SENATE—*Wednesday, May 5, 1993*

(Legislative day of Monday, April 19, 1993)

The Senate met at 10:15 a.m., on the expiration of the recess, and was called to order by the Honorable KENT CONRAD, a Senator from the State of North Dakota.

PRAYER

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

Let us pray:

If we say that we have no sin, we deceive ourselves, and the truth is not in us. If we confess our sins, he is faithful and just to forgive us our sins, and to cleanse us from all unrighteousness.—I John 1:8–9.

Gracious God our Father, we are so often inclined either to deny our sin or stuff it and forget it, despite the fact that we find no relief; instead, deprive ourselves of a profound blessing from God. When we acknowledge our sin and confess it, we enjoy forgiveness and the peace of God that passes understanding.

Merciful God, forgive us for our denial and grant us grace to come to Thee in repentance and faith, in the assurance that we will enjoy Your love, Your favor, Your healing, Your renewal.

We pray in the name of Jesus who loved us and gave himself for us. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, May 5, 1993.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable KENT CONRAD, a Senator from the State of North Dakota, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

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

RESERVATION OF LEADER TIME

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

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader.

SCHEDULE

Mr. MITCHELL. Mr. President and Members of the Senate, under the order entered last evening there will be a period for morning business today beginning at this time and extending until 2:30 p.m., at which time the Senate will resume consideration of the bill which was pending last evening, the lobbying disclosure bill. I believe that the morning business includes a number of specific times for specific Senators, beginning with Senator CHAFEE, who I see here on the floor and who will be recognized shortly.

I hope we can make progress on the lobbying disclosure bill today, and I expect that there will be votes during the day following our return to the bill at 2:30 p.m.

Mr. President, I yield the floor.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order there will now be a period for the transaction of morning business not to extend beyond the hour of 2:30 p.m., with Senators permitted to speak for not to exceed 10 minutes each.

The Senator from Rhode Island [Mr. CHAFEE], however, is recognized to speak for up to 30 minutes.

The Chair might note that the Senator from West Virginia [Mr. BYRD] has time reserved of up to 60 minutes, and the Senator from Texas [Mr. KRUEGER] or his designee, is recognized to speak for up to 45 minutes. Those times have been previously reserved.

The Senator from Rhode Island.

Mr. CHAFEE. I thank the Chair.

(The remarks of Mr. CHAFEE pertaining to the introduction of S. 892 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. BYRD addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from West Virginia.

Mr. BYRD. Mr. President, how much time do I have?

The ACTING PRESIDENT pro tempore. The Senator has 60 minutes.

Mr. BYRD. I thank the Chair.

LINE-ITEM VETO

Mr. BYRD. Mr. President, 12 years of trickle-down, supply-side Reaganomics, Laffer Curves, and a borrow-and-spend national credit card binge have left the country with a deteriorating infrastructure, a stagnant economy, high unemployment, triple-digit billion-dollar deficits, a $4 trillion debt, and a $200 billion annual interest payment on that debt.

In search of antidotes for this fast-spreading fiscal melanoma of suffocating deficits and debt, the budget medicine men have once again begun their annual pilgrimage to the shrine of Saint Line-Item Veto, to worship at the altar of fool's gold, quack remedies, such as enhanced rescission, line-item veto, and other graven images, which, if adopted, would give rise to unwarranted expectations and possibly raise serious constitutional questions involving separation of powers, checks and balances, and control of the national purse.

Congressional appropriations are always the target of these patent medicines, these misguided efforts, and in referring to them as misguided efforts, I do not impugn the good intentions of many people outside the Congress and many people inside the Congress in both Houses.

Many of these people honestly believe that this is the way to go in order to get a handle on the bloated deficits that have us drowning in a sea of red ink. On the other hand, Mr. President, some of these people inside the Congress, and outside the Congress, who constantly press for the line-item veto, or other quack nostrums, know, or ought to know, that these are nothing more than placebos or spurious magic incantations, witch's brew, and various brands of snake oil remedies.

They ought to know better. Plutarch said that Menestheus, Regent of Athens, was said to be the first of mankind to undertake to be a demagog, and by his eloquence to ingratiate himself with the people.

In recent years, Mr. President, especially since the big triple-digit, billion-dollar deficits became an annual thing here in Washington beginning with the first Reagan administration, we have seen a seeming plethora of demagogs. Mr. Reagan himself was one of the foremost disciples of the theory that the line-item veto would be a cure-all for these bloated deficits; and Mr. Bush followed quickly in his train.

I would not say that this seeming spate of demagogic characters has sprung like Aphrodite from the ocean foam, or like Minerva, from the forehead of Jove. They just seem to come

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

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in litters anymore. Every year we are treated to this spectacle of attempts to make us believe that the line-item veto would be a painless cure, which would rid the country of its fiscal headaches and provide a sure and painless ticket to a blissful Utopian paradise that would be debt free, deficit free, and care free.

So, again, I say that there are people in this Chamber and in the other body who, I am sure, honestly believe that this is the way to go. They believe in their hearts that the line-item veto or enhanced rescissions would be the sure and painless medicine by which these deficits can be brought under control and kept under control. But there are some who appear to be making a political career of preying upon the unknowing, unsuspecting, and suffering public for political and partisan gain.

Mr. President, the deficit problem is not caused by congressional appropriations. Since 1945, and through last year, down through all the Presidents, beginning with Truman, and following through with Eisenhower, Kennedy, Johnson, Nixon, Ford, Carter, Reagan, and Bush, the total appropriations—supplementals, regular, and deficiencies—have amounted to $200,848,154,902 less than the totality of all the budget requests that have been submitted by all these Presidents during all those years.

Discretionary domestic spending is what is most often mentioned by ultracrepidarian critics, who refer to it as congressional pork, but which is, indeed, infrastructure. But these appropriations have not created the budget deficits. The deficit problem is much broader, much bigger than this. It has been brought on by a combination of things, such as mandatory back-door spending, tax expenditures, costly programmatic initiatives that come from authorizing committees, and the force feeding of the military-industrial complex about which President Eisenhower so eloquently spoke as he was completing his tenure of office.

The question is, can we develop a way whereby a President, not just President Clinton, not just a Democratic President, any President, working with the Congress, can get a better control over spending, not just appropriations, but also other types of spending, keeping in mind that the Appropriations Committee has control only over about a third of the total budget?

It will not be easy, Mr. President. It is a very complex problem, and it will require a great deal of thought and effort to make this come about, if indeed it can be made to come about.

Only last week the House passed a bill, and the bill has been sent to the Senate. That bill provides that the President may within 3 calendar days following the enactment of an appropriations bill send to the House of Representatives a message and a bill incorporating rescissions which he would suggest be made, and the House of Representatives within a very few calendar days would be required to introduce that bill by the President, send it to the Appropriations Committee of the House, and in a very short timespan the Appropriations Committee of the House would be required to report that bill or it would be considered to be automatically reported together with a committee substitute. Then under a very short time limitation for debate, something like 4 hours in the House, the House would be expected to pass the President's bill, and send it to the Senate, or if the President's bill were to be rejected, then the House would take up the complete substitute reported by the Appropriations Committee of the House. And if the President's bill were to be rejected by the House, the House then would vote on the complete substitute reported by the Appropriations Committee and presumably pass that substitute and send it to the Senate.

In either case, whether a President's bill were passed by the House and sent to the Senate or rejected by the House and then the Appropriations Committee substitute from the House be sent to the Senate, that bill or that substitute would be sent to the Senate Appropriations Committee. The Senate Appropriations Committee would have a very brief few days in which to report back the bill, if indeed the bill were the vehicle sent over by the House or to report the House committee substitute, if that came over instead.

The Senate Appropriations Committee would report one or the other, whichever came to the Senate, along with a Senate Appropriations Committee substitute. Then the Senate would take up the House measure, whether it be the President's bill or the House committee substitute, vote on it first; if it is rejected, the Senate would take up the Senate Appropriations Committee substitute. All this is to be done within 10 hours of debate on this Senate floor.

Mr. President, it boggles the imagination to try to comprehend just how such a measure came to be put together, and I do not question for a moment the good intentions of the House Members. They could have sent much worse to the Senate. But, Mr. President, it has all the makings of a bill that was totally put together during debate on the floor of the House of Representatives.

I compliment the House leadership on both sides of the aisle and the House Members that they at least made the effort, they tried to do something. But what we have here in the Senate now is the House measure that stands the legislative process on its head, in that instead of voting on amendments first and then on the bill, the House and Senate vote on the bill first and, if it is rejected, they then vote on a substitute amendment. No amendments would be in order from the floor of either body. No amendments are in order. It is, take it or leave it. Take the President's bill in the House, or, if that bill is rejected, take the committee substitute in its entirety from the House Appropriations Committee, but with no amendments from the floor.

In the Senate, we must accept the President's bill that is sent over from the House, or the committee substitute that is sent over from the House and send it to the Senate Appropriations Committee and bring it back without substantive change, accompanied only by a complete committee substitute. Debate on the Senate floor would be limited to 10 hours, with no floor amendments in order. The Senate would be limited to a vote up or down on a House-passed vehicle, and if that were rejected, the Senate would be then limited to a vote up or down on the Senate committee substitute—and I repeat, no floor amendments in order.

Mr. President, I wonder what we have come to in this body, if the Senate of the United States is expected to take up a matter of such importance, debate it in a short time period, which can be further reduced by a nondebatable motion approved by a majority, and required to act without any amendment from the floor.

I cannot conceive of Senators in my day and time—when I first came to the Senate or for a long time thereafter—accepting this kind of a proposal. Of course, we did not have the massive deficits back then. That was before the trickle-down, supply-side theory of Reaganomics hit Washington like a storm. But even so, I cannot picture those Senators accepting a legislative approach in which the Senate would be bound and gagged and unable to offer amendments from the floor. And, as a matter of fact, the House measure says that that provision cannot even be changed by unanimous consent. No unanimous-consent request would be in order in either body to allow amendments from the floor.

Is the Senate going to accept this kind of a gag proposition? I wonder. I wonder.

Mr. President, the Senate which was originally created in Rome, was meant to be made up of a body of old men; not the swiftest of the swift, nor the strongest of the strong, but the wisest of the wise.

That is the reason why they were to be old men. They were to have the experience of a lifetime and the lessons learned in the hard school of experience for their guidance.

And so Romulus, the legendary founder of Rome, created a Senate of old men, 100 noblemen.

I suppose that one who has lived as long as I have—because God has so

blessed me with a long life beyond the psalmist's span—can look back over a lifetime of 75 years and in that time will have been taught by experience some things—perhaps only a few; perhaps many things. Some people, after 75 years, will be more wise than others; some perhaps not very wise at all.

But if one is to gain in wisdom by virtue of his long years of life, how much more will he gain in wisdom if he studies the lives of other men? If he studies history as it bridges the centuries of time, he then becomes the recipient, the beneficiary of the wisdom of hundreds of lifetimes stretching back into the dim mists of antiquity. That is why we are told to study history.

Cicero, a great Roman senator, said that one "ought to be acquainted with the history of the events of past ages. To be ignorant of what occurred before you were born is to remain always a child. For what is the worth of human life unless it is woven into the life of our ancestors by the records of history?"

Machiavelli told the Prince to study history; to study the victories and defeats of others so that one might gain therefrom and achieve the one or avoid the other, and to emulate some great person as Alexander the Great did Achilles or as Caesar did Alexander the Great, or as Scipio did Cyrus the Great.

This is Machiavelli writing in "The Prince."

Well, I have taken Cicero's words to heart quite a long time ago and I have attempted to look at history, ancient history as well as the history of England and American history. I have attempted, through several years of patient and laborious study, to get a broad view of history. Herodotus, who lived between the years circa 484 and 424 B.C., wrote about the Persian empire, about the empire of Cyrus and Cambyses and Darius the Great. Thucydides—the Athenian commander who was exiled for 20 years because he failed to come to the relief of Amphipolis against Brasidas, the brilliant Spartan general—Thucydides picked up where Herodotus left off.

Thucydides was a man who saw more clearly, inquired more responsibly, and reported more honestly than other ancient historians and lived between the years 460 and 400 B.C. circa. Xenophon, a student of Socrates, picked up where Thucydides left off, and his "Anabasis" describes the expedition of Cyrus the Younger into Persia—the expedition and then the retreat after the battle of Cunaxa, which took place in 401 B.C. Xenophon, who was elected general by the 10,000 Greek mercenaries, writes the history of that retreat, which required 7 or 8 months and covered a distance of about 1,500 miles.

Xenophon lived between 434 and 355 B.C.

But to come more to the point of what we are discussing here, Montesquieu had a great impact upon our constitutional Framers. They were very conversant with the English experience, the long struggle for liberty by Englishmen against tyrannical monarchs. They were also well versed in the political theory and philosophy of Montesquieu. Montesquieu was born 100 years before the first Senate met. He was born in 1689; died in 1755. In other words, he died just 32 years before our constitutional forebears met in Philadelphia in 1787. They were very cognizant of his political theory.

Montesquieu believed that the judicial, executive, and legislative powers should be separated. If they were kept separated, the result would be political freedom, because the checks and balances would act, one against the other. But if these various powers were concentered in one man, as in France, then the result would be tyranny.

Montesquieu visited the more important and larger political divisions of Europe and spent a considerable time in England. As a matter of fact, his longest stay was in England. His English connections had a tremendous influence on the development of his political philosophy.

We are acquainted with his "Spirit of the Laws," and with his "Persian Letters," but perhaps we are not so well acquainted with the fact that he also wrote a history of Rome. He wrote a philosophical analysis, rather, I should say, of the history of the Romans and the Roman state. And it is, I think, quite accurate to say that contemporary English institutions and the history of Rome, more than any other things, influenced the general system of Montesquieu's political theory and philosophy.

Therefore, if one is to understand our own Constitution better, how it came into being, why it came into being, from where it sprang, one then should be somewhat familiar with Montesquieu's political theory and, following in Montesquieu's tracks, also study Roman history.

Montesquieu, in 1734, produced his famous essay, "Consideration on the Causes of the Greatness of the Romans and Their Decline." So why can't it be said that if Rome and the state system of the Romans and the history of the Roman people helped to influence Montesquieu's political theory concerning checks and balances and the separation of powers, and if Montesquieu's political theory influenced our American forebears in their writing of the United States Constitution, then why can it not be said that the history of Rome and the Romans, as well as the history of England and Englishmen, influenced our forefathers as they sat, in the summer of 1787, in Philadelphia and hammered out this marvelous document to which we refer as the United States Constitution?

We take an oath every time we are sworn in as new Members and as Members who are reelected. I have taken that oath many times. I have administered that oath many times to other Senators.

Mr. President, as I have attempted to evaluate and analyze some of these questions, and particularly the one that I am discussing—that of separation of powers, checks and balances, line-item veto, enhanced rescissions, expedited rescission, and so on and so on—I have wondered if we Senators really think much about our oath of office. We take the oath. I wonder if, during the following 6 years, we give any further thought to that oath, to its meaning and to the responsibilities and duties that devolve upon us by virtue of our having sworn that oath in the presence of our colleagues and with our hand on the Bible and with the closing words, "So help me God."

I am made to wonder, as I have sat here year after year these last few years, and have witnessed the attacks made upon Congress and upon the legislative process and upon the appropriations process and upon the Constitution, its checks and balances and separation of powers, I have wondered how much we Senators really think about the oath that we took when we were sworn into office. It is easy to judge others and it is easy to be wrong in one's judgment of others. But I am constrained to wonder how much we really stop and reflect on that solemn oath that we take to support and defend the Constitution of the United States against all enemies, foreign and domestic.

I have read the work of many historians concerning Rome and the Romans. For example, Polybius, who lived between the years 205 and 125 B.C.

Then the first-century B.C. historians: Diodorus of Sicily; Dionysius of Halicarnassus; Cornelius Nepos; Gaius Sallustius Crispus, who was born in 86 B.C. and died in 34 B.C.; Julius Caesar, himself, author of "The Gallic Wars," who lived between 100 B.C. and 44 B.C.

Then came those historians who bridged the birth of Christ, whose lives and writings were both before Christ and after Christ: Titus Livius, born 59 B.C. and died in 17 A.D; Paterculus, 19 B.C. to 30 A.D.; Trogus, who lived in both B.C. and A.D.

Then, in the first and second centuries following the birth of Christ: Mestrius Plutarchus, or Plutarch, the great biographer, who lived in the years circa 46 A.D. to 120; Cornelius Tacitus, a great Roman historian, 55 A.D. to 120, or a little afterward; Suetonius, who lived from 70 to 140 A.D.

And then those historians of the second century A.D.: Arrianus; Appianus, or Appian; and Florus.

Then those who bridged the second and third centuries: Cassius Dio Cocceianus, whose life extended from 155 A.D. to 240 A.D.

Then, the fourth century historians: Eutropius and Ammianus Marcellinus, both of whom served under Julian II during his invasion of Persia—Julian, whose reign extended from 361 to 363 A.D.

Then, the fifth-century historian: Zosimus; and the sixth-century historian, Procopius, whose lifespan extended from about 500 to about 565 A.D.

And then one of the greatest of all historians, Gibbon, who lived between the years 1737 and 1794.

What I am saying is, here is a massive library of Roman historians living and writing from the time of Polybius in the second century before Christ to the sixth century A.D., 800 years of historians who wrote much about contemporary happenings. Polybius, for example, was at the final destruction of Carthage in 146 B.C.

What did Polybius say about the Roman oath? Polybius said, "Among the Romans, whether in accounting for public or private funds, the people are trustworthy because of the oath they have taken." Montesquieu said that, when it came to the oath, the Roman people were the most religious people in the world because that oath formed the nerve of their military discipline.

The Romans took the oath seriously. Lucius Junius Brutus, who historically was one of the first two consuls, along with Collatinus Tarquinius, made the Roman people swear an oath that never again would they subject themselves to the rule of kings. Lucius Junius Brutus, the great, great ancestor of Marcus Junius Brutus—who participated in the assassination of Caesar—Lucius Junius Brutus, after the rule by kings of 243 years, became one of the first two consuls, and he made the Romans swear, as I say, that they would never again subject themselves to the rule of kings.

Lucius Junius Brutus, when he later learned that his own two sons, Titus and Tiberius, were participating in a conspiracy to bring back the Etruscan kings, had his two sons executed because they had broken their oath and proved to be traitors. Such was the solemnity of the Roman oath.

Mr. President, I want, if I can, over the next few days and weeks, to try to focus on Roman history and the history of England so that we might better understand, from a broader perspective, the subject about which we are talking. This marvelous political system of separation of powers and checks and balances did not spring full-blown from the brains of those men at Philadelphia. It was the product of experience, knowledge, and history. The Framers had a broad perspective. And that is what I would hope that we would seek to achieve: A broad perspective, so that we can better focus upon this Constitution and the meaning of separation of powers and checks and balances; how they came into being; what they mean for us; and not just look at them through the narrow glass of contemporary polls, not just look at them through the narrow glass of political and partisan gain, and like demagogs, fall victim to the Alcibiades syndrome. Alcibiades was a young man in a hurry with a silver tongue, who placed his own personal and political interests ahead of the national interests.

I am afraid that we, all of us, from time to time, succumb to the Alcibiades syndrome, putting our own selfish political, partisan interests ahead of the national interest, ahead of the public interest. And so I want, as we approach the time when the leader will understandably call up this measure, I want us to attempt to focus more on this matter in the way I have described it and to back off from it just a little bit and see if we cannot see the forest as well as the trees. I think if we do this, we will know more than we now know, and we will be better able to reflect upon just what our duty is in today's Senate.

