oakland Josephine Miller Fiction Award and a JACL Literary Award.

I am proud of Ms. Watanabe and her contribution to Hawaii's rich literary heritage. Although she no longer resides in the 50th State, her father, Walter does. Most importantly, she writes of Hawaii and the Island of Maui, where her father grew up and where she was born.

Mr. President, as a former school teacher, I have had an opportunity to be actively involved with the joy of learning. In these changing times, we cannot forget that one of the most challenging means of communications is the written word. Only through writing can the wide range of human emotions be fully explored.

I commend our Nation's writers, and today, obviously focus on those who write fiction. One way Congress can assist all future writers is to support S. 70, the reauthorization of the national writing project [NWP], the only Federal program to improve student writing skills. The five Americans who were nominated today for the 1993 PEN/Faulkner Award will serve as an inspiration to students who benefit from the NWP.

I would also like to commend the other nominees: Robert Olen Butler, from Louisiana; Francisco Goldman, a New Yorker; Maureen Howard, another resident of New York; and E. Annie Proulx of Vermont.

The PEN/Faulkner Award for Fiction was established in 1980 by writers to honor their peers. Supported by grants, contributions, special events and benefit readings, its foundation sponsors the Writers in Schools Projects, in which authors participating in the reading series teach their work in Washington, DC, public high schools. The winner will be announced in late April and all five writers will be honored at a ceremony at the Folger Shakespeare Library, where the award is located.♦

#### S. 15—REINVESTING GOVERNMENT ACT

♦ Mr. COHEN. Mr. President, I am proud to join Senator ROTH in cosponsoring S. 15, the Reinventing Government Act. I would like to commend Senator ROTH for his hard work and leadership on this issue, and I look forward to working with him on passing this worthy legislation.

Mr. President, last November, the American people voted for change. They voted to change the national leadership and many of their representatives. The desire for change also extended to the structure of Government as well. Voters throughout the Nation rejected business as usual and elected candidates who cited the need to reinvent Government.

The call for reform is directed at both the legislative and executive branches of Government. Last year, I volunteered to serve on the bipartisan House and Senate task force which is currently considering recommendations to reorganize the legislative branch. The desire of the people is clear and the effort to reform the legislative branch is underway. Now is also the time to improve the economy and efficiency of the executive branch.

The Federal Government has experienced enormous growth over the past decades. However, much of this growth has been unplanned and created on an ad hoc basis, designed to address the crisis of the day with little thought of national priorities and less regard for coordination with other agencies or long-term consequences. A prime ex-

ample of the problems with the Federal bureaucracy come to light when we see the Army Corps of Engineers planning a huge farm irrigation project, while the Department of Agriculture is paying farmers not to produce. Unfortunately, examples such as these are too common thanks to Congress' willingness to add programs and its reluctance to end them. We can no longer afford to be redundant, inefficient, or wasteful. Now is the time to curb the bureaucracy before its insatiable appetite devours the prosperity of future generations.

Clearly, a comprehensive streamlining and reorganization effort is needed to modernize the Federal bureaucracy as we prepare to enter the 21st century. It is important to focus this reform effort on the entire Government rather than attempt to make changes to departments or programs on an individual basis. Reform proposals should be viewed in the context of national needs and priorities, with less regard for small but vocal interest groups that have kept the inefficiencies alive far too long. We must redefine the structure and sense of purpose of the Federal bureaucracy as a first step in promoting streamlining and efficiency.

Sometimes it seems that the Federal bureaucracy has the speed and agility of a garden slug. It plods along without seeming to know where it's going or when it will get there, leaving a trail of slime in its wake. As the ranking Republican on the Subcommittee on Oversight of Government Management, I have heard testimony from scores of Federal employees who struggle to manage departments and agencies whose fundamental organizational mission and structure was created anywhere from the 1930's to the 1960's. We all know that industry must adjust to changing demands, markets, and advances in technology. Failure to adjust results in inefficient and ineffective organizations which, for private sector firms, often results in bankruptcy. Surely Ford Motor Co. and AT&T would not be in existence today had they not adjusted to the changes that have occurred over the last 30 to 50 years.

Because Federal departments are not threatened with termination or bankruptcy, they are not forced to respond to the changing environment. A consequence of this inaction is inefficient and costly operations. It is time that a stagnant executive branch adjusts to the changes of the past decades and becomes a lean, modern, and efficient organization. But how do we achieve this goal?