Aaron Burr, after he had served 4 years as Vice President of the United States, upon leaving the presiding officer's chair in the old Chamber down the hall, made a speech to the Senate as he departed therefrom for the last time, and it was a speech that gripped the attention of Senators. We are told that for several minutes thereafter, after he had departed through the doors, Senators were speechless. Some of them were in tears.

Burr had made a great speech. He had murdered Alexander Hamilton at Weehawken, NJ, and had presided over an impeachment trial. At the close of his speech, he said this:

> This House is a sanctuary, a citadel of law, of order, and of liberty. And it is here, it is here in this exalted refuge, here will resistance be made to the storms of political frenzy and the silent arts of corruption, and if the Constitution be destined ever to perish by the sacrilegious hands of the demagogue or the usurper, which God avert, its expiring agonies will be witnessed on this floor.

Mr. President, I have thought many times, and I am thinking now that, as we approach this subject of so-called expedited rescissions in which the Senate, if it adopts this measure, will deprive itself of its freedom and prerogative to offer amendments, I have wondered if this perhaps may not be the culmination of the prophecy by Burr. To me it is that kind of a serious matter.

It is not a matter of concern to me because of my being chairman of the Appropriations Committee. I have read with great amusement all the scenarios about why Senator Byrd opposes the line-item veto. It would get in the way of his ability to earmark appropriations for West Virginia, some have said.

These are amusing scenarios that people who see spooks behind every shadow are very able to come up with. But they do not know the legislative process. Most of the earmarking is done in committee reports, not in the appropriations bills themselves. The President cannot veto a committee report.

Mr. President, my opposition to these half-baked theories and approaches has absolutely nothing to do with my being chairman of the Appropriations Committee, nothing.

I have a reverence for this institution. I have a reverence for the legislative branch under the Constitution. I have a reverence for the separation of powers and checks and balances of the Constitution. I have a reverence for American history. I have a reverence for the history of England. I have a reverence for the history of the Romans. I have a reverence for history.

I believe, Mr. President, we have a covenant with the past. We have a covenant both with our forebears, forebears who were willing to pledge their lives and their fortunes and their sacred honor for us. We have a covenant with them.

We have a covenant with the past. And we have a covenant with the future. We have a covenant with our children. We have a covenant with the grandchildren of the people who sit at that desk there. We have a covenant with the past and with the future.

Tacitus said, when you go into battle, remember your ancestors and your posterity. I think, Mr. President, that we are perhaps about to break that covenant with the past and with the future. So I want in the days ahead for us all to think seriously about this matter. Then when the decision time comes, hopefully, we will think of our oath. We will reflect on that covenant that we have with the past. We will reflect on that covenant we have with the future—a future which is represented by these young pages here, and by my children, my grandchildren, and theirs.

We cannot ignore that covenant, Mr. President. We cannot take it lightly. We are links in a vital chain both to the dead and to the unborn. We are, at one and the same time, the sons of sires who sleep in calm assurance, that we will not betray the trust that they confided to our hands; and the sires of sons who wait confident, in the beyond, that we will not cheat them of their birthright.

I close, therefore, in the spirit of those immortal lines by Kipling:

> Our fathers in a woundrous age,
> Ere yet the Earth was small,
> Ensured to us an heritage,
> And doubted not at all
> That we, the children of their heart,
> Which then did beat so high,
> In later time should play like part
> For our posterity.
> Then fretful murmur not they gave
> So great a charge to keep,
> Nor dream that awestruck time shall save
> Their labour while we sleep.

Dear-bought and clear, a thousand year
Our fathers' title runs.
Make we likewise their sacrifice,
Defrauding not our sons.

Mr. KRUEGER. I thank the Chair. I yield myself such time as I may require.

CELEBRATING THE LIFE OF CESAR CHAVEZ

Mr. KRUEGER. The distinguished majority leader has honored me today by asking me to serve as chairman of the Senate Democratic Hispanic task force, and this morning, May 5, Cinco de Mayo, is a day of celebration in the Hispanic community.

Several members of the task force will wish today to acclaim the contributions that Mexican-Americans have made to our great Nation, and they will wish in particular to honor one Mexican-American, the revered Cesar Chavez.

The majority leader earlier this morning spoke about Cesar Chavez. I should like today to add to his comments, and I would particularly ask our colleagues to join not in mourning his death but, rather, to celebrate the life of this great man, a migrant who labored in other men's fields, an organizer, an inspiration, and a standard bearer of a nation's conscience.

It is altogether fitting and proper that we honor Cesar Chavez today, May 5, because Cinco de Mayo is a day celebrating the valor and determination of the Mexican people, and Cesar Chavez led his nonviolent troops to greater independence and dignity. The story of Cesar Chavez is the story of one man who rallied an underpaid, poorly housed, ill-clothed and ill-treated legion and gave them the courage and dignity to demand respect.

Cesar Chavez showed us a nation within a nation, and what he showed us shamed us. He showed us the cruelty behind comforts. He showed us wretched poverty that minted wealth. He showed us faces which, but for twist of chance, could have been our own. And in those faces we saw children without childhood.

We saw parents without hope. We saw life without joy, and often misery without end.

One man, Cesar Chavez, stood and said, "No more, enough." So it was. People from all stations of life joined him, even those whose money and distance from hardship gave them little reason to do so. Perhaps Cesar Chavez showed them that no harvest is a good harvest when those who do the work do not share in the bounty.

Cesar Chavez certainly was not the first to bear this message. Eleanor Roosevelt, Sinclair Lewis, John Steinbeck, Edward R. Murrow, Martin Luther King—these and many others, spoke before and alongside Cesar Chavez.

I am reminded of Abraham Lincoln's remarks in his second inaugural when he said:

It may seem strange that any men should dare to ask a just God's assistance in wringing their bread from the sweat of other men's faces, but let us judge not, that we be not judged.

Chavez belongs as an equal in Lincoln's eloquent company. He was America's most recognized Mexican-American leader. He was a man who defined Mexican-Americans as a minority with unique heritage and concerns. But in his courage, his convictions, and his faith he was one of those men and women from a mold undeniably and essentially American.

Cesar Chavez never realized his dream of forging a nationwide organization. In much of America, farmworkers today continue to toil for low wages, and little security, and less protection against abuse. But his dream is not dust, and the good he did is not interred with him. La Lucha—the Struggle—continues, and the spirit of Cesar Chavez continues to guide it.

I am reminded of the words of the great Mexican liberator, Benito Juarez: "El respeto al derecho ajeno es la paz." "Respecting rights of others is the basis of peace."

The problems of the working poor grow each year. They are the problems of people who suffer not a lack of jobs, but a lack of life-enriching jobs; not a lack of housing, but a lack of decent housing; not a lack of schools, but a lack of education that leads to a better life. But these are problems with solutions. We can find them. This Chamber's belief in what is right, what is humane, and what is essentially American, demands that we find them.

Today, we honor Cesar Chavez on the Cinco de Mayo. I thank you, Mr. President, for the opportunity to speak on this occasion.

Mr. MITCHELL addressed the Chair.

The ACTING PRESIDENT pro tempore. The majority leader.

THE DEATH OF CESAR CHAVEZ

Mr. MITCHELL. Mr. President, today, all of Mexico and millions of Mexican-Americans celebrate the holiday of Cinco de Mayo. This day commemorates the victory of Mexican troops over more numerous French invaders at Puebla on May 5, 1862. That battle was a turning point in Mexican history. It was the first irreversible step in Mexican independence. It ensured that Mexicans would rule their own nation free of European intervention.

To Mexicans, and to Americans of Mexican descent, this day symbolizes the best in Mexican heritage and culture—the ability and the will to persevere and overcome adversity. It underscores the importance of self-determination and it reminds people of Mexican descent everywhere of the price and the value of freedom.

Perhaps no Mexican-American has better demonstrated these characteristics than Cesar Chavez. When he died on April 22, it was not only farmworkers in the United States who suffered a loss. His death was a loss for all Mexican-Americans and for every American.

Cesar Chavez' compelled admiration from supporters and opponents alike. His energy was unremitting.

His efforts ended only with his physical death. But the spirit he brought to the farmworkers of the country did not die with his body. It is a legacy that will survive to better their condition and to enrich the long American tradition of working for fairness and equity for all the people who live in our Nation.

Cesar Chavez was a man of principle. He was a man of commitment. From his own childhood he observed the consequences of migrant farm life. His family moved often and owned little. He had little formal education. He watched while his family worked hard for less than a living wage. He lived a life with no daily job security.

Cesar Chavez decided that a system that did not respect human rights, a system that treated people as expendable, a system that promoted Third World living standards in the United States, was wrong. He committed his life to changing that system.

He gave a voice to the voiceless; he gave the promise of bargaining strength to the powerless. He gave hope, for the first time, to people who felt they were marginal.

While much remains to be done in improving conditions for migrant farmworkers, Chavez' accomplishments can never be undone.

Cesar Chavez made farmworkers a visible and vocal part of American life. Until he organized the grape boycott and the lettuce workers, few Americans gave much thought to where their produce came from; few thought about the human labor that brought them fresh salads out of season; few wondered how they raised their children, how their children got schooling, how these people lived. Chavez changed that ignorance. He shone a light on conditions that Americans recognized and rejected, and his work and his efforts made a difference in the lives of countless families.

Cesar Chavez showed the poor and disenfranchised that collectively they could bring about change. His successes in bringing about improvements in wages and living conditions for migrant farmworkers gave hope to all Americans who faced adversity.

Most importantly, Cesar Chavez brought hope and respect to Mexican-Americans. Despite the hardships in his own life—the poverty, discrimination and lack of formal education—

Cesar Chavez demonstrated that the human spirit—the spirit of Cinco de Mayo—can rise above and surmount any adversity.

He showed that determination and perseverance can get the attention of Americans; he showed that injustice and unfairness will command the support and sympathy of ordinary Americans.

The response he got from the American public and its elected officials demonstrated that ours is truly an open society with room for all cultures and space for the hopes of the least among us.

Although Cesar Chavez is now gone, his legacy will never die. What he taught all Americans about compassion and commitment will never be forgotten. What he taught Mexican-Americans about perseverance and overcoming adversity can never be erased.

On this day of celebration of our Nation's Mexican-American heritage, it is fitting that we take a few moments to remember the contributions of Cesar Chavez. His is a legacy in which all Americans can justly take pride and hope for a better future.

Mr. KRUEGER. At this time, I should like to yield such time as may be consumed by my friend, the Senator from California [Mrs. BOXER].

The PRESIDING OFFICER. Senator BOXER.

Mrs. BOXER. Mr. President, it is with grief yet hope that I rise today to honor Cesar Chavez. I am grieved because Californians, the Latino community, and the American farmworkers, have all lost a great hero. Cesar Chavez proved that victory could grow from the fertile seeds of unity, the fertile seeds of action, and the fertile seeds of mission. And, we can all learn from that because sometimes, Mr. President, we have to be patient when we plant these seeds.

Cesar Chavez was a voice for the voiceless; a leader for the leaderless; and a force for hope and change during a time when our farmworkers so desperately needed both.

For Cesar Chavez, the bleak conditions facing California's farmworkers were much more than empty statistics. Mr. President, we see statistics all the time. The challenge is to get beyond the statistics and reach the people. Having served as a migrant worker himself, Cesar Chavez knew what it was like to live with inhumane conditions; to get sick without any benefits; to support a family on impossibly low wages; even, Mr. President, to go without simple things like running water.

Mr. President, Cesar Chavez knew that without the fundamental right to bargain, nothing could be done about any of it. So, he organized the people to fight for the basic rights that human beings deserve when they work hard. From small meetings to large labor halls, the United Farm Workers was created by a man who would dedicate his life to its cause.

Cesar Chavez had a vision, a vision of a world where everyone of us, from the most powerful to the least fortunate, has the right to be treated with equality, and respect, and dignity.

As 35,000 people gathered to pay their last respects to Cesar Chavez, I was struck by how fitting the funeral ceremony was. It took place in Forty Acres, CA. In 1968, this was the site of his first public fast where he called attention to the inhumane working conditions of farmworkers. In 1970, Mr. President, it was the place the Central Valley farmworkers signed their first union contract. And, in 1993, it became the place where farmworkers would come from all over the Nation to honor the legacy of this great man.

As they entered the city, the mourners sang, they chanted, they beat drums, and held up signs. And one of these signs appropriately read, "Cesar Chavez—In Nuestras Vidas Para Siempre." And that means, Cesar Chavez—in our lives foreover.

Mr. President, I can think of no more appropriate thing to say about our great leaders, because after they are gone, if they stood for something, if they fought for something, if they worked for something, and if they died for something, then they are truly in our lives forever.

I know that Cesar Chavez will be in the lives of Americans forever. And, if he were here today, this is what he would say. He would tell us that the conditions of the migrant workers are still bleak; that a decade of neglect has washed over many of his gains; that workers from California to Florida need a voice; and that it is time to create jobs for our people, Mr. President—decent paying jobs for our people.

I really want to thank my distinguished colleagues Senator KRUEGER and Senator SIMON, for inviting me to participate in this very special eulogy.

It is fitting that we have chosen this day—Cinco de Mayo—to honor this great man. Today we commemorate the historic battle of 1862, a battle in which a much smaller Mexican Army held off an invasion from the French forces. It was really the tale of a David versus Goliath victory.

Cesar Chavez was the David of the American farmworker. He taught that there is strength in numbers and power in unity. He had the courage to take on the tough fights and the fortitude to never quit. He really was the personification of the American spirit: independent, strong, courageous.

Mr. President, Cesar Chavez' greatness of spirit will continue to serve as an inspiration to all Americans, whatever race, color, or creed. It is time for us to take the lessons that he so eloquently taught and—in his name and in the names of other great leaders like Martin Luther King—to continue the fight for decency, for compassion, for hope, and for equality. And I know that if we do that, that would be the best tribute that we could give to Cesar Chavez.

Mr. President, I yield my time back to my colleague from Texas.

The PRESIDING OFFICER (Mr. DORGAN). The Senator from Texas.

Mr. KRUEGER. I thank my distinguished colleague from California for returning the time. I thank her for her very eloquent statement.

There is a dicho: Lo cue se apprende en la cuna dura papra siempre: "What we learn in the cradle lasts forever." I think what Cesar Chavez learned from the cradle was a fundamental compassion and extraordinary strength that allowed him to lead people for so long. And of course he lived so much of his life in the State of my distinguished colleague from California. The whole Nation respects it.

CESAR CHAVEZ

Mr. BINGAMAN. Mr. President, today I would like to honor the memory of Cesar Chavez who died on April 23, 1993. Cesar Chavez will be remembered as a hero for the plight of migrant farmworkers, a civil rights leader and a role model for Hispanics. His work impacted thousands by creating change for migrant farmworkers and ethnic and racial minorities. Cesar Chavez influenced an entire generation of Hispanic leadership. Cesar Chavez was a realist who worked to make his visions of equality and basic human rights tangible for migrant workers. Due to Chavez' efforts as founder and president of the United Farm Workers of America, working conditions for farmworkers improved throughout the United States.

Cesar Chavez taught farmworkers about their basic human rights and how to peacefully and productively attain a just and improved quality of life. Chavez was able to cause change because he lived the struggles of the migrant worker. He and his family were subjugated by the discriminations inflicted upon migrant workers. Intelligent and charismatic, Cesar Chavez cleared the passage to a more humane life for poorly paid Mexican-American migrant workers. Due primarily to his efforts, the California Legislature in 1975 passed the Nation's first collective bargaining act for continental U.S. farmworkers.

For Cesar Chavez, the union represented a cause. He brought the plight of the farmworker to the American public. Cesar Chavez drew attention to the dangers for consumers caused by agricultural pesticides. He helped not only the migrant worker but also urban Mexican-Americans who were working for more educational opportunities, improved housing and political representation. The movement led to

health care, retirement programs, improved wages and better living conditions for farmworkers.

The soft-spoken and fearless Chavez organized many voter registration drives and has been considered one of the best grassroots leaders of all time. He addressed issues such as mistreatment by immigration authorities, police and welfare officials. The expanse of Cesar Chavez work was infinite.

Epitomizing faith and strength, Cesar Chavez was a selfless man who dedicated his life to improving the lives of others. Chavez' vision and love for mankind will be forever eternized in those who will be treated with fairness, respect and dignity. We will not forget Cesar Chavez' struggles and we all must continue striving so that all may live a life with basic civil and human rights.

THE PASSING OF CESAR CHAVEZ

Mr. BRADLEY. Mr. President, I rise today to join my colleagues in recognizing the passing of Cesar Chavez. A great friend of labor and civil rights, Chavez dedicated his life to improving the conditions under which migrant farmworkers and other laborers toil the land in California. From the fields of the fertile San Joaquin Valley, he rose to become a leader in the struggle for human and civil rights in our society.

Chavez was no stranger to the plight of migrant farmworkers. Because his family lost their farm during the Depression, he began moving at a young age from one migrant camp to another, harvesting crops in the arid valleys of California. In 1965, he burst onto the national scene as the president of the fledgling United Farm Workers Union. Influenced by the teachings of Gandhi, he effectively used strikes and fasts to fight growers and shippers who for decades refused to allow farmworkers to unionize.

Before workers in California unionized, they earned on average less than $1.40 per hour in a $4 billion industry, received no fringe benefits, and had no standing to challenge abuses by exploitative employers and contractors. For these downtrodden workers, he won pay increases, eligibility for medical insurance and employer paid pensions, and protection from employer abuses. He won all these benefits for workers who had, until that period, often suffered from the lack of clean drinking water and bathrooms in the fields.

Who could forget Chavez' leadership of the 1968 boycott of California table grapes. That boycott, which was extremely successful at calling attention to the plight of migrant farmworkers, culminated in an emotional 300-mile march by Mexican and Filipino workers from Delano, CA to the State capitol in Sacramento.

He enjoyed other successes as well. In 1974, Chavez achieved the enactment of the Agricultural Relation's Act, which allowed California farmworkers to bargain collectively.

This shy and humble man was a giant in the battle for worker's rights. His gains in the farm fields translated into tremendous gains for all Latinos and all Americans as well. Cesar Chavez was not just a labor leader, but an inspiration to an entire generation of Americans who found meaning in his movement. He believed in and lived his cause, and made the world better for all of us as a result.

CINCO DE MAYO COMMEMORATION OF CESAR CHAVEZ

Mrs. MURRAY. Mr. President, I rise today to pay tribute to one of the great leaders of our time. Cesar Chavez arguably did more for migrant farm laborers during his lifetime than anyone in our history. Mr. Chavez' efforts to unionize farmworkers brought real change to the lives of many people. In addition, Mr. Chavez inspired so many.

Although we as a nation have not yet achieved all of his goals, and much remains to be done to improve the working and living conditions of migrant laborers, Mr. Chavez jump-started the process. The legacy of his human rights work resonates with us still

Mr. KRUEGER. Mr. President, at this time I want to yield to my colleague from Illinois, Senator SIMON, such time as he may require, and I also yield him control of the floor.

The PRESIDING OFFICER. The Senator from Illinois [Mr. SIMON] is recognized.

LAUDING CESAR CHAVEZ

Mr. SIMON. Mr. President, I thank my distinguished colleague from Texas, and I appreciate the fact that he has paid tribute to Cesar Chavez. I had the opportunity to get to know Cesar Chavez slightly. I wish I could have had the opportunity to get to know him well. But I learned to have great respect for this leader of the United Farm Workers.

Two days after his death, he was scheduled to speak in Rock Island, IL. What he did was to appeal to our sense of ideals. At the Simon household, on our refrigerator for many years we had that bumper sticker on there that said "Boycott Grapes," because he told us that we have to stand up for farmworkers.

The distinguished Presiding Officer from North Dakota comes from rural territory, as I do down in deep southern Illinois. It is tough to organize farmworkers. Other than domestic workers who work in homes, it is probably the most difficult area to organize. Yet, there is no question that many farmworkers are among the poorest paid people in our society. I do not mean that disrespectfully to farmers and people that you and I work with.

Cesar Chavez appealed to our sense of idealism. He marched with Martin Luther King. He stood up for the good causes. He worked with Robert Kennedy, and I was pleased to see when I saw pictures of the casket being borne that Congressman JOE KENNEDY, Robert Kennedy's son, was one of those there. I am positive that Cesar Chavez would have appreciated that.

The Chicago Tribune, not noted as a particularly liberal journal, if I can put it modestly, had an editorial. I ask unanimous consent to have the full editorial printed in the RECORD at this point.

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

[From the Chicago Tribune, Apr. 27, 1993]

CHAVEZ, THE FARM WORKER'S CHAMPION

Americans did not need Cesar Chavez to tell them that migrant farm workers have hard lives.

John Steinbeck dramatized that fact in his 1939 novel "The Grapes of Wrath," which related the Joad family's attempt to start over in California after Oklahoma turned to dust.

Broadcasting great Edward R. Murrow drove home the same point decades later. His "Harvest of Shame" TV program—it aired on the day after Thanksgiving 1960—pricked consciences nationwide with an engrossing depiction of the low-paid, poorly housed and generally ill-used cohort of laborers who moved from place to place harvesting vegetables and fruit.

While others described the problem with artistic eloquence, Cesar Chavez did something extra—something of enormous importance. He pursued a solution with doggedness and devotion, using his charisma and considerable skills as an activist and organizer.

Chavez's solution—the unionization of farm workers—proved only a partial success. Seasonal field hands remain low on the economic and social ladder.

By the time of his death last week, however, Cesar Chavez, 66, had done more than any other person to brighten the prospects for farm workers and, not insignificantly, to raise public awareness of their plight.

Chavez started the National Farm Workers Association in California in the early 1960s. The United Farm Workers of America evolved from this organization.

Soon Chavez and his supporters, people of all walks of life drawn both by the David-vs.-Goliath struggle and by Chavez's self-effacing style, were deep into the business of signing up union members and cajoling growers to sign union contracts.

To bring pressure to bear where it was needed, the union organized strikes and boycotts and Chavez went on fasts. A boycott of table grapes, begun in 1968, won such widespread backing from consumers that the targeted California growers, rather than lose more money, capitulated and agreed to use union workers.

Despite that victory and others, the UFW and Chavez never found themselves on an easy path to their objectives. The Teamsters got into the competition for members. Mechanization cut into the demand for human harvesters. And, as sometimes happens with social movements, the Chavez-led enterprise lost luster as it aged into a mature labor union.

Still, Chavez persevered in a worthy cause. He stuck with his life's work, earning a place in history and the admiration of everyone who values commitment and strong convictions.

Mr. SIMON. I will read part of that:

By the time of his death last week, however, Cesar Chavez, 66, had done more than any other person to brighten the prospects for farm workers and, not insignificantly, to raise public awareness of their plight.

And then it went on to account the difficulties he had and concludes:

Still, Chavez persevered in a worthy cause. He stuck with his life's work, earning a place in history and the admiration of everyone who values commitment and strong convictions.

I think that is true. He made a mark as not too many people do. He was not a citizen of my State. He used to come into Illinois periodically, and it was a real honor to work with him on a very few things. I wish I had worked with him on more things and had the opportunity to get better acquainted with him.

One final point, Mr. President. Cesar Chavez stood for those least fortunate in our society. And what we have to do in paying tribute to Cesar Chavez is not simply laud him, this man who died so suddenly, but to also stand up for those less fortunate in our society. It is very easy in this body to get so wrapped up in the details and the minutia of all of the legislation that we forget sometimes that people really need our help. They are not the people who contribute to our campaigns generally, with rare exceptions; they are not the people who are pounding on our doors, or are on the phone, or have the hired lobbyists here. They are the people Cesar Chavez served, and we ought to be serving them, too.

CESAR CHAVEZ—ONE OF THE HEROIC FIGURES OF OUR TIMES

Mr. KENNEDY. Mr. President, last week we received the sad news of the death of one of the Nation's greatest leaders, Cesar Chavez. In the 1960's Robert Kennedy called him "one of the heroic figures of our times," and his leadership and example has continued to inspire millions of Americans for a quarter century after that.

His untiring and nonviolent struggle on behalf of oppressed farmworkers touched the conscience of the Nation and inspired the downtrodden of America to reach for a better tomorrow, and to insist that every human being, regardless of origins, is of worth.

Cesar never forgot his humble beginnings, and the lessons his parents passed on to him. They were struggling farmworkers themselves. They taught him the value of family, country, and faith, and the dignity of all human labor.

The struggle for workers' rights was part of his life from the beginning. His father was active in efforts in San Jose to organize workers at a dried-fruit processing plant. Seeing his father's labor efforts, Chavez was convinced of the need for exploited workers to organize themselves not only to seek better wages and working conditions, but to obtain their rightful place at the table of American democracy.

He finished high school. After service in the Navy in World War II, he followed his parents into farm labor. By 1952, he began pursuing his calling as a tireless champion for community empowerment, and he joined efforts to establish Mexican-American self-help groups in San Jose. He attended to the individual needs of hundreds of Mexican-Americans and immigrants who encountered problems and prejudice in dealing with the police, government services, and immigration authorities. Throughout a decade of community service in San Jose, he conducted a perpetual voter registration drive—always seeking not only to help those in need, but to give them a voice in their own Government through the ballot. He would have understood the importance of the voter registration reform that Congress is about to pass this week.

In 1962, Cesar launched the enterprise for which he is most honored and remembered today. He established the organization which became the United Farm Workers Union. He convinced farmworkers that they could have a better future by working together to challenge the injustice around them. He helped the workers to organize peaceful marches, boycotts, strikes and civil disobedience to force the powerful growers to negotiate with them for better wages and working conditions.

When Cesar's efforts began, farmworkers in California averaged less than $1.50 per hour. They had no benefits and were powerless to complain about abuses and unfair labor practices. A silent generation of Americans considered the farmworkers a hopeless cause—the poorest of the poor.

But under Cesar's leadership, the farmworkers began to rise from their knees. They won significant pay increases and, for the first time, migrant workers were eligible for medical insurance, unemployment insurance, pensions, and had a mechanism for challenging employer abuses. The legacy of Cesar Chavez was being born, and it will never die.

He held a special place in the life and respect and affection of the Kennedy family. In 1966, Senator Robert Kennedy, as a member of the Senate Labor Committee, conducted field hearings in California on the plight of the farmworkers. In his own unique way, Cesar enabled Robert Kennedy and millions of other Americans to see through the eyes of the farmworker—to see a world that was, in Robert Kennedy's phrase, a "dark and hopeless place." My brother came away from that experience with a deep respect for the formidable task which Chavez had undertaken and the incredible moral leadership which Chavez provided in the campaign to challenge injustice and achieve peaceful change.

Robert Kennedy considered it a great honor when Cesar Chavez became one of his delegates from California in the 1968 Presidential campaign. And Cesar played a major role in my brother's victory in the California primary that year. His first thought was that he wanted Cesar there with him to savor the moment.

Despite the cruelty of the oppression which Cesar fought, his challenge was always peaceful. He was a disciple of Gandhi and Martin Luther King and their teachings of nonviolent struggle.

While he fought tirelessly for farmworkers, he also challenged the Nation to think in new and different ways. His campaign was a campaign not just of workers rights but for the soul of America. He inspired the exploited and the poor to think of themselves as people of talent, not as victims. He challenged all Americans to confront the injustices around them and to commit themselves to the view that if one person suffers, we are all diminished. If one person succeeds, it is a victory for us all.

Cesar Chavez was one of the greatest pioneers for civil rights and human rights of our century. His tireless commitment to improve the plight of farmworkers profoundly touched the conscience of America and inspired millions of others to work for justice in their own communities.

Cesar leaves an extraordinary rich legacy for all of us—a legacy of hope for a better tomorrow, a legacy of commitment to those in need, and a legacy of challenge to all of us to do our utmost for those whom justice still passes by.

As we remember him today, his example inspires us to work harder to serve our Nation and our communities. As Cesar said, after one of his famous fasts for workers' rights:

It is how we use our lives that determines what kind of men we are. It is my deepest belief that only by giving our lives do we find life. I am convinced that the truest act of courage, the strongest act of manliness, is to sacrifice ourselves for others in a totally nonviolent struggle for justice.

Our thoughts and prayers are with Cesar's family as they face the loss of a husband, father, and grandfather. We honor them too, for generously sharing this great man with a country that desperately needed him. Because of Cesar Chavez, America has forever changed for the better, and is closer to the ideals of justice and opportunity he fought so hard to reach.

Mr. President, I ask unanimous consent that Robert Kennedy's address to the farmworkers in Delano, CA, in

March 1968, may be printed at this point in the RECORD.

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

ADDRESS OF SENATOR ROBERT F. KENNEDY, DELANO, CA, MARCH 10, 1968

This is a historic occasion. We have come here out of respect for one of the heroic figures of our time—Cesar Chavez. But I also come here to congratulate all of you, you who are locked with Cesar in the struggle for justice for the farmworker, and the struggle for justice for the Spanish-speaking American. I was here two years ago, almost to the day. Two years ago your union had not yet won a major victory. Now, elections have been held on ranch after ranch and the workers have spoken. They have spoken, and they have said, "We want a union."

You are the first—not the first farm workers to organize—but the first to fight and triumph, over all the odds, without proper protection from Federal law.

You have won historic victories.

Others, inspired by your example, have come to offer help—and they have helped. But the victories are yours and yours alone. You have won them with your courage and perseverance. You stood for the right—you would not be moved.

And you will not be moved again.

The world must know, from this time forward, that the migrant farm worker, the Mexican-American, is coming into his own rights. You are winning a special kind of citizenship: no one is doing it for you—you are winning it yourselves—and therefore no one can ever take it away.

And when your children and grandchildren take their place in America—going to high school, and college, and taking good jobs at good pay—when you look at them, you will say, "I did this. I was there, at the point of difficulty and danger." And though you may be old and bent from many years of labor, no man will stand taller than you when you say, "I marched with Cesar".

But the struggle is far from over. And now, as you are at midpoint in your most difficult organizing effort, there are suddenly those who question the principle that underlies everything you have done so far—the principle of non-violence. There are those who think violence is some shortcut to victory.

Let me say that violence is no answer. And those who organized the steel plants and the auto plants and the coal mines a generation ago learned from bitter experience that that was so. For where there is violence and death and confusion and injury, the only ones who benefit are those who oppose your right to organize. Where there is violence, our nation loses. Violence destroys far more than it can ever create. It tears at the fabric of our society. And let no one say that violence is the courageous route. It takes far greater commitment, far more courage to say, "we will do what must be done through an organization of the people, through patient, careful building of a democratic organization." That road is far more difficult than lighting a match or firing a weapon. That road requires far greater militancy. But along that road lies success. Along that road lies the building of institutions and cooperative businesses, of clinics and schools and homes. So we come here, you and I, in a great pilgrimage to demonstrate our commitment to nonviolence, to democracy itself. Just a few miles from here is the tower of the Voice of America—broadcasting across vast oceans and whole continents, the greatness of America. And we say together, we will build, we will organize, we will make America fulfill its promise and we will make our voices heard. We will make America a better place for all Americans.

But if you come here today from such great distances and at such great sacrifice to demonstrate your commitment to nonviolence, we in Government must match your commitment. That is our responsibility.

We must have a Federal law which gives farm workers the right to engage in collective bargaining—and have it this year.

We must have more adequate regulation of green-card workers, to prevent their use as strikebreakers—and we must have that this year.

We must have equal protection of the laws. Those are the words of the Fourteenth Amendment to the Constitution of the United States. The California Labor Code, the Federal Immigration Laws, the Federal Labor Department Regulations—these are laws which are supposed to protect you. They must be enforced. From now on.

So I come here today to honor a great man, Cesar Chavez. I come here today to honor you for the long and patient commitment you have made to this great struggle for justice. And I come here to say that we will fight together to achieve for you the aspirations of every American—decent wages, decent housing, decent schooling, a chance for yourselves and your children. You stand for justice and I am proud to stand with you.

Viva La Causa.

THE DEATH OF CESAR CHAVEZ

Mrs. FEINSTEIN. Mr. President, I rise today to express my profound sorrow about the death of Cesar Chavez—one who focused the attention of the American public on the plight of farm workers in my State and throughout the N..tion.

Cesar Chavez, an inspirational leader who founded the United Farm Worker's Union, led the struggle to ensure basic working rights for farmworkers. Always a man of modest means, Cesar Chavez likened the farmworker's movement to that of the civil rights struggle. He followed closely the principles of Mahatma Ghandi and Dr. Martin Luther King, Jr., relying heavily on economic boycotts, marches, civil disobedience, and fasts.

Cesar Chavez once declared to his followers, "Nonviolence is our strength." This message still rings true as the official slogan for the United Farm Workers Union.

What made Cesar Chavez larger than life was his commitment to opening this Nation's eyes to the plight which once faced farmworkers in this country. He was well aware, based on personal experience, of what it was like to be treated without respect. He wanted only for people to be treated fairly and with high regard, regardless of social or ethnic background.

Under the leadership of Cesar Chavez, the United Farm Workers Union successfully worked to change the once dismal working conditions for hundreds of thousands of workers throughout the Nation for the past three decades. These struggles have brought pay increases, benefits and a sense of job security to workers who had been among the most exploited in the Nation. The union's efforts have also brought needed attention to the health problems facing farmworkers, including exposure to harmful pesticides that affect workers and their children.

Mr. President, how fitting that on this day, Cinco de Mayo, we pay tribute to Cesar Chavez. It was on this same day in 1862, at the Battle of Puebla, that a small band of Mexican troops defeated French invaders. This battle was a victory for the exploited. And, in this same way, Cesar Chavez, in his struggle to represent a generation of people who had long been neglected, brought about a victory for the basic working rights of farmworkers.

Mr. SIMON. Mr. President, I do not see anyone else asking for the floor right now. 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. MCCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

SPARKMAN HIGH SCHOOL'S NATIONAL CHEERLEADING CHAMPIONSHIP

Mr. HEFLIN. Mr. President, Alabama is widely known as the football capital of the South, so it probably should not surprise my colleagues that the State also boasts some of the Nation's best cheerleaders.

This year, the cream of the crop may be found at Sparkman High School in Toney, AL. The cheerleading squad from Sparkman High, the namesake of the late, great Senator from Alabama John J. Sparkman, recently won the Universal Cheerleading Association Varsity National Championship in Orlando, FL, becoming the first team from Alabama to ever win the national title.

I am proud to commend and congratulate these talented young people and their coaches and staff at Sparkman for parlaying their many hours of hard work and athletic ability into the national cheerleading championship.

I ask unanimous consent that a resolution passed by the Madison County Board of Education recognizing the squad be printed at this point in the RECORD.

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

RESOLUTION

Whereas, Sparkman High School Cheerleaders won the Universal Cheerleading As-

sociation Varsity National Championship in Orlando, Florida;

Whereas, members of the team are Jennifer Vaughn, Captain; Amy Martin; Jennifer Hillard; Brandi Alverson; Ginger Matthews; Laura Bailey; Laura Bentley; Christa Edwards; Anna Keel; Shannon Pike; Candice Fostor; Rea Samples; Nicole Watson; Stacy Parkas; Tina Dempsey; Shannon Sharock; Donna Swaim, manager; Daniel Beard; Mr. Senator; Madonna Holladay, head coach; Lisa Holladay, assistant coach; Henry Vaughn, assistant coach; Anita Hutchinson, counselor;

Whereas, Sparkman beat 90 squads from all over the United States to become the first team from the state of Alabama to win a National Cheerleading title;

Whereas, the members of the squad practiced about 25 to 30 hours a week to prepare themselves for the title;

Whereas, each squad member won a jacket and an individual trophy, a National Title Trophy for the school and approximately $21,500 in prize money: Now, therefore, be it

Resolved, That the Madison County Board of Education, our school system and our community hereby acknowledges the aforementioned achievements and express due acclamation to the Sparkman High School Cheerleaders: Be it further

Resolved, That this resolution be perpetuated by incorporating the same into the permanent minutes of the Madison County Board of Education and that a copy hereby be presented to Sparkman High School, the Cheerleading squad and members of the Madison County Board of Education.

THE POOR MAN'S EQUALIZER

Mr. HEFLIN. Mr. President, Col. Orval Matteson, of Jacksonville, AL, has written a lively and timely piece summarizing his observations about today's military, particularly concerning the ongoing threat of chemical weapons.

In "The Poor Man's Equalizer: Two New Weapons," the retired colonel presents very cogent arguments for retaining our live chemical agent training capabilities in the Army, currently conducted at Fort McClellan, AL. As the Base Closure Commission continues to evaluate the Department of Defense's recommendations for realignment and closure, Colonel Matteson's thoughtful insight is the kind that hopefully is guiding the Members' decisions.

I commend the study of Colonel Matteson's paper to each of my colleagues, and ask unanimous consent that a copy be printed at this point in the RECORD.

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

THE POOR MAN'S EQUALIZER: TWO NEW WEAPONS

(By Col. Orval Matteson QMC, Regular Army, Ret.)

Yes, by today's standards the Army and the other services are first class high-tech. And today the Army and the others, except for nuclear forces, are being dedicated and designed to fit the concept of meeting time-urgent military contingencies, anywhere, anytime, engaging unconventional or high-tech forces. (In its concentration on that objective the Army in its planning has disregarded the possibility of ever having to meet its most critical mission, that of ever having to get capable of fighting a war; no doubt it has been so disregarded just because it seems too improbable to be a major consideration. But that's another story.)

So now we're high-tech oriented, and all of our forces are increasingly becoming more dependent on high-tech machines and equipment for controlling, for fighting and supporting, whether for land, air, or water forces or operations. Increasingly we are becoming more dependent on rapidly massing forces and materiel, whether deploying or while fighting. Increasingly we are becoming better at both the application of high-tech everything and at massing anything, so we are becoming more dependent on them. Thus, we are becoming more vulnerable, and really more restricted and less mobile.

It's our forte: high-tech; massing. We excel, compared to any "contingency enemy."

Whether that enemy is also high-tech or unconventional, compared to us in military resources he is apt to be a Poor Man. So, how is this contingency enemy to overcome or even resist this U.S. invader? What is the Poor Man's Equalizer? It has to be something he can afford and that he either has or can make or obtain; he has to be able to use it. As I see it, no matter who he is he has it or can easily get it and he has an inherent capability to use it effectively.

Soon, I trust our combat conceptual thinkers and our high-ranking leaders will realize that the dominant defensive—and thus offensive—weapon of at least these contingency-type enemies against our high-tech, high-consuming-dependent, massed, mobile-dependent forces will be persistent chemicals precisely, finitely applied.

Simply stated, spattered persistent chemicals on finite targets on air fields—either on land or afloat—will close them to both returning flights and to future flights, thus curtailing our air superiority. Similarly, anywhere, persistent chemicals finitely targeted on ammunition stocks reduce fire superiority, and on fuel stocks reduce mobility; on logistic airfields, beaches, harbors or key transportation junctions they curtail resupply; on command head-quarters and on control centers at any echelon they destroy or at least disrupt operations; and the selections go on and on.