Looking for model agencies or departments in the current framework of Government is not an option. The Government has no model of operational efficiency or management that other agencies can emulate. In a hearing before the Governmental Affairs Commit-

tee earlier this year, the U.S. Comptroller General said that he could not think of one example of a Federal department or agency that is run well.

Clearly, we must make major changes to increase the efficiency of the executive branch. Everyone that I have spoken to on this issue wants major change and agrees that a reorganization of the executive branch is long overdue, although getting agreement on specific proposals is difficult. The problem is simple to understand but exactly how to respond is another question. Congress is loathe to take action that will cause pain. Yet we are all aware that any responsible reform effort will in some manner affect constituents and interest groups, and will certainly diminish the power of some agencies and Federal officials.

As we in this body know all too well, every Federal program and agency has supporters and a constituency that help keep it alive, in some cases long after it has outlived its usefulness. Each Federal program has employees who run it, individuals and businesses that benefit from it, and congressional committees that have jurisdiction over it. All have an interest in perpetuating it.

Given the constituencies built around each Federal program, achieving meaningful reform on an agency by agency basis would be too difficult and doomed to failure. For example, I would foresee that once changes are proposed on an individual program, its constituencies will erupt and plead that terminating or scaling back the program will bring about gloom and despair of biblical proportions. The success of meaningful reform is dependent upon addressing the entire bureaucracy where constituency groups may object to a specific proposal but will see that a number of programs and constituencies are affected. Additionally, it is my hope that the constituencies and the American people will see that the overall proposals are in the best interest of the taxpayer.

This bill creates a mechanism to assist the President and Congress accomplish the goal of reorganizing the executive branch in a swift and responsible manner. Specifically, this legislation will grant the President authority to appoint a nine-member, bipartisan commission charged with recommending structural and procedural reforms of executive departments, independent agencies and Government corporations. The recommendations must promote the consolidation and streamlining of executive departments and agencies, shrink the size and cost of Government, increase accountability, require performance measurement, and promote advances in technology.

The Commission on Project Government Reform will have until June 1994 to submit reorganizational and operational recommendations to the Presi-

dent for his approval. If approved, the President will forward the recommendations to Congress. The recommendations will go into effect at the end of the 103d Congress unless both Houses vote to reject the recommendations submitted by the President. If Congress does not reject the recommendations, they must be initiated within 2 years and completed within 6 years.

Mr. President, the establishment of the Commission is only a first step and does not commit the President or Congress to support the recommendations. If the President or Congress finds that the medicine for reform is too bitter, then either one can simply refuse to swallow the pill. But we should at least write the prescription.

The Commission, as outlined in this legislation, ensures such a comprehensive examination and has the potential to recommend the tough choices that Congress and the President, to date, have been unwilling to make. While I understand that the success of the Commission will require general agreement on a number of controversial proposals, I believe a commission approach offers the best chance of success for accomplishing meaningful reform.

Mr. President, if we fail to act now, we may miss an opportunity to make the reforms necessary to increase efficiency and reduce the cost of Government to the taxpayer. I am proud to cosponsor this bill, and I urge my colleagues to support this legislation. ●

#### THE 32d ANNIVERSARY OF PEACE CORPS

● Mr. MCCONNELL. Mr. President, I rise today to commemorate the 32d anniversary of the Peace Corps of the United States. Since its establishment in 1961, the Peace Corps called upon 135,000 volunteers to lend aid in more than 100 countries throughout the world.

While over two-thirds of current volunteers serve traditional missions in Africa and South and Central America, I am excited about innovative ways the corps is meeting challenges in the post-cold-war world. Since 1990, the Peace Corps has expanded into 27 new nations, including 13 in Eastern Europe and the former Soviet Union. During the Reagan and Bush administrations, the Peace Corps expanded the scope of their activities and looked for ways to foster privatization, democracy, and economic growth.

There are three programs in particular worth taking note of that I think reflect the innovative new approach of today's Peace Corps. Let me first mention I am especially proud of the accomplishments of a recent Peace Corps Director, my wife, Elaine Chao. She recognized that economic changes in the former Soviet Union urgently needed a rapid response. Relying on her ex-

tensive business experience, she developed plans to place over 500 volunteers in the former Soviet Union by year's end.

What makes this program unique is that half the volunteers have MBA degrees and most bring years of experience in business and management. This is a clear sign of major changes in the Peace Corps' thinking and demonstrates they will provide unprecedented, capable help in building free markets.

The Peace Corps is also taking important new strides here at home. Under the very able leadership of our colleague, Senator COVERDELL, the World Wise Schools was established to match volunteers abroad with students in U.S. elementary and secondary schools. Through exchanges of letters, books, and videotapes, this association serves the dual purpose of teaching children about foreign countries while also giving them exposure to a service opportunity. In only 3 years, World Wise partnerships have been established in 17 States across the country.

Complementing this effort is the new Fellows/USA Program. This unique association provides volunteers the chance to attend graduate school at selected urban or rural universities at low costs. In exchange, participants help the community by working in fields such as small business development, teaching, and nursing. Since its inception in 1985, Fellows/USA has been established at 18 schools—and the number of participating volunteers will almost double in the next year alone.

Each year, the Peace Corps sends 6,000 men and women abroad to answer needs in foreign nations. And each year, 6,000 skilled workers return to the United States, enriched by valuable experience from their service. I congratulate all corps volunteers on 32 years of service and applaud recent initiatives to strengthen the mission of the Peace Corps. •

#### ACT FOR MICROENTERPRISE DEVELOPMENT

• Mr. GORTON. Mr. President, I join today in introducing the Act for Microenterprise Development. To use President Clinton's words:

We will scrap the current welfare system and make welfare a second chance, not a way of life. We will empower people on welfare with the education [and] training \* \* \* they need \* \* \* so they can break the cycle of dependency.

This act is the first step in bringing these words to life. It creates an innovative program that will not only help people become financially independent, but will improve their self-esteem. It provides low-income individuals with the financial ability and the skills they need to start their own microenterprise—a business consisting of five or fewer employees, one of whom is the owner.

Self-employment programs provide those who once had no hope with the chance to take part in the American dream—to put their ambition, talent, and skills to work so that providing a good home for their families is not an unreachable dream, but a tangible reality. Importantly, the Act for Microenterprise Development provides welfare recipients with the real tools they need to get out of the welfare cycle.

The Act for Microenterprise Development will provide welfare recipients with the ability to fulfill their dreams. By including this new program under the current JOBS Program, it will give participants access to job training and education. Further, the centers participating in this innovative program will counsel participants with necessary business knowledge including: technical assistance; advice and business support services, such as business planning, financing, and marketing; as well as peer support and self-esteem programs.

The concept of microenterprises as a ladder out of the pit of poverty is a proven success. Since 1986, the Corporation for Enterprise Development [CFED] has been engaged in an extensive demonstration program called the self-employment investment demonstration [SEID]. This multi-State project provides the support services for welfare recipients to become self-employed in order to become self-sufficient. In the fall of 1991, it issued an interim report describing its findings, three important, yet simple, findings.

First, people can do it. Welfare recipients do have the ability to reach down deep within themselves and overcome significant personal and societal barriers to become successful through self-employment. CFED's evaluation reports that, as of January 1990, 212 businesses were started by SEID participants. At least 35 individuals were already off of welfare at that point and the plans of 154 businesses projected a level of income that would lead to self-sufficiency by the end of one business year. Even those who did not complete the program achieved success in some measure. At least 53 percent of the participants had what the researchers indicated as positive outcomes, such as alternative employment or further training or education which will increase their marketable skills.

The second finding was that local programs can do it. Organizations can develop the strategies to assist motivated individuals to overcome the barriers necessary to succeed and become independent. It is not easy to do. The program needs entrepreneurial leaders committed to the self-employment effort and staff skilled in business management and strategies. But, in this new era of talk about service to one's country, we should easily be able to find business leaders willing to share their knowledge with the entre-

preneurs in the microenterprise program.

The third finding was that microenterprises are an exciting new approach to welfare reform and anti-poverty strategies. This is an intensive approach that requires people to invest their entire being into lifting themselves out of poverty. They succeed or fail based on their own initiative. That is empowerment. This program helps welfare recipients not only to believe in the power of their ideas, but helps them believe in themselves. Moreover, self-employment provides individuals with the ability to acquire and develop assets. According to the evaluators of this program, "Owning assets allows people to weather reversals like the loss of a job, vehicle damage or theft, or prolonged illnesses; and owning assets permits or eases investment and borrowing."