Combat troops may still be chemical agent targets, but for persistent chemicals such large area troop targets will be outranked by habitats of Generals and Admirals and by targets with POL or ammo handlers, communication specialists, fork lift operators, stevedores, and the like.

No, the Services haven't been thinking in real terms of the possibility of facing persistent chemicals, but such thinking has been done, and in high places.

"Even a light sprinkling of persistent gas on Omaha Beach could cost us our footing there," said General Omar Bradley, the principal U.S. ground commander for the assault at Normandy, back then in 1944. (See Soldiers, Jan. 93.)

No, it did not happen then, but if it had they could not have done anything to reopen the beach, nor could we do it now; nor, under current programs, will we be able to do it in the future.

Back in the 40's the capabilities and versatilities of persistent agents were penny-ante stuff compared to today's, just as today's will no doubt be tomorrow.

But back then there was at least one senior officer who appreciated the potential impact of persistent chemicals on US operations, and it wasn't even taught then at C&GSC (I know)—and I'll bet it still is not, at least to its ultimate in both importance and potential utilization. Omaha Beach was no finite target, but some terrain Key to getting off of it was. (Stop to think, what if they had been used at Normandy?)

O.K. Any contingency enemy can have the persistent chemicals, but how can he get them on key targets, finite or not, with our high-tech air power, et al.? What is the "second weapon" he has to have to provide him his Equalizer? He already has it, and it is something which we won't have (of course, we won't have the persistent chemicals either).

Yes, these easy-to-produce-or-obtain chemical agents may still be delivered on targets by conventional means, particularly by sophisticated forces. But they will be delivered by all types of forces by a weapon we won't have, a Kamikaze, with the characteristics of a chameleon.

Yes, this is the Poor Man's Equalizer, his two weapons: persistent chemical agents to secure the finite target, and the Kamikaze to hit it. Yes, the Kamikaze fits his needs perfectly, traveling by land, air or water, using bombs, projectiles, disposable short range mortars, briefcases or whatever everyone carries, or whatever.

The Kamikaze will be a common type of adversary, with delivering these agents just one of his/her missions, who must be recognized in our doctrine, planning, and training. In the 40's those we called The Japs performed Kamikaze-like actions in practically every ground combat conflict, but their efforts were generally instinctive and uncoordinated. We did not recognize these performances as inherent until they brought in their special forces against our Navy.

But surely we must realize that the world's potential trouble makers have Kamikaze as a major MOS and that on their own stamping grounds they will be a most common and dangerous weapon to be routinely faced.

Anyway, if I were they I would use the Kamikaze as the primary delivery means of persistent chemicals, and I would wisely, widely and frequently employ these two weapons to equalize, yes neutralize, the U.S. high-tech, massing-oriented and mobile-dependent forces.

As an old line logistician in the 60's I was about up to my chin in the creation of concepts, doctrine, organizations and operational techniques for such as the development and the redevelopment of ROAD and COSTAR and TASTA while I was with the Quartermaster Board, the Army Logistics Management Center, and the Combat Services Support Group of the Combat Developments Command. As the first chief of CSSG's Organization and Doctrine Division I conceived and sold the Theater to Division Support Command concept and developed its various TO&E's, doctrines and applications, including the first use of ADPE in the field. Later I was in even deeper at Hq. DA in developing MAT'TSSST for the Brown Board, and then as Special Assistant to the DCSLOG for Concept Development and Future Systems Design, and after retirement as a consultant to ODCSLOG on ROLS–75.

In between and before those assignments were ones designing the to-be COMM Z in France, and later for three years the chief of its G4 Plans; four years in Hq DA OOCSLOG's Plans; Quartermaster of the 7th Inf. Div. in Korea; Quartermaster of III

Corps; CS and CO of the 13th Support Brigade.

Thus I can easily visualize the targets in the service support systems of any theater of operations which when attacked, finitely, with persistent chemicals would in turn take the supported forces—whether combat, combat support or service support—out of action, at least until the targets could be replaced or reconstituted. This impact is particularly assured as the Army's personnel and materiel resupply systems are still designed and organized to deliberately insure that the using unit, combat or otherwise, will never be at full TO&E or Basic Load strength once engaged or supporting forces in combat; but that too is another story.

The impact on command, control, and communications systems would be equally devastating. Although I have no personal experience with airfield operations on land or afloat, I am sure they each also offer their critical finite targets, reachable to the Kamikaze.

Generally, similar attacks on off-shore support bases and in the ZI will have delayed effects on in-theater operations, although the repercussions, particularly from those in the ZI, could be most profound. But, progressively, the targets will resemble the proverbial sitting ducks, and chances are the delivering agent will be able to execute repeat performances.

So, what's to be done? Well, first at comparable command levels start to emulate General Omar Bradley in his appreciation of the devastating effects of persistent chemicals. Then get the conceptual thinkers aboard that idea train and at the same time start getting prepared for the attacks. Get going on assuring individuals defensive skills against the agents and in creating and developing mobile decontamination teams and units to overcome the effects of such attacks; get going on assuring that developing the best possible equipment for these protective and these decontamination missions is high in the R & D program.

Get this chemical defense program high up in command interest from the Army C.S. down to the company level; get it high up for funding for training, equipment, and R & D.

Make full use of the specialized training facilities of the Chemical Defense Training Facility (CDTF) at Ft. McClellan to get the top command interest and use the total Chemical School at full capacity for training the trainers who go back to their units to train the troops.

How? Have all generals and all other top-level commanders and their Command Sergeant Majors go through a session at the Ft. McClellan CDTF. That experience will challenge not only their personal protective equipment but their minds and bodies as well. The interest created will assure their emphasis on training, equipment and R & D. The truly lackadaisical attitude toward Chemical Training found in all echelons since 1938 (to my knowledge), and even now for those who have not been personally associated with the CDTF, will be dissolved.

So, these initial and continued demands on the CDTF will exceed its present capacities. Then, expand the capacity and give the program the support needed to handle the load.

Also, press for completion of the new Decontamination Apparatus Training Facility (DATF) which is now under construction at Ft. McClellan. Expand its capabilities and scope of training to meet the demands for the skills, equipment and techniques visualized to meet attacks by these Poor Man's equalizing weapons.

Yes, meeting these demands for emphasizing individual protective capabilities, for developing some in-house decontamination capacities in each unit and particularly in key-target ones, and organizing, equipping, and training specialized mobile, even airdrop, decontamination units for areawide missions will in these times of increasingly limited funds and forces, require some realignments in both funding and the force structure, not only for the Army, but for the other services as well. So be it. Time is wasting. Potential enemies already have the capacities and capabilities and we must expect they have both the will and the knowledge to make use of the capability in the manner discussed herein.

Those in the Army we used to call Combat Types need to think about what the application of these equalizer weapons on their service support lines will do to their combat capabilities. They know that their combat successes are totally dependent upon keeping the service support lines operating at the rate to meet their combat needs, and then some. These Combat-types should be the strongest advocates for meeting these two programs, and soon.

Demands from the other services should be equally strong. The Marines can expect to be the first to be so greeted by these weapons. The air forces, afloat and ashore, can expect their air fields to be constant priority targets. The Navy should know that beach and harbor operations will be equally popular.

The uniqueness and similarity of these requirements for those services and the technical complexities and costs of the specialized training facilities, the CDTF and the DATF, precludes the other services from establishing their own Chemical Schools and specialized facilities. This magnifies the importance of and the demands to be placed upon Ft. McClellan's Chemical School, which is as it should be.

In fact, the training of individuals and of mobile decontamination teams and units at Ft. McClellan and the concurrent development of doctrine and procedures by the Chemical Corps and its continued training could very well become the keystone to assure that U.S. forces are able to successfully operate in the environment that can be created by the poor man's high-tech weapon delivered by his fanatical Kamikaze.

H'm'm. . . .

Oh. Are persistent chemicals and the Kamikaze new weapons? No, not really. One predates Omaha Beach. The other flourishes in the world's oldest societies.

But they will be new to us, and are most certain to be disruptive. How disruptive depends on whether we have prepared for them. As of now we have not. At the highest levels we have not considered them a threat, nor getting prepared to meet them as important. This can be changed.

As in all things, it is a matter of top level emphasis. May they hear the voice of General Omar Bradley?

TRIBUTE TO BARBARA STROCK

Mr. HEFLIN. Mr. President, on May 18, 1993, Barbara Strock will retire from the Alabama League of Municipalities after 25 years of energetic service. She is the league's only staff member to have worked for all three of its directors, the only three in its 58-year history.

Barbara began working for the league on July 1, 1958 as secretary to Ed Reid, the first executive director. She and Mr. Reid were the only two employees at the time, and her duties extended far beyond those of the average secretary. In addition to taking dictation, she produced the league's newsletters and legislative reports. Two years later, Barbara began a 10-year break from her job to start a family. She returned in 1970.

For each of her 25 years of service, Barbara planned and coordinated the league's annual conventions, gatherings which have increased in attendance from a handful of elected municipal officials to over 1,800 municipal officials and personnel from virtually every city and town in Alabama. It is safe to say that due to her planning skills and attention to detail, the league conventions have always been run smoothly and have proven highly beneficial to Alabama's local government leaders.

During her two and a half decades with the league, Barbara has worked closely with the National League of Cities in making preparations for the Alabama delegates to attend their national conferences. Her total dedication to the municipal officials of Alabama has brought her many deserved and colorful accolades throughout the years.

More recently, Barbara's capable shoulders have born additional responsibilities, such as serving as staff liaison for the league's Standing Committee on Community and Economic Development. Here again, her attention to detail and working knowledge of local government in Alabama have proved invaluable.

I am proud to commend and congratulate Barbara Strock for all her hard work and service to the Alabama League of Municipalities. She will be sorely missed, but she has indeed earned a long, happy, and healthy retirement. Her service will long remain the standard by which her successors are measured.

WE THE PEOPLE . . . THE CITIZEN AND THE CONSTITUTION PROGRAM

Mr. HEFLIN. Mr. President, I rise today to congratulate the students and teachers of the Shades Valley High School Resource Learning Center in Birmingham, AL. This is the fifth year in a row these scholarly students have advanced to the final competition of the We the People . . . The Citizen and the Constitution Program. I am extremely proud of these students, their teacher, and coordinators who have worked so diligently to represent the State of Alabama in this very worthwhile program.

The team members include: Elizabeth Arnold, Brandi Bonner, Douglas Croker, Matt Fridy, Chris Gerlach, Darcy Goodwin, Anna Graham, Joel

Hardy, Barry Heard, Emily Hodges, Kenyon Holder, Daniel Hurst, Josh Jenkins, Michael Jowell, Christina Larussa, Lee Ann Morawski, Terra Mortensen, Kelli Moses, Paul O'Leary, Kristin Oden, Heather Partain, Adam Peek, Bethel Peterson, Jill Seaman, Julia Settle, Jonathan Sides, Rebecca Simonoton, Chris Speights, Ann Stevenson, Lee Surtees, and Matt Weber. A special word of praise for the student's teacher, Linda Mays Jones, who deserves much of the credit for the success of the team. The district coordinator, Linda Dukes Connor, and the State coordinator, Janice Loomis, have also contributed a great deal of time and effort to help the team reach the national finals.

The We the People . . . The Citizen and the Constitution Program, supported and funded by Congress, is the most extensive educational program in the country developed specifically to educate young people about the Constitution and the Bill of Rights. The 3 days of academic competition provides students with an opportunity to demonstrate their knowledge of constitutional issues in a simulated congressional hearing. This is an excellent opportunity for students to gain an appreciation of the significance of our Constitution and its place in our history and our lives today.

I am proud of these students and commend them and their teacher for their hard work. I wish them the best of luck in this competition and much success in the future.

STANDING TALL: REMEMBERING KHE SANH

Mr. NUNN. Mr. President, I rise today to bring to the attention of the Senate an article entitled "Standing Tall: Remembering Khe Sanh" which appeared in the February 1993 issue of the Retired Officer magazine. The article, by C. James Novak, does a superb job of reminding us of the heroic efforts of the marines and supporting forces which fought in Khe Sanh.

Mr. Novak's article commemorates the 25th anniversary of the United States victory at the Khe Sanh battlefield in South Vietnam. This 77-day siege became one of the most brutal battles in the Vietnam war and is a fine example of the courage and determination of our fighting marines.

The North Vietnamese Army [NVA] drastically underestimated United States determination to hold the base at Khe Sanh. Despite early NVA overwhelming numerical advantage, the marines in the garrison withstood the initial onslaughts and counterattacked quickly.

The siege ended on April 8 when the 26th Marines were relieved at the base. The bravery of these marines and the forces that supported them during the lengthy bombing and resupplying missions clearly stands as a testament to the fighting spirit of our Armed Forces.

I ask unanimous consent that this article be placed in the RECORD.

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

REMEMBERING KHE SANH

(By C. James Novak)

On January 20, 1968, as the sun burned through a heavy fog on Hill 881N, Marine 2Lt. Thomas D. Brindley earned the Navy's second highest commendation. As commander of 3rd Platoon (Company I, 3rd Battalion, 26th Marines) stationed at Khe Sanh, South Vietnam, his mission that morning was to reconnoiter for the enemy forces that had ambushed a Marine contingent three days earlier.

What Brindley encountered, however, were elements of a North Vietnamese Army (NVA) battalion in heavily fortified defense positions on and near Hill 881N. Caught in a nightmarish crossfire that one Marine described as a "page out of the life of Chesty Puller" (the legendary Marine lieutenant general who was awarded the Navy Cross five times). Brindley fought from flank to flank as he urged his men up the 2,583-foot rise. The first to reach the summit, he fell to a sniper's bullet moments later. For his gallantry and leadership, Brindley was posthumously awarded the Navy Cross.

Brindley's courage and determination were a prologue to one of the fiercest battles of the Vietnam War—the siege at Khe Sanh. For 77 days, 6,680 defenders, including those on outlying hills, defiantly withstood a merciless pounding of artillery, mortars, rockets and ground assaults by an NVA force estimated to number 30,000 to 40,000. The garrison was composed of American Marines along with a small contingent of Army Special Forces and a battalion of South Vietnamese Rangers (37th ARVN).

The North Vietnamese defense minister, Gen Vo Nguyen Giap, orchestrated the Khe Sanh attack to be to America what Dien Bien Phu had been to the French 14 years earlier. In that two-month siege, 600 weary survivors of a decimated battalion ended French involvement in Southeast Asia by charging into an NVA force of 40,000. At Khe Sanh, Giap intentionally used one of the combat divisions that had fought at Dien Bien Phu. The parallels between Dien Bien Phu and Khe Sanh were easy to draw, but Gen William C. Westmoreland made the decision to hold the base. Suddenly, according to MGen Lowell English, a Marine deputy commander at Khe Sanh, this "piece of terrain that wasn't worth a damn" had significance. Virtually overnight, Khe Sanh became a symbol of American determination in Vietnam.

OF MORTARS, MELEE AND MEN

The main American presence at Khe Sanh was composed of the 26th Marine Division and the 1st Battalion, 13th Marines (a heavy artillery unit). The defenders actually occupied more real estate than the Khe Sanh combat base proper. Company-size elements of the 26th Marines also held and defended strategic high terrain located around the base's periphery, with the two most important being Hill 861 and 881S.

It was Hill 861 that bore the brunt of the initial NVA attack in the pre-dawn hours of January 21, when 300 NVA regulars poured through the Marines' defenses. The American counterattack, punctuated by intense hand-to-hand combat, retook the lost ground and drove the invaders into a culling crossfire.

Several hours after the attack on Hill 861, the main base was the target of hundreds of 82mm mortar rounds, 122mm rockets and artillery rounds. The Marines' main ammunition dump took a direct hit. Thousands of rounds were instantly destroyed and havoc reined during the next two days as ammunition "cooked off" amid the inferno. But, with the exception of occasional probing assaults, an all-out NVA ground attack never materialized.

The first major ground offensive came on February 8 when a reinforced NVA battalion of the 101D Regiment, 325C Division, hit positions on Hill 64, a scant 500 meters from the base's perimeter. Members of the Marines' 1st Platoon (A/1/9) grappled against overwhelming odds in a melee of hand grenade duels, hand-to-hand combat and raking machine gun fire. Twenty-one Marines lost their lives before reinforcements battled their way to the trapped platoon. Enemy casualties numbered 150 dead. For the next two weeks, the NVA mounted no significant ground assault but continued its relentless shelling of the base.

The bombardment of Khe Sanh by NVA artillery and rocket forces was brutal and included an overabundance of 82mm and 120mm mortars, 122mm rockets, and 130mm and 152mm artillery rounds. The enemy pumped an average of 2,500 rounds a week into an area barely 600 meters long by 300 meters wide. On one day alone, February 23, NVA forces unleashed 1,307 rounds on the besieged defenders. Yet, surprisingly, these bombardments inflicted relatively few casualties among the dug-in, sandbagged Marines.

The last major ground engagement at Khe Sanh began on February 29 and stretched into March 1. Pressured by the improving weather that invited increased air attacks, NVA forces began massing to the south and east of Khe Sanh for a final assault. Late on the night of the 29th, a battalion from the 304th NVA Division attacked the 37th ARVN Ranger Battalion positioned on the base's eastern perimeter. For seven hours, the South Vietnamese Rangers, with massive supporting fire, turned away three separate enemy assaults.

The courage and valor that the defenders of Khe Sanh displayed in defeating an overwhelming enemy force were impressive. Yet the soldiers who stood tall during the 77-day siege will be the first to acknowledge that their survival hinged on two things: President Lyndon Johnson's commitment to defend Khe Sanh and the herculean effort exerted by U.S. air assets.

OPERATION NIAGARA

Westmoreland moved quickly to reinforce the vastly outnumbered Marines and exploit the rare opportunity to strike large formations of NVA forces. Officially, Operation Niagara aimed to "destroy enemy forces in the [Khe Sanh] area, interdict enemy supply lines and base area . . . and provide maximum tactical air support of friendly forces." Battlefield translation: Drench the bastards in a cascade of aerial firepower.

Operation Niagara kept tactical fighter bombers on station over the besieged base nearly round-the-clock. Marine and Navy A-6 Intruders, each capable of carrying 28 500-pound bombs, anchored a tactical armada that included Marine, Navy and Air Force F-4 Phantoms, A-4 Skyhawks, F-8 Crusaders, F-105 Thunderchiefs and F-100 Super Sabres. Vintage South Vietnamese prop-driven A-1 Skyraiders also joined the ranks. In the

heroics to defend Khe Sanh, the 7th Air Force racked up 9,961 sorties and dropped 14,223 tons of bombs. First Marine Air Wing added another 7,078 sorties and 17,015 tons of ordnance, and naval aircraft mounted 5,337 flights and delivered 7,941 tons of bombs.

It was the persistence of these bombing runs that made the area around Khe Sanh one of the most-bombed targets in military history. To put this into perspective, the bombs dropped at Khe Sanh equalled nearly one-fifth of the U.S. bombs dropped on targets in Asia during 45 months of World War II.

The precision with which these multi-service aircrews delivered their weapons was extraordinary. Typically, close air support missions were guided by Tactical Air Controllers (Airborne) who fired smoke rockets from O1–E Bird Dogs or UH–1E gunships into identified enemy targets. As the pilots zeroed in on the smoke markers, the TAC (A) would radio corrections to each subsequent fighter bomber based on the previous aircraft's accuracy. The tactic literally "walked" a stream of aircraft over the desired target.

While the TAC (A) proved extremely effective in good visibility, the monsoon rains and heavy fog of February and early March meant the Americans had to supplement this technique with radar-controlled releases. At the heart of this operation were a TPQ–10 radar and a computer-laden van, buried and heavily sandbagged, that juggled radar readings, map coordinates, compass headings and wind speeds, and guided the planes through the gloom on precision bombing runs. Manned by Air Support Radar Team-Bravo, Marine Air Support Squadron 3, the TPQ bombing technique proved to be incredibly accurate and was critical to maintaining all-weather bombing capability during the 77-day siege.

NO. 1 ON THE HIT PARADE

While fighter bombers roared in with deadly accuracy on close-in NVA positions, terrain out beyond 1,000 meters of the base became a virtual killing zone because of the B–52 raids. The courier of catastrophe for NVA and Viet Cong forces caught in this area came in the darkened silhouette of an aerial behemoth that prowled unseen at altitudes of 30,000 feet and that heralded every heart-stopping arrival with an incredible 54,000 pounds of high explosives. B–52 Stratofortresses from Strategic Air Command's 3rd Air Division, each with a payload of 108 500- and 750-pound bombs, dropped an incredible 59,542 tons of bombs in 2,548 Arc Light sorties to Khe Sanh.

Every 90 minutes, three B–52s, nicknamed "big ugly fat fellas" or "Buffs," hit a target area one kilometer wide by two kilometers long, completely devastating NVA troop concentrations, marshaling points, bunker networks and supply depots. In a pinch, B–52s could deliver their weapons as close as 1,000 feet to dug-in friendlies. American Marines cheered the awesome display of firepower, which they dubbed "No. 1 on the hit parade." One North Vietnamese soldier wrote in his diary: "18 February: The heavy bombing of the jets and B–52 explosions are so strong that our lungs hurt." Westmoreland would later comment that "the thing that broke their backs was basically the fire of the B–52s."

BULLETS, BEANS AND BANDAGES

The dangerous effort to resupply Marines with bullets, beans and bandages was no less impressive. The runway became the base's lifeline as C–130 Hercules and C–123 Providers, together with Marine CH–46, Army CH–53 and UH–1E helicopters braved poor weather, thick antiaircraft fire and mortar attacks on the ground to evacuate casualties, insert replacements and drop off supplies. As enemy gunners rained mortars down on the vulnerable cargo carriers, pilots had to land, unload and take off in less than three minutes. It was exceptionally perilous duty.

After a C–130 was hit by mortars while unloading fuel on February 10, all Hercules landings were suspended. However, C–130s continued to fly supplies into Khe Sanh using parachute drops or a hook and line system for extracting supply pallets from the planes. Helicopters and C–123s continued to use the airstrip, but only the former were able to resupply outposts. Unfortunately, choppers had only about 19 seconds over the outposts before mortars peppered the area.

To cut mounting helicopter losses, U.S. forces introduced the "Super Gaggle" system. The objective was to use precision time control to coordinate the arrival of a mixed armada of fixed-wing and helicopter assets. Twelve CH–46 helicopters, each carrying 4,000 pounds of underslung supplies, were escorted into the outpost by 12 A–4 Skyhawks blasting NVA gun positions on the flanks while four UH–1E helicopter gunships cranked out close-in support and rescued any downed crewmen. Although extremely successful in resupplying critical outposts, 17 helicopters were destroyed during the five weeks of Super Gaggle missions.

The siege officially ended on April 8, 1968, when the 3rd Brigade of the 1st Cavalry Division pushed into Khe Sanh and relieved the battered but triumphant Marines. North Vietnamese forces suffered 1,600 confirmed dead, but reports after the war indicated that some units surrounding Khe Sanh had taken 90 percent casualties under the deadly U.S. bombardments. Intelligence estimates put actual NVA losses at more than 10,000. The cost in U.S. lives was 205 killed and 1,600 wounded.

MIXED MESSAGES

Khe Sanh was a powerful example of America's battlefield superiority. Unlike the headline-grabbing street warfare of the Tet offensive, where enemy infiltrators preyed on civilian targets, the North had clearly committed enormous military resources to securing a major battlefield victory at Khe Sanh. The result was a disastrous engagement for which they paid a severe price.

But, while the American military legacy at Khe Sanh is a proud one, its epitaph stands as yet another staggering incongruity of American policy in Vietnam. For on June 23, 1968, less than 77 days after breaking the bloody siege, American forces were ordered to abandon the base they had so vigorously defended. The withdrawal was to be conducted in secret, but the press picked up the story.

It has been 25 years since 2Lt Thomas Brindley charged up Hill 881N; 25 years since America sent home 205 young bodies during the siege of a place called Khe Sanh. While their courage and service are a proud inheritance to every military professional who bravely answers our country's call to arms, their loss remains a haunting reminder of the price we pay as a nation for making that call uncommitted.

IRRESPONSIBLE CONGRESS? HERE IS TODAY'S BOXSCORE

Mr. HELMS. Mr. President, as of the close of business on Monday, May 3, the Federal debt stood at $4,238,348,617,824.55, meaning that on a per capita basis, every man, woman, and child in America owes $16,500.68 as his or her share of that debt.

DEATH OF FORMER WISCONSIN GOV. WARREN P. KNOWLES

Mr. FEINGOLD. Mr. President, Wisconsin has a long tradition of progressive leaders at all levels of government and it is no accident that our State motto is "Forward." This past Saturday, May 1, 1993, the State of Wisconsin lost one of those classic forward-thinking progressive leaders with the passing of former Gov. Warren P. Knowles.

Governor Knowles was a progressive Republican who served the people of Wisconsin from 1941 to 1971 first as an accomplished State senator, Lieutenant Governor and later as a three-term Governor. His years of Wisconsin service were interrupted by 4 distinguished years of national service aboard the U.S.S. *Nevada* as a Navy lieutenant during World War II.

He embodied the progressive spirit that has dominated so much of Wisconsin's history. An environmentalist, before there were environmentalists, Governor Knowles helped create the Outdoor Recreation Act which established a long-range plan to buy and improve land for parks, hunting, and other recreational uses. He led the way in protecting wetlands and fighting water pollution.

As the Republican floor leader of the State senate he created the State Building Commission and the Legislative Council, two of the most critical nonpartisan bodies in Wisconsin State government.

As Governor he championed civil rights and environmental protection while streamlining State government. He declared war on drunk driving and kept the peace during civil rights turmoil in Milwaukee and anti-Vietnam war protests in Madison. He cut the number of State agencies from 127 to 26. We could use the good sense and solid leadership of Warren Knowles in our battle today against the Federal deficit.

After retiring voluntarily from the Governor's office he served as a distinguished member of the University of Wisconsin Board of Regents and he continued to work hard to preserve our State's beautiful environmental resources by helping create the Stewardship Fund, a multi-million-dollar program to underwrite purchases of parkland and ecologically fragile sites.

Gov. Patrick Lucey, a Democrat who succeeded him credited many of the accomplishments of his time in office to the solid groundwork laid by Governor Knowles.

This past Saturday, Governor Knowles suffered a heart attack on one of his frequent fishing trips around

Wisconsin. He had been participating in one of Wisconsin's most cherished State traditions—the opening day of fishing season. Given his life-long legacy of dedication to the environment and stewardship of natural resources, there probably couldn't have been a more fitting way for Warren P. Knowles to meet life's final challenge.

The people of Wisconsin are deeply thankful for his lifetime of public service and those of us in public life today will sorely miss his wise counsel.

REMEMBERING REV. ARTHUR LUNDBLAD

Mr. DURENBERGER. Mr. President, I rise today to pay tribute to the memory of a distinguished Minnesotan, Rev. Arthur Lundblad. He was a man of faith and service who made history as a pioneer missionary in Zaire, Africa.

Art Lundblad was born on August 30, 1909, to John and Selma Lee Lundblad on the family farm in Farwell, MN. He attended District 76 School in Farwell, and the first 2 years of high school in Glenwood. When his father died in 1925, at age 16 he left high school to manage the family farm with his mother.

Sensing a call to full-time Christian service, he enrolled at Minnehaha Academy in Minneapolis, completing his secondary studies in 1934. He began his undergraduate program at North Park Junior College in Chicago, IL, earning an associate of arts degree in 1936.

He as ordained to the ministry and dedicated to missionary service in June 1938. He went to Belgium for French studies, a stay shortened to 7 months due to the outbreak of the war. He arrived in Belgian Congo in February 1939, and traveled by riverboat to the Ubangi region where the Evangelical Covenant Church had established a mission.

There he met Florence Nelson, a nurse from Nebraska who had been one of the first missionaries to Congo. They were married in 1941, and three children were born to them.

Reverend Lundblad's work as missionary paster led him into many varieties of ministry in the Congo, now known as Zaire. As an evangelist, he preached to hundreds of Congolese. As developer-pastor, he inaugurated two new mission stations in Zaire. As servant, he was a fix-it man, always available to put his knowledge and patience to use to get something working again. As pastor-teacher, he guided young church leaders into greater responsibility for administration of the church. As builder, he supervised the construction of schools, homes, churches, and office buildings. As administrator, he served as the legal representative of the mission to the Government. As communicator, he helped to establish the shortwave radio link between mission stations. As ecumenist, he served as associate director of the office of evangelism of the Church of Christ in Zaire and helped coordinate the Christ for All campaign throughout the country.

He was a lifelong student, eager to learn, to deepen his understanding of people and the world. He returned to North Park Seminary to complete his work for the bachelor of divinity degree in 1948. And in 1964, after finishing the required courses, he proudly received his bachelor of arts degree from North Park College, 28 years after he had begun.

Florence died in September 1969 and Art married Helen Price, longtime missionary to Zaire, in Chicago in 1972. They returned to Kinshasa, Zaire where Art continued to serve in the office of evangelism and as liaison to the Government for the Covenant and Evangelical Free Church missions. They retired from active missionary service in 1976, at which time he became executive director of the Paul Carlson Medical Program, serving from 1977 to 1984.

Reverend Lundblad died at the age of 83 on Friday, March 12, 1993 in Batavia, IL.

Mr. President, the life of Art Lundblad was a personification of a servant leader. As Minnesotans, we share the pride of his family in his life of selfless service and join with them in celebrating the fruit born of his upbringing, his education, and most of all, his faith.

I yield the floor.

THE LOBBYING DISCLOSURE ACT OF 1993

Mr. MCCAIN. Mr. President, I strongly support the Lobbying Disclosure Act of 1993, S. 349, and I am proud to be a cosponsor of this important legislation.

S. 349 seeks to streamline disclosure procedures for lobbyists by creating a clearinghouse for lobbying reporting and regulation under the Justice Department. The bill would also shift responsibility for the monitoring of lobbying activities and of foreign agents who lobby to this new Justice Department office.

This office would also enforce the bill's provisions, create a universal disclosure form, and require twice-a-year disclosure of expenses and activities of lobbyists. Additionally, S. 349 would expand the legal definition of the term lobbyist to include part-time lobbyists and certain persons who are not covered under existing regulations.

Mr. President, this legislation is long overdue. Current law regarding lobbying activities is convoluted and has eroded public trust in the Congress. This measure is a small but important step in the process of restoring the public's confidence in the institutions of democratic government.

At the same time, however, we must be careful not to unduly restrict the ability to petition the Government. We have an obligation to ensure that we do not breach any citizen's right to contact the Congress. This legislation does not infringe upon the constitutional right of free speech and expression.

Mr. President, I believe the Lobbying Disclosure Act strikes an appropriate balance between the public's justified need to know who is, and how much is being spent on, lobbying elected officials and an individual's opportunity to exercise his or her constitutional right to petition the Government and express opinions.

Mr. President, the legislation before us is not perfect, and I wish the bill had gone further in its regulation of lobbying activities. I am confident, however, that any deficiencies in the bill will be addressed in the future in a most expeditious manner. I am equally confident that the chairman of the Subcommittee on Government Oversight, the able sponsor of this bill, will do all he can to ensure that the subcommittee acts not only on any deficiencies in this bill, but on legislation introduced by Senator BOREN and myself on the same subject now pending in his subcommittee.

Unfortunately, some groups who supposedly support the goals we are seeking have chosen to oppose this bill because, in their view, it is not sufficiently comprehensive. I am somewhat saddened by their shortsighted opposition to this measure. It is particularly vexing that one group in opposition to the bill, Common Cause does not disagree with any of the provisions in the bill but simply believes the bill does not go far enough.

According to Senator LEVIN in his letter to the New York Times on March 3, 1993,

> It turns out that Common Cause—the organization on which I believe you have relied for information on this issue—has changed its mind, and [the New York Times] has followed suit. Common Cause, like you, has no criticism of what the bill does, but now opposes it because of what it does not do. Apparently, Common Cause * * * now believes that comprehensive lobbying registration is too easy, so we should try something harder, like addressing the congressional gift rules at the same time.

Mr. President, I am not opposed to addressing the Senate gift rules, and if amendments are brought before the Senate which appropriately address this issue, I will support them. However, Mr. President, these are somewhat different subjects.

I think that Common Cause is engaging in somewhat selfish behavior. Am I to understand that unless an amendment on an entirely different subject is not adopted, "[Common Cause] urges [the Senate] to oppose the bill?" I think this is a bit shortsighted.

Let me remind my colleagues that the underlying bill was drafted in response to issues raised by Common Cause. Let me emphasize again, Com-

mon Cause basically has no fundamental opposition to the underlying bill; it is just demanding that we do more.

Mr. President, I believe the public supports the measure before us. The public, I am confident, would also support changes to the Senate gift rule, and I will join in that effort. But I do not believe the public would wish to be associated with the kind of "do it my way or no way at all" displayed by Common Cause.

Again, Mr. President, I understand that there will be an amendment concerning the Senate gift rule. I will be in support of that amendment and speak in behalf of it, if necessary. Again, I find it hard to understand why the entire bill should be opposed by anyone or any special interest group, which Common Cause is, on the grounds that it does not contain all of the elements that they want.

So, Mr. President, I look forward to swift passage of this bill. I believe it will be another small step forward in restoring the badly eroded confidence that the American people have about the institution of the Congress. I am very grateful to the prime sponsor of the bill Senator LEVIN, for his many hours of dedicated effort on behalf of this legislation.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

RECESS UNTIL 2:30 P.M.

Mr. BINGAMAN. Mr. President, on behalf of the majority leader, I ask unanimous consent that the Senate stand in recess until 2:30 p.m. today.

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

Thereupon, at 12:22 p.m., the Senate recessed until 2:30 p.m., whereupon, the Senate reassembled when called to order by the Presiding Officer [Mrs. BOXER].

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

THE LOBBYING DISCLOSURE ACT OF 1993

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 349, which the clerk will now report.

The legislative clerk read as follows:

A bill (S. 349) to provide for the disclosure of lobbying activities to influence the Federal Government, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Pressler amendment No. 342, to amend the Federal Election Campaign Act of 1971 to ban activities of political action committees in Federal elections.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Madam President, I ask unanimous consent that Senator BAUCUS be recognized for not to exceed 8 minutes as though in morning business.

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

The Senator from Montana is recognized.

Mr. BAUCUS. I thank the Senator from Michigan, the majority manager of the bill, and the comanager of the bill, Senator COHEN from Maine.

(The remarks of Mr. BAUCUS pertaining to the introduction of S. 894 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

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

Mr. LEVIN. Madam President, I object for the moment.

The PRESIDING OFFICER. The Senator from Michigan objects for the moment.

The clerk will continue the call of the roll.

The assistant legislative clerk resumed the call of the roll.

Mr. LEVIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded and that the Senator from North Carolina be recognized for up to 5 minutes as though in morning business.

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

The Senator is recognized for 5 minutes as if in morning business.

Mr. HELMS. Madam President, I thank the able Senator and I thank the Chair.

FIFTY MILLION DOLLARS TO SLAUGHTER UNBORN BABIES?

Mr. HELMS. Madam President, $50 million may be an insignificant amount to the big spenders in Congress and in the Clinton administration, but it still averages out to be a million dollars taken by the Federal Government from every State in the Union to help finance the deliberate destruction of countless thousands of innocent, helpless human lives.

The $50 million to which I refer is new spending proposed for the Federal Government and it sure is a bonanza for the United Nations. There is still time for President Clinton to save this $50 million if he will just do it, and if he does so a great many lives will be saved.

The problem is that President Clinton and his administration have repeatedly declared themselves to be prochoice, which is no more than an intellectually dishonest euphemism for being proabortion. Why do not they, and others parading under the bloody flag of pro-choice, have the integrity to acknowledge that they don't mind seeing innocent human lives deliberately destroyed?

Madam President, all of this came to mind when the Washington Post reported the other day what it described as the "dramatic" slowing of the birth rate in Communist China. Dramatic? Well, perhaps so in the same sense that the Valentine's Day massacre in Chicago was dramatic. Both the dramatic development in Red China and the slaughter committed by the gangsters in Chicago are peas in the same pod. The only difference—in China it is called family planning.

The New York Times was sufficiently honest to report that the drop in the birth rate in Red China included the fact that hundreds of thousands of Chinese baby girls "seem to vanish from the statistics each year." The truth is that the Communist Chinese concentrate on killing baby girls—to the point that the Chinese Planning Ministry has refused to release the gender ratio of births during 1992.

Yet, the Clinton administration proposes to send $50 million to the U.N. Family Planning organization which is working hand-in-glove with the baby killers on mainland China.

The Chinese are using modern technology to predetermine the sex of unborn children. If an unborn baby is female, it is destroyed as part of the Chinese Communists' use of coercive abortions, sterilizations, and large-scale killing of girl babies.

Madam President, I cannot believe that the majority of American taxpayers want their money to be used to subsidize this sort of brutality. Perhaps if the people of this country somehow find out about it, they will themselves speak out against President Clinton's sending this $50 million to the United Nations.

Madam President, I ask unanimous consent that two newspaper articles—an April 22 article from the Washington Post, and an April 25 article from the New York Times—be printed in the RECORD.

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

[From the Washington Post, Apr. 22, 1993]

BIRTH RATE TO LEVELS IN WEST

(By Lena H. Sun)

BEIJING.—China has dramatically slowed its birth rate, lowering the number of chil-

dren Chinese women are expected to have in their lifetime to U.S. and European levels, the government announced today.

With 1.17 billion people, China is the most populous country and accounts for 21.4 percent of the world's population, so any major change in its population profile has great impact.

In a press conference, Family Planning Minister Peng Peiyun attributed the drop in the birth rate and fertility rate in 1992 to greater vigilance by the ruling Communist Party, improved birth-control measures to implement the country's one-couple, one-child family planning policy, and rising living standards that are promoting couples to have fewer children later in life.

Peng did not elaborate on what birth control measures had become more effective. But some Western specialists and reports in the Chinese press indicate a surge in 1991 in the use of intrauterine devices and sterilizations for couples who exceeded the one-child limit.

In 1992, about 6.5 million Chinese were sterilized, a family planning official said. In 1991 the figure was closer to 10 million, according to a Western specialist, nearly double the number in 1988.

Western experts say coercive measures, such as forced sterilizations, may be part of the explanation for what they describe as the surprising drop in birth and fertility rates.

"It's miraculous for a developing country to achieve this relying on just service and voluntarism," said one Western specialist in Beijing.

In China, the one-child family planning policy began in 1979. In many rural areas, couples are allowed to have two children without penalty if their first is a girl. Minorities, such as Tibetans, may be allowed to have three children or occasionally more.