Microenterprises provide the means for all people to escape from the grips of welfare: black or white; male or female; urban or rural. In fact, the average program participant was a female in her mid-thirties, who was divorced with more than one child, and had been on welfare longer than 2 years—not the characteristics that most people would consider the best prospect for success.

The program evaluators also reported:

The ethnic/racial representation of SEID participants is proportionate to their representation in the AFDC population in their local areas. [Thus], self-employment might provide an equally effective route to self-sufficiency for blacks as well as whites.

The study further concluded that microenterprise programs can be operated in rural as well as urban areas, because of the flexibility inherent in a program of this type. Each participant develops their business to respond to the market needs of their local economy.

Through the microenterprise program, the American dream lives for all people.

In order to help the participants attain their goal of self-sufficiency without being smote down for success, the act changes the AFDC asset limitation law. Under the current law, if a person has assets over \$1,000 he or she will be dropped from the AFDC Program. That means if an aspiring entrepreneur buys a personal computer he or she will be dropped from their only means of security before he or she is yet capable of self-sufficiency. This act increases the asset exclusion limit from \$1,000 to a more reasonable \$10,000. This money must be used to either build up the business or to help family members further their education, attend a training program, improve their employability, purchase a family home, or change the family residence.

To help you understand better the importance of this provision, I would

like to share with you an article that appeared in the New York Times. It begins,

Working part time at a community center, Sandra Rosado saved \$4,900 to go to college and to escape the web of welfare that is all her family has known since they moved here [New Haven, Connecticut] 12 years ago.

But, her thrift and industry have led to a bureaucratic nightmare for Miss Rosado and her family. First state officials, who discovered her savings account, told her to spend the money so the family could remain eligible for the Aid to Families with Dependent Children program [which of course she did]. Then federal authorities ordered the mother, Cecilia Mercado, to repay \$9,342 in benefits she received while her daughter's money was in the bank.

This story more than illustrates the great injustices that the current welfare system and its rules impose upon even the most industrious of America's youth. This young girl should be praised for her industriousness and frugality. Near the end of the article Miss Rosado shared her feelings about the current rules, "I worked a lot of hours for that money \* \* \* I have friends who used to get money and spend it on other things. It was tempting. But I knew I had a dream I wanted to fulfill." She went on to say the current rules are unfair. Again quoting, "They should let students save up money, if they have dreams to go to college."

But our so-called welfare system does not allow people to dream. The heavy injustices of the system nearly crushed Miss Rosado's dream. Instead of praise, she received punishment. Instead of having that \$4,900 for college, she was coerced into frivolously spending the money and her family was fined over \$9,000.

Despite these injustices, and no thanks to the Government, this tale does have a happy ending. Because Miss Rosado had also worked hard at school, she qualified for an academic scholarship at a local community college and became the first member of her family to go to college.

The Act for Microenterprise Development is not the final solution to our welfare problems. At most we can expect only about 1 to 10 percent of the eligible welfare recipients to participate in the Microenterprise Program. But, that still may mean hundreds of thousands of people nationwide could benefit from this valuable program. It provides welfare recipients with one more opportunity to climb out of the mire of dependency.

Also, for each participant that succeeds, we are not creating just one job. As these businesses grow they will employ family members, friends, and neighbors who also need jobs. They will pay taxes and become an active and productive part of the economy. The potential benefits to local communities and the national economy are as limitless as are the people's dreams who create these businesses.

President Clinton has said:

I have found all over America that people know they need independence, not dependence. They want a hand up, not a handout. They want empowerment, not entitlement. But somebody's got to get about the business of doing it and quit talking about it.

The Act for Microenterprise Development is the embodiment of those lofty words. Mr. President, it is time to stop the entrenchment of the status quo and time to start providing people with the tools of empowerment they need to succeed. I am proud to be a cosponsor of this legislation and it is my sincere hope that the Senate will act quickly to implement the provisions it contains.●

#### PHARMACEUTICAL INDUSTRY ANTITRUST EXEMPTION

● Mr. COHEN. Mr. President, I rise to comment on recent reports that major drug manufacturers will ask the Department of Justice for an exemption from antitrust laws. While the goal to voluntarily bring down the cost of prescription drugs is commendable, this recent maneuver sends up several red flags in my mind, and I would caution removing their restriction to discuss price restraints.