China's birth rate has fluctuated in the recent past. A dip in 1983–84 coincided with widespread international charges of enforced abortions here. A low in 1979 preceded the coming to adulthood in the '80s of babies born after Mao Zedong pressed for population increase in 1958.

Economic change in the countryside has strengthened the traditional preference for sons. In many cases, as peasants have become wealthy they have paid little attention to birth control because they can afford to pay the fines or bribe family planning cadres, some Chinese said.

But under pressure from central authorities to keep China's population in check, some Chinese report that local family planning cadres have tightened controls in the past two years. In parts of rural Hebei Province, for example, women who already have given birth to a son face sterilization or risk serious punishment if they again become pregnant. In China, women are the more likely to undergo sterilization, usually by tubal ligations.

"If you don't do it voluntarily, they will come and knock your house down," said a blue-collar worker, who said a relative was given such a warning last year.

Today, Peng said that the government "strongly opposes" coercive measures and added that a small number of family planning officials have been removed from their jobs for engaging in such tactics.

Stirling Scruggs, who heads the Beijing office of the United Nations Population Fund, said, "I know the minister, Peng Peiyun, has concerns about coercion because we have collaborated on projects to improve counseling skills of family planning workers and to improve the quality of contraception and the status of women, all aimed at creating programs based on freedom of choice."

The figures released today indicate that China met last year some key goals projected for 2000. Peng said that the policy would remain unchanged until the end of the century nevertheless, because "China is still in a peak period of population growth."

According to statistics from a sample survey conducted by the State Family Planning Commission last fall, China's birth rate in 1992 fell to 18.24 births per 1,000 population, compared to 21 per 1,000 in 1990. The fertility rate—the number of children a woman will have in her lifetime—dropped to 2 births per woman in 1992, down from 2.3 in 1990.

The latest fertility figure is below the population replacement level. Chinese women would require a fertility rate of almost 2.2 to maintain the present population.

In Beijing and Shanghai and in northeast China, the fertility rate has plummeted to 1.5 births per woman, which is lower than that of many European countries. The U.S. rate is 2, France's 1.8 and Germany's 1.4.

At the same time that the fertility rate is dropping, the number of boy babies is growing, according to Westerners. At today's press conference, Chinese officials said the traditional preference for males to carry on the family line and work the land had produced a sex ratio higher than normal. In nearly all populations, 105 to 106 male babies are born for each 100 female babies.

According to China's 1990 census, for every 100 girls under the age of 1 there were 113.8 boys. Officials said they had not collected such data from the sample survey done last year. Unofficial specialists in the field say they believe China has new data showing the sex ratio to be even higher but was not publicizing the number because it showed growing imbalance.

While the reason for the imbalance is not known, specialists believe that three factors are probably at work: unreported births of baby girls, infanticide in poor and backward areas, and abortions of unwanted girls. Ultrasound testing to determine the sex of fetuses is common here.

[From the New York Times, Apr. 25, 1993]

BIRTHS PUNISHED BY FINE, BEATING OR RUINED HOME

(By Sheryl WuDunn)

GUIYANG, CHINA, April 24.—Four days after the birth, a brigade of 10 men and women came from the township to spoil the celebration.

They demolished the parents' hut, strewing stones and straw all over the place. Then they demanded the equivalent of $45, and when the family could not pay, they smashed the couple's chest of drawers—their only furniture, aside from a bed.

"Then they took away our family cow," said Peng Dagui, a 60-year-old peasant who is the grandfather of the baby boy. "I wouldn't let the cow out of my sight. I followed it all the way to the township and pleaded with the officials there. But they didn't care."

The Peng family had the misfortune to be caught up last year in a nationwide crackdown by the family planning authorities. The baby was a second child, a boy, and the parents did not wait the full four years before a second child is allowed in this area.

Instead, the baby was born five months before it would have been permitted, and so the local authorities destroyed the home and took the cow. And that was not the end of it.

A FORCED STERILIZATION

Three months after the birth, two dozen officials appeared in the village, in southern China's Guizhou Province, to take the baby's mother, Wang Zhengmei, 27, to the clinic to be sterilized. Ms. Wang did not dare refuse, and in any case, she was told that she would get $3.50 if she had the operation.

She had a tubal ligation, but the officials never gave her the money, she said.

At least rebuilding a home is in some respects a bit easier in a poor Chinese village than in a big city: the father, Peng Fagang, rebuilt the hut in a month from stones and dry grass collected in the fields.

The only solace the Pengs had was that they were not alone: the officials had done the same thing to another family in the same village, tucked in a hilly region outside Guiyang, more than 1,100 miles southwest of Beijing.

The same plight has befallen many of China's 900 million peasants in villages across the country. Some of the victims are educated, some are illiterate, some have small businesses, and some have barely enough to eat.

PEASANTS OFTEN INTIMIDATED

From visits to rural villages in many areas of China, a picture emerges of a family planning policy that sometimes seems administered with capriciousness. The victims, mostly peasants, often seem intimidated, angry, bewildered and confused.

"Please, can you tell me, ultimately, what is the nation's family planning policy?" a 45-year-old grade-school teacher surreptitiously asked a visitor to his village.

In 1983, he and his wife had a second child, three years after they had their first. He thought this was permissible. But the policy had apparently changed, he said, and so officials fined him $2,456, about 17 times his annual salary at that time.

Since he did not have the money, they deducted it from his salary, docking about 80 percent of his wages for a decade, until the end of last year, when he finally got a vasectomy. Such fines by an installment plan seem common in the villages—perhaps because otherwise nobody could pay them.

FINES SEEM ARBITRARY

What puzzles the peasants is that the fines often seem arbitrary, set at will by local officials. Some families seem to be able to have three or four babies; others are punished for having two.

Villagers say that if they cannot pay the fines, the family planning officials confiscate a cow, a pig, an important farm tool or household belongings like furniture or a television. Sometimes they simply smash the items, and often they knock down the house as well.

In another village, Luo Wanyun said the authorities had somehow agreed to let his wife have a third child. This seems a bit unlikely, but Mr. Luo, 38, has only a first-grade education, and it may have been a misunderstanding.

In any case, after the baby came, a brigade from the township knocked down his house. The team also confiscated his wooden thrasher, used to prepare the rice after it is harvested. Mr. Luo said his family had to live in the hills until they could borrow straw to rebuild the house.

"They often take things, your furniture, your cow, your pig, your chickens, your preserved meat," said a 35-year-old woman in another Guizhous Province village. "If you get sterilized, they take your stuff, and if you don't get sterilized, they beat you."

"Some people have been beaten badly, family members and women," she added. "They take electric batons and they hit whomever they see."

COFFIN IS CONFISCATED

She and other villagers were gathered in the house of Huang Guohai, a 37-year-old peasant who has two children, six years apart. For some reason, he never got a marriage license when he married 11 years ago.

Because he had no license, the peasants said, a brigade of 10 people, wielding sticks and screwdrivers, came to his house last year at 1 o'clock in the morning and took away his wash basin and black-and-white television. What upset Mr. Huang even more was that they confiscated the coffin and funeral clothes he had prepared for his aged mother, to be used when she dies.

Why didn't he resist? Mr. Huang explained, "If you don't let them take your things, you'll just get beaten."

To the east, in Guangdong Province, peasants tend to be much richer and can often afford to pay the fines to have more children. Some of them manage to defeat the authorities.

In Shunshui, a hamlet in Taishan County, Wu Tiaoyuan said he and his wife, 33, hid for several months while she was pregnant with their third child. She finally gave birth in February 1992 to the son they had always wanted.

"We kept moving around from village to village," Mr. Wu said. "It was very hard, and I was scared."

FRUITLESS ATTEMPT TO ESCAPE

Wu Xinlian, a 30-year-old peasant whose dream was to have a son, thought she too could escape the policy. She has two daughters, and so the authorities insisted that she be sterilized.

When the family planning authorities swept into her village a year ago, preparing to take her and other women to the hospital for a tubal ligation, Ms. Wu fled to Shunshui, where she grew up.

She stayed with her parents, planning to meet her husband secretly and become pregnant. But the authorities discovered her whereabouts and sent two dozen officials to take her to a hospital for her tubal ligation. She said she did not dare refuse.

"I have no idea how they found out I was here," Ms. Wu said as she carried her younger daughter on a visit to her parents in Shunshui. She added wistfully, "I really wanted a boy."

Mr. HELMS. I thank the Chair.

I yield the floor and suggest the absence of a quorum.

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.

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.

THE LOBBYING DISCLOSURE ACT OF 1993

The Senate continued with the consideration of the bill.

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Madam President, last evening and this morning, the managers of the bill, the distinguished Senators from Michigan and Maine, have been consulting with the distinguished Republican leader and myself in an effort to determine the best method of proceeding.

We are trying to accommodate the distinguished Senator from South Dakota, who offered an amendment last evening, as well as proceeding with the bill. We have concluded that those objectives would best be served, particularly accommodating the Senator from South Dakota, with an agreement that would set aside the pending committee amendments, including the Pressler amendment, until called back by myself, after consultation with the Republican leader.

This agreement has been cleared on both sides.

I now ask unanimous consent that the committee amendments, including the Pressler amendment numbered 342, be laid aside and that no call for the regular order with respect to these amendments be in order, except one made by the majority leader, after consultation with the Republican leader.

Mr. COHEN. Reserving the right to object, and I shall not object, I wish to thank the majority leader for his accommodation, especially to the Senator from South Dakota, who, we are told, has a medical problem he has to attend to.

I think it is generous of the majority leader, under the circumstances, in trying to work out something more accommodating to the schedule.

The PRESIDING OFFICER. Without objection, the request is agreed to. The committee amendments are set aside.

Mr. MITCHELL. Madam President, I thank my colleague for his comments.

I yield the floor.

I understand from the managers that the bill is now open for amendment, that there are other amendments intended to be offered, and that the managers are now contacting those other Senators to see if we can get an amendment up.

So votes are still possible throughout the day today.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

AMENDMENT NO. 343

(Purpose: To provide clarification of certain disclosure requirements, making technical amendments, and for other purposes)

Mr. LEVIN. Madam President, while we are awaiting other amendments, there are two minor matters that we can perhaps take up.

I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for himself and Mr. COHEN, proposes an amendment numbered 343.

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

The PRESIDING OFFICER. Without objection it is so ordered.

The amendment is as follows:

On page 2, line 10, strike out "investigative" and insert in lieu thereof "administration".

On page 3, lines 12 through 14, strike out "An organization whose employees conduct lobbying activities on its behalf is both a client and an employer of the lobbyists." and insert in lieu thereof "An organization whose employees act as lobbyists on its behalf is both a client and an employer of its employee lobbyists.".

On page 3, line 16, strike out "others" and insert in lieu thereof "persons".

On page 4, line 6, strike out "section 3232(a)(2)" and insert in lieu thereof "section 3132(a)(2)".

On page 4, lines 14 and 15, strike out "regulations implementing section 2103" and insert in lieu thereof "section 7511".

On page 6, lines 16 through 18, strike out "(as defined in regulations implementing section 4911(c)(3) of the Internal Revenue Code of 1986)" and insert in lieu thereof "and communications with members, as defined under section 4911(d)(1)(A) and (d)(3) of the Internal Revenue Code of 1986 and the regulations implementing such provisions,".

On page 7, lines 13 through 15, strike out "officials serving in the Senior Executive Service or the uniformed services in the agency responsible for taking such action." and insert in lieu thereof "covered executive branch officials in the agency responsible for taking such action who serve in the Senior Executive Service, or who are members of the uniformed services whose pay grade is lower than O–9 under section 201 of title 37, United States Code.".

On page 7, line 24, strike out all after the comma through line 25 and insert in lieu thereof "article, publication or other material that is widely distributed to the public, or through the media;".

On page 8, lines 19 through 21, strike out "from a Federal agency or a congressional committee, subcommittee, or office;" and insert in lieu thereof "from a covered legislative or executive branch official;".

On page 9, line 22, strike out "and".

On page 9, insert between lines 22 and 23 the following new clause:

(xv) a formal petition for agency action, made in writing pursuant to established agency procedures; and

On page 9, line 23, strike out "(xv)" and insert in lieu thereof "(xvi)".

On page 10, line 21, strike out "Federal, State, or local" and insert in lieu thereof "national, regional, or local".

On page 11, line 6, strike out "Federal, State, or local" and insert in lieu thereof "national, regional, or local".

On page 11, line 11, insert "whichever is earlier," after "lobbying contacts,".

On page 11, strike out lines 15 through 19 and insert in lieu thereof the following:

(2)(A) Notwithstanding paragraph (1), any person whose total income (in the case of an organization described under section 5(b)(3)) or total expenses (in the case of an organization described under section 5(b)(4)) in connection with lobbying activities do not exceed, or are not expected to exceed—

(i) $1,000 in a semiannual period on behalf of a particular client, or

(ii) $5,000 in a semiannual period on behalf of all clients,

(as estimated under section 5), is not required to register with respect to such client or clients.

(B) The registration thresholds established in this paragraph shall be adjusted on January 1 of each year divisible by 5 to the

amount equal to $1,000 and $5,000, respectively, in constant 1995 dollars (rounded to the nearest $100).

On page 12, line 7, insert a comma and "address, and principal place of business" after "the name".

On page 12, line 10, insert "registrant's" before "lobbying activities".

On page 12, line 12, insert "registrant's" before "lobbying activities".

On page 12, line 14, insert "registrant's" before "lobbying activities".

On page 12, line 15, insert "address," after "name,".

On page 12, line 19, insert before the semicolon "or any organization identified under paragraph (3)".

On page 12, line 22, strike out "the activities of the client" and insert in lieu thereof "the registrant's lobbying activities".

On page 13, line 1, insert "or any organization identified under paragraph (3)" after "the client".

On page 13, line 8, insert "(as of the date of the registration)" before the semicolon.

On page 13, line 11, insert "(or who has already acted as a lobbyist on behalf of the client as of the date of the registration)" after "client".

On page 13, lines 13 and 14, strike out "in the 2 years prior to the date of the registration (or a report amending the registration)," and insert in lieu thereof "in the 2-year period before the date on which such employee first acted as a lobbyist on behalf of the client,".

On page 13, lines 22 and 23, strike out "who engage in lobbying activities" and insert in lieu thereof "who act as lobbyists".

On page 16, strike out lines 14 through 21 and insert in lieu thereof the following:

(3)(A) Any registrant whose total income (in the case of an organization described under subsection (b)(3)) or total expenses (in the case of an organization described under subsection (b)(4)) in connection with lobbying activities do not exceed—

(i) $1,000 in a semiannual period on behalf of a particular client, or

(ii) $5,000 in a semiannual period on behalf of all clients,

(as estimated under this section), or who does not make any lobbying contacts on behalf of a particular client, is deemed to be inactive during such period with respect to such client or clients and may comply with the reporting requirements of this section by notifying the Director, in such form as the Director may prescribe.

(B) The reporting thresholds established under this paragraph shall be adjusted on January 1 of each year divisible by 5 to the amount equal to $1,000 and $5,000, respectively, in constant 1995 dollars (rounded to the nearest $100).

On page 22, line 9, strike out "a noncompliance exists" and insert in lieu thereof "such person is in noncompliance with the requirements of this Act".

On page 22, line 24, strike out "a noncompliance may exist" and insert in lieu thereof "such person may be in noncompliance with the requirements of this Act".

On page 23, line 4, strike out "a noncompliance exists" and insert in lieu thereof "such person is in noncompliance with the requirements of this Act".

On page 23, line 6, insert "documentary" before "information".

On page 23, lines 7 and 8, strike out "to determine whether the alleged noncompliance in fact exists" and insert in lieu thereof "to make such determination".

On page 23, line 9, strike out "in a way".

On page 24, line 1, insert ", or to any legislative or executive branch official outside the Office of Lobbying Registration and Public Disclosure (except as required for the enforcement of this Act)," after "to the public".

On page 24, line 10, insert "by the Director" after "redaction".

On page 24, line 15, strike out "a noncompliance may exist" and insert in lieu thereof "such person may be in noncompliance with the requirements of this Act".

On page 24, line 19, insert "and" after the semicolon.

On page 24, line 20, strike out all through line 5 on page 25 and insert in lieu thereof the following:

(2) if requested by such person within such 30-day period, afford the person—

(A) in the case of a minor noncompliance, an informal hearing at which additional evidence may be presented; and

(B) in the case of a significant noncompliance, an opportunity for a hearing on the record under the provisions of section 556 of title 5, United States Code.

On page 25, lines 6 through 8, strike out "Upon the receipt of a written response, the completion of a hearing, or the expiration of 30 days, the" and insert in lieu thereof "The".

On page 27, insert between lines 8 and 9 the following new subsection:

(f) LIMITATION.—No proceeding shall be initiated under this section unless the Director notifies the person who is the subject of the proceeding of the alleged noncompliance, pursuant to section 7, within 3 years after the date on which the registration or report at issue was filed or required to be filed.

On page 27, strike out lines 19 through 23 and insert in lieu thereof the following:

(2) if requested by such person within such 30-day period, afford the person an informal hearing at which additional evidence may be presented.

On page 28, strike out lines 16 through 21 and insert in lieu thereof the following:

(A) directing the person to provide the information within a reasonable period of time; and

(B) except where the noncompliance was the result of a good faith dispute over the validity or appropriate scope of a request for information—

(i) including the noncompliance in a publicly available list of noncompliances, to be reported to the Congress on a semiannual basis; and

(ii) assessing a civil monetary penalty in an amount not to exceed $10,000.

On page 34, line 5, insert before "Section" the following: "(a) REVISED CERTIFICATION REQUIREMENTS.—".

On page 35, insert between lines 2 and 3, the following new subsection:

(b) DELETION OF OBSOLETE REPORTING REQUIREMENT.—Section 1352 of title 31, United States Code, is further amended by—

(1) striking out subsection (d); and

(2) redesignating subsections (e), (f), (g), and (h) as subsections (d), (e), (f), and (g), respectively.

On page 38, line 11, add after the period "No later than 1 year after the date of the enactment of this Act, final regulations shall be published.".

On page 38, add after line 11, the following new subsection:

(e) PHASE-IN PERIOD.—No penalty shall be assessed by the Director for any noncompliance with this Act which occurs during the first semiannual reporting period after the effective date of this Act.

Mr. LEVIN. This amendment is sent to the desk on behalf of myself and Senator COHEN.

Madam President, this amendment would make a number of minor and technical modifications to the provisions of the bill.

1. DE MINIMIS STANDARD

The most significant change made by the amendment is a revision to the de minimis standard for registration and reporting.

Under a reported bill, any organization that spends less than $1,000 in a semiannual period is exempt from the registration and reporting requirements.

Under the amendment, any organization that spends less than $1,000 on behalf of a single client, or less than $5,000 on behalf of all clients, would be exempt.

This change is made in recognition of the fact that the burden of registering the first time and coming within the coverage of the bill is greater than the incremental burden of registering for an additional client, for somebody who is already a lobbyist and is already registered for other clients.

Under this amendment, small businesses and other small organizations whose employees engage in only occasional lobbying and who spend less than $5,000 on lobbying activities in a semiannual period, would not have to register. Established lobbyists who represent many lobbying clients would still have to register on behalf of each client who pays them more than $1,000 in a semiannual period.

2. STATUTE OF LIMITATIONS

The second most significant change made by the amendment is the addition of a 3-year statute of limitations for enforcement proceedings under the bill. Under the bill as drafted, there is no statute of limitations at all; the 3-year limitation would ensure that any enforcement proceeding is initiated within a reasonable period of time after the violation.

In addition, the amendment would provide a 6-month phase-in period in which no penalties would be assessed under the new statute. This phase-in period is an effort to balance the importance of implementing the new disclosure requirements as soon as possible with the demands placed on lobbyists and their employers as they work to become familiar with the new statute and implementing regulations.

3. OTHER CHANGES

The amendment would make minor clarifications to the definition of lobbying contracts, the requirement to identify foreign affiliations, the hearing requirements in the bill, and the handling of information requests by the new Office of Lobbying Registration. It would also correct citations and make several technical changes to clarify the wording of the bill.

The PRESIDING OFFICER. Is there further debate on the amendment?

If not, the question is on agreeing to the amendment.

The amendment (No. 343) was agreed to.

Mr. LEVIN. Madam President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 344

(Purpose: To provide clarification of certain disclosure requirements, making technical amendments, and for other purposes)

Mr. LEVIN. Madam President, I send another 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 Michigan [Mr. LEVIN] proposes an amendment numbered 344.

Mr. LEVIN. Madam 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 15, line 15, strike out "and".

On page 15, line 20, strike out the period and insert in lieu thereof a semicolon and "and".

On page 15, insert between lines 20 and 21 the following new paragraph:

(5) in the case of a registrant described under paragraph (3), the name, address, and principal place of business of any person other than the client who paid the registrant to lobby on behalf of the client.

On page 26, line 9, beginning with "$100,000" strike out all through line 10 and insert in lieu thereof "$200,000, depending on the nature and extent of the noncompliance and the extent to which the person may have profited from the noncompliance.".

On page 37, insert between lines 11 and 12 the following new section:

SEC. 18. IDENTIFICATION OF CLIENT.

Any person who makes a lobbying contact with a covered legislative branch official or a covered executive branch official shall, on the request of the official at the time of the lobbying contact, state whether such person is registered under this Act and identify the client on whose behalf the lobbying contact is made.

On page 37, line 12, strike out "SEC. 18." and insert in lieu thereof "SEC. 19.".

Mr. LEVIN. Madam President, this amendment would tighten certain provisions of the bill and ensure that lobbyists cannot evade disclosure. First, if a lobbyist's bills are paid by somebody other than a client, the identity of the person who pays the bills would have to be disclosed under this amendment.

Second, the amendment would require point-of-contact disclosure. This means any lobbyist who contacts a covered official would be required to identify the client—the client on whose behalf the contact is made—if requested by the official contacted.

Third, the amendment would raise the maximum penalty for serious or repeated violations from $100,000 to $200,000 and add as a consideration in assessing penalties the extent to which the person may have profited from the noncompliance. Cases in which a person may be found to have benefited from a noncompliance could include instances in which a lobbyist was hired in part because the lobbyist agreed not to register under the act.

So these changes would tighten provisions that are already in the bill to ensure that paid professional lobbyists cannot hid who their clients are.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 344) was agreed to.

Mr. LEVIN. Madam President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. LEVIN. Madam President, as the leader indicated, the bill is open to amendment at this point. I know there are a number of amendments that people have indicated they are going to offer to the bill. I urge they come to the floor and offer those amendments.

I yield the floor.

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

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

Mr. COHEN. Mr. President, let me take just a few moments to express a matter of personal frustration.

I have been serving on the bipartisan committee to reexamine the way in which Congress functions. The Senator sitting in the chair presiding over the Chamber right now is also a member of that committee. It is enormously frustrating to me to spend the time that we spend analyzing what is wrong with this system—of looking at how many committees we serve on, how many subcommittees, overlapping commitments, overlapping jurisdiction—to try to find ways in which we can streamline it. And the suggestions range all the way from combining the authorizing committees with the Appropriations Committee, to rid ourselves of all select committees, to make various combinations—there are some 14 charts with 14 alternatives being presented to the committee members as ways in which we could become more efficient in doing the people's business.

I know it must be enormously frustrating for those who are here in Washington sitting in the galleries wondering, perhaps as the refrain from Peggy Lee goes: Is that all there is? What are they doing? Or why are they not doing, and where are the Members?

Now, to the people who are in the galleries and those who may be watching these proceedings, we can say that many Members are in fact doing the people's business by attending committee hearings, by meeting with their constituents, by performing other functions that go on on a daily basis, of which most people are completely unaware.

But that is something quite different than what we are doing here today. Our Members have been on notice for several days, certainly as long as last week, that we were going to take up the lobby disclosure bill. This is a bill which has widespread support. It has bipartisan support. Republicans and Democrats are strongly behind this modification of our existing laws to simplify the system, to make it more accountable, to alert the public to exactly who is contributing how much to whom and to what end.

One would think it compelling for us to rush this legislation through the Chamber, to invite Members to sponsor whatever amendment they might have, and to complete it so we can go on to something else. But something apparently has happened on the way to the forum. There is no one here. The Members who are crying loudest for reform somehow do not feel compelled to come to the floor to offer their amendments.

So I must say that it is enormously frustrating for us to simply sit here and waste away the afternoon, to wait until someone may decide to come at 4, 5, or 6 o'clock and suddenly decide he or she would like to offer a controversial amendment that may, or may not, carry us until the late hours of the evening, not tonight, but certainly tomorrow night. That is the enormously frustrating part of this particular job, and we are not doing the Nation's business.

If the bill is so important that the people feel it is imperative that we clean up the image of Congress, that we alert the public about who is lobbying whom and how much money is being spent and whether or not there is undue influence being exerted on the legislative process, it would seem to me that Members would feel compelled to come to the floor to discuss it; if not to discuss it, then to support it; if not to support it, then to modify it. But I must say, to read the editorials that have been written in various national publications that talk about the compelling need for this legislation, one would think that Members would be anxious to come to either help complete action on the bill or to seek to improve it, if they can.

So I think we can wait a reasonable amount of time, I say to my col-

leagues. Perhaps after a reasonable period of time, if Members do not come to offer their amendments, the Senator from Maine will offer amendments on his own behalf which may, or may not, reflect a similar content to that which other Members have in mind. But I do not intend to sit here all afternoon and wait for Members to strategically decide when would be an appropriate time to propose an amendment.

Last evening, we saw action completely halted. After we each made opening remarks, we talked about the need to put aside partisan differences, to stop this kind of bickering that is taking place. This fighting is paralyzing the country, one volley of criticism being countered by another volley back. And no sooner than we do that, we suddenly have an amendment which has nothing to do with this legislation but rather with campaign finance which was guaranteed to invoke a response from the majority party and to tie this legislation up for days.

So we can go through all of the congressional reform. The Presiding Officer can spend time with me and the other members of that committee. We can rearrange all the boxes, and we can talk about combing committees. But in the event that we do not start exercising some discipline in this institution, the public is going to continue to look down upon us, not only from the galleries, but look down on us from the seats at home.

Mr. President, I may have more to say on this subject later. But for now, 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. WELLSTONE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. WELLSTONE. Mr. President, I am shortly going to send an amendment to the desk.

After speaking with the distinguished manager, Senator LEVIN, and comanager, Senator COHEN from Maine, I think what might be best is for me to speak a little bit about this amendment, give it some context, which I think would be helpful for other Senators, and then hopefully we will be ready to go forward soon with the amendment.

Before proposing my amendment, Mr. President, I would like to congratulate Senator LEVIN—and I know that Senator COHEN has worked closely with him—for his work on S. 349, the Lobbying Disclosure Act of 1993.

I want to assure him that I deeply appreciate his work; I want to assure both Senators that I appreciate their work and I think the American people do, too.

It has been, I think, maybe almost a half a century since we have had any real change in improving our lobbying disclosure laws. I think that the distinguished Senator from Michigan has shown impressive leadership in bringing this bill to the floor now.

I think that the last election showed that people want change. Sometimes I hear some of my colleagues argue that they do not really think that people are really that upset about some of the problems in the political process. But I think they are.

I think people would like to see us change some of the basic ways in which we conduct politics in the country. I think all too often people feel ripped off; sometimes it is a perception and sometimes it is a real problem. In any case, I think people want to see more openness in this process.

So, Mr. President, that is, in part, the context.

I might also add that when President Clinton in his inaugural address said, "Americans deserve better, and in this city today there are people who want to do better. And so I say to all of you here, let us resolve to reform our politics so that power and privilege no longer shout down the voice of the people. * * *" That really, I think, was a message that resonated with people all across the country.

So, Mr. President, the spirit of this amendment, which I will shortly describe and I hope to shortly introduce, is to make sure that special interests do not have an access and a special "in" with people in public office that meet other citizens of our country do not have. That is why I think this lobbying disclosure bill is such an important piece of legislation.

Having real disclosure of how lobbyists do business in Washington will bring more sunshine into the process, sunshine that can serve as a powerful disinfectant.

I think that Senator LEVIN and Senator COHEN have taken us an enormous step in that direction, and I believe this amendment, which I would really characterize as a sunshine amendment, will bring more sunshine into this process and give people in the country a rather clear idea about the kind of financial benefits given by lobbyists to Members of Congress in any given year. Twice a year there will be clear accounting, so people will have some sense of what lobbyists have spent on individual Senators in relation to years, in relation to gifts, in relation to travel, and in relation to other lobbying activities. And not just lobbying but in relation to some fundraising activity as well.

Making sure those who lobby actually register and disclose their lobbying activities is an essential element of campaign reform, but it is also an essential element of what this lobby disclosure bill is about. According to the Wall Street Journal, under the current system, fewer than 6,000 of an estimated 80,000 lobbyists actually register. That is what is so significant about this Lobbying Disclosure Act of 1993.

I believe the amendment I am going to introduce will strengthen this legislation. But I have to say one more time I am in strong support of what this legislation calls for.

The missing ingredient I think, Mr. President, is in this amendment. This amendment, which I hope will be accepted by the chairman and approved by the full Senate, is designed to pinpoint a certain aspect of lobbyists' efforts. In other words, I do not think it is enough for lobbyists to list in the aggregate the amount of money they spend on a particular piece of legislation. I think we have to do better than that. What we have to do is make sure that lobbyists disclose financial favors and benefits to Members of the Congress and their staffs. This I think is an essential ingredient, because these special gifts and favors, these expenditures of money on Senators and Representatives and their staffs, have everything in the world to do with lobbyists' efforts to gain influence and to gain access.

So I believe the amendment I am going to propose, which calls for specific disclosures on the part of lobbyists, is really a good-government amendment. It is the free tickets from the lobbyist to the Orioles. It is a free meal at corporate expense at the posh Washington restaurant La Colline—by the way, there could be meal after meal after meal, right now, as the current laws operate—or at some other restaurant in Washington, DC. I did not mean to pick on one. It is a 3-day trip to a sunny destination for an industry's conference. Now if, for example, a Member or staffer attends a conference, a retreat, at his or her own expense, and receives no financial benefit with respect to that event, my amendment would not require disclosure. It is a contribution that is made by a company or a union to a charity of our choice, since we can no longer accept honoraria.

I think that with this amendment, S. 349 provides for very strong and complete reporting requirements, and I think it is truly a significant piece of legislation. What I want to do in this amendment is make sure we also reveal the true extent of specific lobbying efforts in relation to specific Senators and Representatives and their staffs, and to make the process even more open and more accountable.

So what I am calling for in this amendment is to make sure there is a specific disclosure of gifts, entertainment, travel, and other financial favors and benefits that lobbyists currently provide to Members of the Congress and their staff. Without this specific

disclosure I do not think we have gone far enough and I do not think we have done as well as we can as an institution.

One more time. I think the bill is an enormous step forward. This amendment is in the spirit of not opposing this piece of legislation but strengthening it. The goal then, Mr. President, is to make sure that citizens have a full accounting, that the process is more open, and that in fact we have a specific disclosure and accounting of financial benefits from lobbyists to Members of Congress and staff.

I will not go through, at the moment, all of the definitions. Let me just provide some examples of some of the current abuses which this amendment attempts to get at. Just a few examples of providing gifts.

The Association of American Railroads spent $4,344 for Washington Capitals' tickets and $6,252 for Washington Redskins tickets in 1991, to give Members of the Congress and their staffs.

ABC's "Prime Time Live" recently showed footage of a group of House Members, spouses, and aides, who flew by Air Force VIP jet in 1990, on a 12-day trip to Barbados, Brazil, Argentina, and Costa Rica. One sequence filmed in Barbados showed lobbyists paying for the jet ski for a Member. Lobbyists from the insurance, computer, and toiletries industries also paid for dinners and receptions.

Travel? In January 1992, a group of staffers, including aides from two congressional committees working on insurance-related legislation, traveled to Key West, FL, for a 3-day weekend conference on insurance issues at the expense of the insurance trade companies who attended the conference.

I could go on and on, Mr. President. But, one more time, let me just talk about why I am pleased that I believe we will be able to work out some kind of an agreement and why I am very hopeful this amendment will be adopted by the U.S. Senate and, for that matter, by the House of Representatives.

It is important—I think as it has ever been in this country—to have more sunshine on this process, to have as open a process as possible, and to give the American people confidence in our institutions and in what we do as Senators and Representatives. Let me just tell you from what I have experienced in Minnesota in a lot of cafes, there is a lot of disillusionment. What this amendment attempts to do is to send a message to people throughout the country that we are very serious about real reform. I think that is what Senator LEVIN has done with this bill. I think that is what Senator COHEN has done. This amendment just takes it one step further.

When we get to the point where we have an outright ban on gifts—and I know Senator LEVIN from Michigan has been a very strong voice in behalf of that, and I have cosponsored Senator LAUNTENBERG's bill to do that, and I will support his resolution that urges a ban of virtually all gifts and honoraria. I think that is absolutely essential. When that happens it will happen. But in the meantime I think it is extremely important to have a full accounting, each and every year, twice a year, of what lobbyists spend on Senators' and Representatives' meals, gifts, travel, and other financial benefits. And for that matter when a lobbyist—and it happens in Washington, DC, all the time—when a lobbyist holds some kind of gathering to raise money for a Senator or Representative, the amount of money that lobbyist puts into that gathering and the amount of money that is raised, all that ought to be a matter of the public record.

We owe at least that to the people in our country. I think we owe it to ourselves as Senators who want to be accountable and to do well for people. I think the same can be said for the House of Representatives. As far as I am concerned, this amendment goes a long way toward making this more of a functioning representative democracy.

Let me say one final time, I have been very pleased at the response of Senator LEVIN and Senator COHEN. I know there has been some resistance to this amendment, but I am confident we will have the support of the U.S. Representatives and Senators in the U.S. Congress because, Mr. President, it is the right thing to do. It is simply true that people all too often feel ripped off by the political process and they really are concerned that there are certain folks who march on Washington every day, called lobbyists, but most citizens in our country do not really know what they do.

They do not know exactly how much access they have to Senators and Representatives. This amendment will require a specific disclosure of what these lobbyists do by way of expenditures to Senators and Representatives and, therefore, goes a long way toward, I think, strengthening a really fine piece of legislation. I urge its adoption, and I ask that a copy of my "Dear Colleague" letter, along with several news articles and opinion pieces on this issue and the full text of my prepared statement, be printed in the RECORD at this point.

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

STATEMENT OF SENATOR WELLSTONE
—REQUIRE FULL LOBBYING DISCLOSURE NOW

INTRODUCTION

Before offering my amendment, I want to congratulate Senator Levin for his work on S. 349, the Lobbying Disclosure Act of 1993. I want to assure him that I appreciate his hard work, his dedication and his willingness to take on an issue—improving our lobby disclosure laws—that has proved daunting for many years in Congress.

As the last election showed, the American people want change. They want a government that cares more about them than about special interests, and they want to reduce the influence of lobbyists and money. In large numbers, they were receptive to Ross Perot's message of political reform and were particularly responsive to Bill Clinton's call for change, for a government that will act on the people's needs on health care, on jobs and will end gridlock.

A key part of President Clinton's message when he won the presidency was that, as President, he would change the way business is done in Washington and clean up the system and give this capital back to people to whom it belongs.

As he stated in his inaugural address, "Americans deserve better, and in this city today there are people who want to do better. And so I say to all of you here, let us resolve to reform our politics so that power and privilege no longer shout down the voice of the people * * *"

It is amazingly easy for the voice of the people to be drowned out because currently we have a situation that allows special interests to gain access and influence that is all too often unavailable to the average American.

That is why I think a lobby disclosure bill is such an important piece of legislation. Having real disclosure of how lobbyists do business in Washington will go a long way to bringing in more sunshine into the process—sunshine that can serve as a disinfectant—and a sunshine that will provide the public with the necessary information to understand how public policy is influenced, and in turn, increase public confidence in our government.

WHERE S. 349 FALLS SHORT

Making sure that those who lobby actually register and disclose their lobbying activities is an essential element of political reform along with campaign finance reform. According to The Wall Street Journal, under the current system fewer than 6,000 of an estimated 80,000 federal lobbyist actually register. A 1989 investigation found that not one of the top 10 Fortune 500 companies had registered under federal lobby laws.

While making needed improvement in pinpointing who has to register and getting rid of current requirements to keep track of relatively trivial things like taxi receipts, S. 349 as it is before us today is missing an essential ingredient.

That ingredient is disclosure of a central aspect of many lobbyists' lobbying efforts—that of providing what may be called "financial benefits" to Members of Congress and their staffs—often an essential ingredient of an organized lobbying effort to gain access and influence.

It's the free tickets from a lobbyist to an Orioles game; it's the free meal at corporate expense at La Colline or another restaurant here in Washington; it's the three-day trip to a sunny destination for an industry's conference; it's a contribution made by a company or union to the charity of our choice since we can no longer accept honoraria.

While S. 349 may, in its reporting requirements, show the overall dollar amount a registrant's lobbying activities, it won't reveal the true extent of his or her lobbying efforts to influence Congress.

CURRENT CONGRESSIONAL RULES GOVERNING GIFTS AND TRAVEL

Current gift rules allow Senators to receive in one year gifts from an individual valued at no more than $250 in a year. A gift

worth less than $100—the de minimis limit—does not count toward the $250 limit and meals in Washington are totally excluded from the ban. I should note that some of us have different policies on top of these limits about accepting even these benefits, dependent on our own comfort level.

Under current rules, for example, a corporate lobbyist can give a Member of Congress a gift worth $95 regularly without ever bumping up against the limit. A Member can go out to dinner weekly in Washington at the expense of a lobbyist and it is never counted against any limit, even if the dinner was valued at more than $250. There is also no reporting requirement for the gifts that are allowed.

Current travel rules allow lobbyists and others to pay the travel expenses for Members and staff for "fact-finding" trips or for any event in which they "substantially participate." Senate limits on travel are up to three days for domestic travel and seven days for foreign trips, with all food and lodging provided in conjunction with the travel unlimited. Some information about this travel is currently disclosed in Members' financial disclosure reports; however, the disclosure can occur more than a year after the travel has occurred. In addition, for the public to get a complete picture of what a lobbying firm or a lobbyist is doing to influence Congress, it is currently necessary to review every Member's financial disclosure statement.

A recent Prime Time Live show once again showed Members of Congress in a sunny locale enjoyed at the expense of lobbyists, again reinforcing the public's perception that these expense-paid trips are too often little more than lobbyist-funded vacations providing lobbyists with personal access to Members and would not be disclosed by lobbyists under S. 349.

NEED FOR PROMPT ENACTMENT OF A COMPREHENSIVE GIFT BAN

I, like a number of my colleagues, would like to see this type of activity stop. It harms public confidence in government and undermines our own ability to know when we've crossed the line. There are those of us who would like to see Members unable to receive financial benefits.