As a result of recent pressures to lower prescription drug costs, the drug industry announced its intention to request a business review letter from the Justice Department that would free firms from the antitrust limitation to set prices. Current statutes bar drug companies from collaborating on price-fixing arrangements.

The manufacturers claim that freeing them of this restriction will allow them to work together to electively bring down the price of prescription drugs. There are reasons to be skeptical of this assertion.

Last year several drug manufacturers did voluntarily keep their increases at the rate of inflation, but the result was not lower drug prices for the consumer. In fact, a recent staff report released by the Senate Special Committee on Aging, on which I serve as ranking Republican member, shows that 8 of the top 31 drug manufacturers increased their prices at more than three times the rate of inflation last year. Nineteen of these companies increased their prices at more than double the general rate of inflation.

Moreover, historical lessons on price-fixing agreements have taught us that setting maximum prices often leads to established minimum prices. These minimum prices can often be higher than prices set under normal competitive circumstances. I fear that while drug companies may stabilize their prices in the short term using the tactic, removing the restriction will not do enough to slow the rise in prescription drug costs in the future.

Drug prices continue to soar out of the reach of consumers, especially

older Americans living on fixed incomes. The drugs most commonly used by the elderly have jumped in price 8 to 10 times over the past 6 years. Most cases indicate that there was little or no difference in the drug itself—just huge price increases for the same product.

These huge jumps in drug prices have real life consequences for millions of Americans. Over 60 percent of the elderly's prescription drug costs are paid out-of-pocket, which make high drug prices difficult for older Americans living on fixed incomes. The result is the senior citizens often face the decision between life-saving medications and critical daily needs such as food and energy to heat their homes.

I am pleased that the drug companies have paid attention to our plea to bring costs under control, but the end result of any action taken by the industry must be lower prices to the average consumer. Pharmaceutical prices have risen too fast, too often and too arbitrarily. Certain antitrust waivers can facilitate price reductions, but I have reservations that this will be one of them. It is time that individual drug companies take responsibility to curb price increases on prescription drugs that are critical to millions of Americans. It is time to ease the out-of-pocket burden prescription drugs place on ordinary citizens.

As a participant in the Senate Judiciary Committee confirmation hearing last week, I heard Janet Reno demonstrate clarity and common sense—qualities she ought to apply to this request. I have forwarded a letter to our new Attorney General alerting her of my concerns regarding this issue. Drug companies can control their own prices now by behaving responsibly. I do not believe that granting this antitrust exemption will instill a sense of compassion for consumers' pocketbooks which has been so sadly lacking by major drug manufacturers.●

#### A TRIBUTE TO LEWIS ADAMS HUDSON

● Mr. DURENBERGER. Mr. President, I would like to take a moment to reflect back on the career of one of the Midwest's outstanding leaders, Lewis A. Hudson, who, after 43 years, is ending his career in journalism.

Beginning in 1948, Lew shared news events through the airwaves of KCBC in Des Moines, IA, and then moved to stations in Waterloo and Ottumwa. Fortunately for Minnesotans, Lew moved north in 1957 and shared his talents at KWOA Radio in Worthington, MN. In 1961, he began to share news events with the stroke of the pen at the Worthington Daily Globe. Then after 25 years, destiny took Lew from southwestern Minnesota to the

Brainerd Daily Dispatch for 6½ more years of newspaper journalism.

It is obvious that Lew's love for reporting and for people was returned to him through the good times and the variety of experiences that he has had in life. After Lew left Worthington, the town asked him back by popular demand to be grand marshal of the Turkey Days Parade. In Brainerd, Lew's work helped the Dispatch win the Founder's Cup, the highest public service award given to newspaper and broadcast properties of Stauffer Communications, Inc. Even his colleagues appreciate his humor and dedication. Dispatch Reporter Paul Windels wrote "that he's probably written more news stories than Minnesota has lakes."

Lew's last few columns in the Dispatch provided a unique and entertaining look back at his career. I particularly enjoyed reading in his memoirs that, former Minnesota Gov. Elmer L. Andersen "doesn't know unless he reads this that the reason why the 15-minute taped radio interview I did with him was never aired was that I forgot to punch the record button," or that "a year before he died, I saw Hubert H. Humphrey throw away his prepared speech and launch in the most beautiful, impromptu 'I love America' speech I ever heard. To me, it was his epitaph."

Of course, the greatest source of joy to Lew is his family, who have played a role in his work. His wife, Irma, has an active role in his writing. She is better known as Mrs. H by Lew's faithful readers, and he is known as Mr. H. The couple have been quite notorious in the communities that they lived. When Lew was forced to recuperate from a heart attack a few years ago, I understand that his children, Cindy, Fred, LuAnn, and Becky contributed and helped write the columns. His columns certainly could be called a family labor of love.

Mr. President, on behalf of his loyal readers and the many communities he has served, I would like to thank my friend Lew Hudson for his years of hard work. He is one of the most fair and objective persons I have ever met, and I am going to miss the comfort of knowing he is reporting somewhere in Minnesota. I am sure, though, that I will see him at Brainerd events as he pursues his many civic interests. Maybe I'll even be able to share a fishing story or two with him on Gull Lake. He has done a great service for the citizens of rural Minnesota, and he has done a great service for the United States. We are going to miss one of Minnesota's most cherished reporters.

To end this tribute to an American story, I would like to close with Lew's words of wisdom from one of his last columns.

It was then and is today an imperfect world and journalism an imperfect craft.

That it is sometimes flawed should be no surprise.

That it is as good as it is is fortunate.

That I have been privileged to practice the craft for so long has been an honor beyond measure.

That younger journalists will adequately carry on the tradition is a certainty.

That I will enjoy reading their work is a foregone conclusion.

That I will miss both it and my readers goes without saying. •

#### GOVERNMENT PERFORMANCE AND RESULTS ACT

• Mr. COHEN. Mr. President, I want to express my continued support for S. 20, the Government Performance and Results Act, which I cosponsored with Senator ROTH during the last Congress and again during this Congress. I wish to commend Senator ROTH for his leadership on this important piece of legislation which is designed to promote good management and accountability in the executive branch.

Taxpayers are under the impression, rightly or wrongly, that all Federal agencies waste money with little regard to what is funded, or if the programs are successful. The \$600 toilet seats, the HUD scandal, and paying contractors \$280 a day to copy files are all examples which suggest that the focus of Federal management must change.

Too often, Federal managers focus on process rather than results. In other words, managers are more concerned about filling out the correct forms and obtaining the right approvals than making sure the programs they are managing have the intended results. As ranking Republican and former chairman of the Governmental Affairs Committee's Subcommittee on Oversight of Government Management, I continue to be frustrated by agency managers who come back to the subcommittee, year after year, telling about the success of the agency, only to have the agency's inspector general or the General Accounting Office testify that the agency cannot know if it is successful because it did not collect the needed information to determine if the program in question served its intended beneficiaries or if it was having the desired effect. Without clear objectives and progress reports, there can be no accountability.

The traditional notion of accountability in the Federal Government must change. Currently, it seems that programs are deemed successful as long as the money is spent and the proverbial I's are dotted and the T's are crossed. It is disturbing to see management rewarded for mastering a process which, for example, yields government warehouses filled with billions of dollars of unneeded goods, or has one agency spending millions of dollars to irrigate farmland while a sister agency simultaneously pays the farmers not to produce. In many cases, the managers responsible for creating these problems

are promoted or otherwise rewarded. Federal managers should be rewarded for producing results and not rewarded for creating waste.

S. 20 is designed to promote a simple commonsense approach to management which requires Federal managers to clearly state objectives, establish baselines and justify budgets on the basis of measurable progress against objectives. Specifically, the measure will authorize the Office of Management and Budget to designate a number of Federal agencies to develop strategic plans, and measure and report on the progress of Federal programs toward their goals. Embracing this approach, rather than continuing to spend on the enlargement and perpetuation of the bureaucracy, could save billions.

Not only must managers in the Federal Government begin to focus on the desired outcomes of programs, but we need to develop the means of achieving those results, just as managers do outside of government. Private sector managers, as a general practice, invest money and personnel to create and maintain information, and develop processes which are critical to achieving desired results. For example, in a private sector delivery operation, the objective is to provide fast, accurate delivery to customers at the least cost. Since this is important to both the company and customers, the company invests in the processes and equipment that allow it to tell where a package is, if it was delivered and who signed for it. This information also allows management to measure the performance of its operation. It knows deliveries took place and when, where and how long it took to get there. Clearly, these investments made by the private sector are critical to ensure that they have the detailed information to determine progress toward organizational goals and, if necessary, adjust operations and processes to become more efficient. S. 20 will encourage Federal managers to make similar investments.

This bill will require participating agencies to develop long term strategic plans to be used as baselines for measuring progress against objectives. Agency management will be held accountable for achieving these goals. In exchange, the bill will also grant managers increased management flexibility and exemptions from a number of OMB required reporting requirements such as minor reprogramming requests and reducing the detail required in budget reports. It is my hope that increased flexibility will translate into innovative approaches and improved results.

If implemented properly, such reform will promote the accountability and performance of Federal managers and employees. I look forward to monitoring the implementation of this test project closely and intend to carefully review the annual reports that the test

agencies will be required to submit outlining progress against objectives.

Mr. President, the Government Performance and Results Act is an essential first step on the road to improving the future management of Federal agencies. The Office of Management and Budget, the General Accounting Office, and the National Academy of Public Administration have repeatedly endorsed the types of measures included in this bill. S. 20 was favorably reported by the Governmental Affairs Committee and passed the Senate with no opposition during the last Congress. Regrettably, the House of Representatives did not act on this bill before Congress adjourned. I am proud to again cosponsor this legislation and I urge my colleagues to join me in supporting its swift enactment.●

#### TRIBUTE TO WAYNE KOSTROSKI

● Mr. DURENBERGER. Mr. President, my State is blessed with good food and individuals with generous spirits. One of the joys of representing Minnesotans is being able to see the impact people like Wayne Kostroski have on the world. Wayne is responsible for providing the Minnesota Taste of the Nation benefit with a taste of success. This annual fundraiser involves the Twin Cities area chefs and the national charitable organization, Share Our Strength [SOS]. The Taste of the Nation helps people who are hungry and homeless and raises public awareness of these issues.

March 20 marks the beginning of this year's event as well as the sixth anniversary of the Taste of the Nation. Since its inception, the Minnesota Taste of the Nation has raised over \$300,000. It is the leader among the 100 cities who participate. Minneapolis and St. Paul raised the most funds in both 1989 and 1990 and was second to New York in 1991.

Wayne took the project into a bigger arena last year when he created the Super Bowl Taste of the NFL. This event combined food and sport by teaming up the top chef and alumni player from 28 NFL cities. All proceeds, about \$90,000, went to hunger relief efforts in Minnesota, across the Nation and world. This event was such a success that it has become a Super Bowl tradition. Wayne was instrumental in making the Taste of the NFL a reality at Super Bowl XXVII in Los Angeles last January, and will make it a reality again at the 1994 Super Bowl in Atlanta.

Wayne has served Minnesota and his community with distinction. When Minnesota hosted the Special Olympics, Super Bowl, and the NCAA Final Four games, his energy and enthusiasm ensured that Minnesota's international and national guests were welcome and well fed. Wayne received the Marketer of the Year award from Hospitality

Management, a publication for the restaurant, resort, and hotel industries of the upper Midwest. To attest to the industry's appreciation for Wayne, Hospitality Management said:

Combine his much-regarded persuasive abilities with his unswerving commitment and it's easy to understand why Taste of the Nation and other groups have benefited from Kostroski. "I can sell Taste of the Nation in my sleep, because I know what the issue is and how simple it is to begin to make a difference." Wayne says.

Wayne Kostroski is president of the Minnesota Restaurant Association and a managing partner in Goodfellow's and Tejas Restaurants in Minneapolis. He is married to Eda, and they live in Edina with their children, Lya, Judith, and Peter.

Mr. President, thank you for this opportunity to salute Wayne Kostroski for his generous offerings of time and talent.●

#### ANTI-DEFAMATION LEAGUE OF B'NAI B'RITH

● Mr. SIMON. Mr. President, today I would like to recognize the continuing efforts of the Anti-Defamation League of B'nai B'rith [ADL]. For the past 14 years, the ADL has compiled data about anti-Jewish attacks, including harassment, property damage, and assault, in their annual "Audit of Anti-Semitic Incidents." ADL's efforts in collecting this information and developing educational programs have been instrumental in drawing public attention to this problem and in working toward constructive solutions. I commend their work to expose and combat hate crimes and would like to share with you some of their recent findings.

I was pleased to learn that the number of hate crimes in 1992 against Jews and Jewish institutions decreased as compared to last year's figures, from 1,879 to 1,730. The overall number of incidents is still, however highest in the 14-year history of the collection of data.

Another disturbing trend evident in the 1992 figures is that there were more attacks against Jewish individuals than against property for the second year in a row. In 1992, there were 874 reported incidents of harassment, threat, or assault, as compared with 856 reports of vandalism.

Sadly, acts of hatred against Jews on college campuses increased in 1992 by 12 percent. Since 1988, the number of anti-Semitic incidents on college campuses has doubled. At Brown University in Providence, RI, there was a series of anti-Semitic graffiti incidents on campus. This rash of anti-Semitic defacement included the scrawling of swastikas in library books and the writing of the words "No Jews" and "Jews Go Home" on clothing in the laundry room.

In 1990, Congress passed the Hate Crimes Statistic Act, legislation I

sponsored along with Senator HATCH. By requiring the Department of Justice to collect data on crimes motivated by hatred based on race, religion, ethnicity, or sexual orientation, the act helps to give us a broader picture of hate crimes in our society. The FBI has recently released their first statistics.

The data compiled by the FBI reveals that 4,558 hate crime incidents were reported across the country in 1991—and that was with only approximately 2,800 of the nation's 16,000 police departments reporting.

These first statistics produced by the FBI on hate crimes are an important step toward improving the national response to violence motivated by hate. As more law enforcement agencies participate in statistics collection, and the training, and outreach continue, we will learn more about the perpetrators of these tragic crimes—and how to prevent them.

In closing, I again want to commend the ADL for its outstanding and important work, in providing such an invaluable service to the community. By focusing on data collection, education, and working directly with communities, the ADL has created a comprehensive and exemplary network for combatting hate crimes. For example, in my home State of Illinois, the ADL's World of Difference Program has trained over 16,000 teachers, students, and community members in prejudice-reduction workshops. Programs like this may be partly responsible for the recent decrease in hate incidents against the Jewish community, and I am hopeful that the ADL's continued efforts will turn this year's decrease in anti-Semitic violence into a trend for the future.

I urge my colleagues to examine the 1992 Anti-Defamation League report.●

#### NAFTA AND THE ENVIRONMENT

● Mr. DURENBERGER. Mr. President, today the three parties to the North American Free-Trade Agreement are beginning discussions on an environmental compact to accompany NAFTA. At the heart of this compact will be a North American commission on the environment to assist in the implementation of NAFTA and to protect environmental quality in all three nations.

Yesterday morning, the Senate Committee on Environment and Public Works held a hearing on the environmental implications of NAFTA. The committee took testimony from Ambassador Kantor and other witnesses knowledgeable on Trade and environmental issues.

It is clear to me that from an environmental perspective NAFTA is the best trade agreement ever brought to the Senate. Very real concerns have been expressed about the harmonization provisions in the so-called Dunkel text that was circulated as part

of negotiations on GATT. But those problems do not exist in NAFTA. The environmental standards of each of the parties, and the standards of the States and provinces that operate in these Federal systems, are protected in the NAFTA text.

The distinguished ranking Republican on the Environment and Public Works Committee, Senator CHAFEE, who is known to all of his colleagues here in the Senate as a staunch environmentalist gave NAFTA his highest plaudits. I would ask that Senator CHAFEE's statement made at the NAFTA hearing be printed in the RECORD at this point.●

ORDERS FOR TOMORROW

Mr. SASSER. Mr. President, I ask unanimous consent that when the Sen-

ate completes its business today, it stand in recess until 10 a.m., Thursday, March 18; that following the prayer, the Journal of proceedings be deemed approved to date, and the time for the two leaders be reserved for their use later in the day; that immediately following the Chair's announcement, the Senate resume consideration of Calendar No. 34, Senate Concurrent Resolution 18, the concurrent budget resolution.

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

RECESS UNTIL TOMORROW AT 10 A.M.

Mr. SASSER. Mr. President, if there is no further business to come before the Senate today, I ask unanimous

consent that the Senate now stand in recess as previously ordered.

There being no objection, the Senate, at 8:40 p.m., recessed until tomorrow, Thursday, March 18, 1993, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate March 17, 1993:

ENVIRONMENTAL PROTECTION AGENCY

ROBERT M. SUSSMAN, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY, VICE FRANK HENRY HABICHT II, RESIGNED.

DEPARTMENT OF STATE

THOMAS E. DONILON, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT SECRETARY OF STATE, VICE MARGARET DEBARDELEBEN TUTWILER, RESIGNED.