But the stark reality of this moment in that there is no such comprehensive ban currently and, no matter how strong our intentions may be, I don't underestimate the difficulty in achieving a comprehensive ban for all of Congress.

The name of S. 349 is not the Lobby Registration Act of 1993 or the Lobbying Activity Act; it is supposedly the Lobby Disclosure Act of 1993. Without requiring disclosure of the gifts, entertainment, travel and other financial favors and benefits that lobbyists currently provide to Members of Congress and staff, there is not real disclosure of what lobbyists are currently permitted to provide to Members as part of their lobbying efforts. Lobbyists deserve to be treated differently because lobbyists, by definition, are in the business of trying to influence Congress.

PURPOSE OF WELLSTONE AMENDMENT AND PRESIDENT CLINTON

The goal of my amendment is to ensure that all financial benefits that lobbyists are currently allowed to give Members are disclosed in a manner that is accessible to the public.

The amendment simply adds another section to the semi-annual report already required in S. 349 where a lobbyists would itemize these particular financial benefits.

When President Clinton was Governor of Arkansas, the Arkansas legislature tried to pass a weaker lobby disclosure bill that did not include this kind of itemized disclosure. Then-Governor Clinton rejected the legislation and, instead, took the issue to the public through a successful citizens' initiative. The law approved by the voters requires a registered lobbyist to publicly disclose a description of the amount of the financial benefit provided and the public official to whom the benefit was given.

A recent letter sent to Representative Bryant from President Clinton endorsed the bill before us but stated that he hoped it would be strengthened. My amendment will strengthen this bill in the most fundamentally important way in line with President Clinton's efforts in Arkansas.

My amendment seeks to include a similar requirement for itemized disclosure at the federal level so that citizens can look at a registered lobbyist's disclosure report and see a complete picture of the financial favors and benefits a lobbyist is providing to individual Members of Congress as the lobbyist attempts to influence congressional decisions.

I want to emphasize that my amendment is aimed only at disclosure for registered lobbyists. While there is obviously a need for a gift ban to be comprehensive and cover others besides lobbyists, this focus is entirely appropriate and in fact essential for a bill that is dealing with lobbyists disclosing information about their lobbying activities and not dealing with reporting requirements for Members of Congress or congressional staff.

The amendment also only covers financial benefits provided to legislative branch officials since current standards of conduct rules for the executive branch preclude officials since current standards of conduct rules for the executive branch preclude officials from accepting any gift valued at more than $20. All gifts aggregate toward an overall $50 calendar year limit.

DESCRIPTION OF WELLSTONE AMENDMENT

To describe my amendment, let me answer the questions that my colleagues are likely to pose. First, what do I mean by the term "financial benefits?" I mean essentially anything of value. Benefits with a market value of less than $20 are excluded; however, once a lobbyist has provided benefits which aggregate more than $50 in a calendar year, all subsequent benefits would be subject to disclosure regardless of their value. This $20 level was put in for two reasons: first, it tracks levels for gifts for the executive branch, and second, it alleviates lobbyists from keeping track of items of relatively minor significance, such as cups of coffee, notebooks, etc. Otherwise, any gift, transportation, entertainment, food, lodging, contribution given in lieu of honoraria, loan or other expenditure provided directly or indirectly to a Member or to staff is covered under the disclosure requirement. Items of modest value such as a cup of coffee, doughnut offered other than as part of a meal, or such as a greeting card or other item of little intrinsic value such as a plaque or certificate, are not covered by the amendment.

What do I mean by "provided directly or indirectly to a Member?" I mean that any benefit given directly to a Member must be disclosed, as well as any benefit given to any entity named after or established, maintained, controlled by a Member. It also includes any benefit provided to any entity on behalf of or in the name of a Member. Additionally, if a registered lobbyist directs a client to give the financial benefit, then that must also be disclosed. For example, if General Motors registers under the bill's requirements, then any financial benefit paid for out of corporate funds, whether provided by the GM lobbyist or by the CEO of the company, would be disclosed. In a different example, the case of a registrant with a number of clients, the registrant would be required to disclose not only those financial benefits he or she provided to a Member directly, but also any financial benefits given by one of the registrant's client to a Member or congressional staff at the registrant's suggestion, recommendation or direction.

What has to be disclosed by the registered lobbyist about these financial benefits? A lobbyist has to disclose the name of the Member or staff and their position; the value, type and date of the financial benefit provided and, the name of the entity receiving the financial benefit.

What if an employee or client of the registered lobbyist gives the gift or benefit instead of the registered lobbyist? To this question, I should first note that the intent of this amendment is to require disclosure of lobbyists' activities and not to substitute for a gift ban, that, as I have stated previously, I believe should be enacted. The amendment requires that registrant must disclose any financial benefit given "directly or indirectly" by the registrant, or by a lobbyist employed by the registrant.

EXCEPTIONS FROM THE DETAILED REPORTING REQUIREMENTS

1. In the case of a conference or retreat sponsored by or affiliated with an official congressional organization such as a party caucus, a lobbyist would be required to report a single figure of the registrant's expenses for the event, a description of the event and the event's sponsor, and the date of the event.

2. In the case of a reception or other event hosted or cohosted with, or in honor of, a Member, a lobbyist would report a single figure of his or her incurred expenses for the event, a description of the event and the name of the Member with whom the event was hosted or in whose honor the event was given. The terms "reception or other event" are intended to be applied in their usual sense and not used by a lobbyist to redefine or rename an event to escape the more detailed reporting requirements of the itemized listing.

3. In the case of campaign fundraising activity by a lobbyist—perhaps one of the most critical activities lobbyists currently undertake to increase their influence—a lobbyist would be required to disclose for whom the fundraising activity was done a description of the activity including the date expenses incurred, the aggregate amount of contributions known by the registrant to have * * * to the Member as a result of the fundraising activity.

AVOIDING UNREASONABLE BURDENSOME REQUIREMENTS

In requiring disclosure of this information, I want to note that lobbyists already keep track of most of this information. If a lobbyist takes a Senator to dinner, he or she has to keep track of the expense in order to get reimbursed or to bill the client for it. A lobbyist also has to keep track of it if he or she wants to take a business tax deduction—a policy which, if President Clinton has his way, will soon be ended with revenues helping to clean up campaigns.

I should note that in drafting this amendment, we have tried to be as comprehensive

as possible without being burdensome. We recognize that there are some financial favors or benefits that lobbyists provide that, while disclosed, should be treated differently. These exceptions are not intended to be loopholes, but are included to capture, in specific and limited instances, the basic information needed for the public to understand the nature and scope of the lobbying activity.

SUMMARY

To summarize, let me again state that I, like many of my colleagues such as Senators Levin, Lautenberg and Boren, support a comprehensive ban on gifts to Members whatever the source. I look forward to the day we will have enacted such a ban on the floor after ensuring that it is comprehensive and hopefully tracks the current executive branch standards of conduct rules. But that day is not yet. The New York Times May 2, 1993 editorial hit the nail on the head when it stated, "A ban on financial favors is by far the best solution. But no one can count on that happening." In the meantime, we are debating a bill that is supposed to disclose for public review and examination essential information about the efforts of lobbyists to influence Congress and the executive branch. My amendment is an effort to make sure that the essential information about those activities involving Congress is in fact available.

The fact is the current congressional rules allow lobbyists too many avenues to subsidize an attractive lifestyle for Members of Congress. The $250 maximum for gifts is too high, the $100 de minimus is too high, and the provisions for unlimited meals in Washington is plain wrong. The current rules governing acceptance and disclosure of travel require too little information too late. These rules should be significantly tightened to track the current executive branch rules. What my amendment will do is ensure that, until that time comes, the public will have the opportunity to see how lobbyists currently do business in Washington. It will also ensure that any areas not covered by such a gift ban—either because of a misguided, but intentional exclusion or because of their unique nature—are still subject to disclosure.

This information is critical to ensuring public confidence in the decisions that are eventually made. I again congratulate Senator Levin for his efforts and urge your support for my amendment.

AMENDMENT INTENDED TO BE PROPOSED BY MR. LEVIN (FOR MR. WELLSTONE, MR. FEINGOLD, MR. KOHL, AND MR. BRADLEY)

Strike all after "Additional" and in lieu thereof insert the following:

INFORMATION ON FINANCIAL BENEFITS

(1) IN GENERAL.—In addition to the information described in subsection (b), each registrant shall include in its semiannual reports under subsection (a) or in a separate report on financial benefits, subject to the same filing requirements, a list of each individual financial benefit provided directly or indirectly by a registrant (including a financial benefit provided by a lobbyist employed by or a lobbyist who is a member of a registrant) to a covered legislative branch official, to an entity that is established, maintained, controlled, or financed by a covered legislative branch official, or to any other person or entity on behalf of or in the name of a covered legislative branch official, disclosing—

(A) with respect to each financial benefit other than one described in subparagraph (B), (C), or (D);

(i) the name and position of the covered legislative branch official or other person or entity to whom or which the financial benefit was provided;

(ii) the nature of the financial benefit;

(iii) the date on which the financial benefit was provided; and

(iv) the value of the financial benefit;

(B) with respect to each financial benefit that is in the form of a conference, retreat, or similar event for or on behalf of covered legislative branch officials that is sponsored by or affiliated with an official congressional organization

(i) the nature of the conference, retreat, or other event;

(ii) the date or dates on which the conference, retreat, or other event occurred;

(iii) the identity of the organization that sponsored or is affiliated with the event; and

(iv) a single aggregate figure for the expenses incurred by the registrant in connection with the conference, retreat, or similar event;

(C) with respect to each financial benefit that is in the form of an event that is hosted or cohosted with or in honor of 1 or more covered legislative branch officials—

(i) the name and position of each such covered legislative branch official;

(ii) the nature of the event;

(iii) the date on which the event occurred; and

(iv) the expenses incurred by the registrant in connection with the event; and

(D) with respect to each financial benefit that is in the form of election campaign fundraising activity—

(i) the name and position of the covered legislative branch official on behalf of whom the fundraising activity was performed;

(ii) the nature of the fundraising activity;

(iii) the date or dates on which the fundraising activity was performed;

(iv) the expenses incurred by the registrant in connection with the fundraising activity; and

(v) the number of contributions and the aggregate amount of contributions known by the registrant to have been made to the covered legislative branch official as a result of the fundraising activity.

(2) EXEMPTION.—A list described in paragraph (1) need not disclose financial benefits having a value of $20 or less to the extent that the aggregate value of such financial benefits that are provided to or on behalf of a covered legislative branch official or other person or entity during the calendar year in which the semiannual period covered by the report occurs has not exceeded $50.

(3) DEFINITION.—As used in this subsection, the term "financial benefit"—

(A) means anything of value given to, on behalf of, or for the benefit of a covered legislative branch official, including—

(i) a gift;

(ii) payment for local or long-distance transportation, entertainment, food, or lodging, whether provided in kind, by purchase of a ticket, by payment in advance or by reimbursement, or otherwise;

(iii) a contribution or other payment made to a third party in lieu of an honorarium on the basis of a designation, recommendation, or other specification made by the covered legislative branch official;

(iv) reimbursement of an expense;

(v) a loan; and

(vii) an expenditure made for a conference, retreat, or other event benefiting a covered person, but

(B) does not include—

(i) a contribution, as defined in the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.), that is required to be reported under that Act, unless the contribution is in the form of participation in a fundraising activity on behalf of a covered legislative branch official, including the solicitation of contributions, hosting or cohosting of a fundraising event, or service on a campaign steering committee or its equivalent;

(ii) a modest item of food or refreshments, such as a soft drink, coffee, or doughnut, offered other than as part of a meal;

(iii) a greeting card or other item of little intrinsic value, such as a plaque, certificate, or trophy, that is intended solely for presentation.

(iv) financial benefits given under circumstances which make it clear that the benefits are motivated by a family relationship rather than the position of the recipient;

(v) financial benefits which are not used and which are promptly returned to the donor; or

(vi) widely attended receptions to which covered legislative branch officials are invited, other than events described in paragraph (1)(B) of this subsection.

U.S. SENATE,
Washington, DC, May 3, 1993.

DEAR COLLEAGUE: When the Lobbying Disclosure Act of 1993 comes to the Senate floor later this week, I intend to offer an amendment requiring disclosure of financial benefits provided by lobbyists to Members of Congress and congressional staff. I write to ask for your support and cosponsorship of that amendment.

Recent public opinion polls demonstrate clearly that the public's trust in Congress is at an historic low, and the demand for political reform is very high. This amendment would be a modest interim step toward conforming Congressional gift rules to the executive branch's more stringent treatment of gifts from special interest lobbyists.

The laws governing lobbying activities have not been revised since 1946. According to the Wall Street Journal, less than 6,000 of the approximately 80,000 people who lobby are registered as lobbyists under current law. While S. 349 would make significant improvements in registering people who lobby, the bill falls far short of providing complete information about the many ways lobbyists influence Members of Congress, by providing to them trips to expensive resorts, gifts, fundraising support, meals, and tickets to sporting and other entertainment events.

Specifically, S. 349 does not require detailed disclosure of financial benefits that lobbyists provide to Members of Congress and their staffs. Without disclosure of this information, credible and complete lobby disclosure will not be achieved.

My amendment would require lobbyists to report the gifts, meals, entertainment and other financial benefits that they currently provide to Members and staff. The reporting requirement applies only if the benefit provided to a covered legislative branch official exceeds $20 per occasion or aggregates more than $50 in a calendar year. This $20 *de minimus* and $50 calendar year limit tracks the levels for prohibited gifts for the executive branch and prevents lobbyists from having to keep track of items of relatively minor significance.

The amendment also contains exceptions which would allow registered lobbyists to disclose aggregate expenditures for widely-attended receptions, for events hosted or cohosted by legislative branch officials, and for contributions for legislative conferences or

retreats. In addition, the amendment would require registered lobbyists to disclose if they have undertaken fundraising activities on behalf of Members of Congress.

Like many of our colleagues, I believe that Members of Congress should not be allowed to accept gifts of significant value directly from anyone who may have an interest in matters before the Congress. I have joined Senator Lautenberg in circulating draft legislation to substantially tighten the existing rules governing the acceptance of gifts, meals, and travel by Members of Congress and Congressional staff. This legislation will be introduced later this week. But until such a ban is enacted, we must require full disclosure of the financial benefits that lobbyists provide to Members of Congress. Indeed, disclosure may help to hasten the day when we enact such a ban.

S. 349 is an important and timely initiative, and commend Chairman Levin for his tireless efforts to bring the bill to the Senate floor for our consideration. In unveiling S. 349, Senator Levin quoted former U.S. Supreme Court Justice Louis D. Brandeis, who wrote, "Sunlight is said to be the best disinfectant." I believe my amendment will complete the important work Senator Levin has undertaken with this bill by providing sunlight on the complex interactions between lobbyists and Members of Congress.

I believe that with this amendment S. 349 will be the next step in the march we must take toward true political reform, including: rejecting Senate salary increases in years when federal employees are being called upon to take pay cuts, enacting Motor Voter legislation, enacting genuine campaign finance reform legislation, prohibiting significant gifts from lobbyists, and streamlining the operations of the federal government, including the U.S. Congress.

I urge you to cosponsor and support my amendment to S. 349 to require lobbyists to disclose this most basic information about their lobbying efforts—information that is needed to ensure our accountability to the American people. If you are interested in cosponsoring, or have any questions about my amendment, please contact my directly or have your staff contact Colin McGinnis of my staff at x45641.

Thanks for your consideration.

Sincerely,

PAUL DAVID WELLSTONE,
U.S. Senator.

P.S.—I have enclosed several recent editorials on lobbying disclosure from the *New York Times* in which I thought you might be interested.

[From the New York Times, Feb. 25, 1993]

INDECENT DISCLOSURE

There's a big problem with proposed new Federal legislation to curb the influence of lobbyists. The lobbyists aren't rallying against it. That means Congress, aided and abetted by President Clinton, is getting ready to commit a giant hoax.

This hoax has a title: the Lobbyist Disclosure Act of 1993. A more apt title might be the Congressional Freebies Preservation Act. The measure, expected to be moved on today by the Senate Governmental Affairs Committee, is a blueprint for concealing how favor-seeking special interests bestow benefits on members of Congress and their staffs.

Under the bill, backed by a bipartisan group led by Senator Carl Levin, Democrat of Michigan, loophole-ridden disclosure rules now in force would be replaced with a single statute that covers Congress and the executive branch, and provides realistic penalties for non-compliance. That is an advance over the farcical scheme that allows most Washington lobbyists—including lawyers representing foreign corporations—to avoid registering at all.

Representative John Bryant, Democrat of Texas, says the Levin bill would let the public really see "how lobbying is done in the halls of Congress." Not true. The bill's sanitized disclosure rules require revelation by lobbyists of their total expenditures but omit a much more telling member-by-member listing of the expensive meals, vacations, plane rides and other goodies lobbyists dole out in a form of legalized bribery. Omitted, too, is any disclosure of lobbyists' role as rainmakers for campaign funds.

There's still time for the bill's sponsors to reconsider and offer corrective amendments. But lawmakers are clearly reluctant to document what they've grown accustomed to accepting on the sly. What an opportunity for that avenging angel of the people, William Jefferson Clinton, to fly down and set things right.

After all, he knows how to write a lobbying law. He blocked a weak disclosure bill in the Arkansas Legislature, and then went to voters with an initiative that put a much stronger one in place. But Mr. Clinton, who loves to talk, is now doing it out of both sides of his mouth: he has launched a verbal assault against "high-priced lobbyists" while hastily backing the phony reform measure that would perpetuate their undue influence. Will the guy who flew in Arkansas please stand up, or has he already succumbed to bad company?

ARKANSAS AND AMERICA

A comparison of key provisions of the Arkansas lobbying disclosure law with the proposed lobbying disclosure bill pending in the Senate.

What lobbyists must disclose	Arkansas law	Senate bill
Client's identity	Yes	Yes
Issues and committees lobbied	No	Yes
Gifts to lawmakers	Yes	No
Travel and lodging for lawmakers	Yes	No
Receptions and other events for lawmakers	Yes	No
Contributions to lawmakers' pet charities	Yes	No

[From the New York Times, May 2, 1993]

THIS LOBBYING REFORM REALLY ISN'T

The 100 members of the U.S. Senate will have to take a stand on government ethics any day now. A flawed piece of legislation called the Lobbyist Disclosure Act of 1993 is speeding toward the Senate floor, where it will force the senators to confront whether they are serious about curbing the undue influence of monied lobbyists.

The chief sponsor, Senator Carl Levin, Democrat of Michigan, wants to get the measure passed quickly and claim it as a victory for reform. As it now stands, the bill's real beneficiaries would be Washington's lobbying industry and the Congressional life style it supports with free vacations, expensive meals, tickets to sold-out sporting events and other legal bribes to lawmakers.

The bill cleans up the present registration rules so that lobbyists could no longer escape their coverage. But lobbyists would have to report only their total expenditures. They would be spared a member-by-member accounting of the benefits they bestow, including pivotal help in raising campaign funds. Missing, in other words, is the sort of disclosure that might actually embarrass lawmakers into cleaning up their acts.

Consider, for example, the four-day stay 10 House members and their spouses recently enjoyed at the South Seas Plantation resort on Captiva Island off Florida's west coast. The entire tab was picked up by the Electronic Industries Association. An eyebrow-raising report last week on ABC's "Prime Time Live" captured the junketeers—including members of some of Congress's most powerful committees—playing golf and soaking up the sun poolside with lobbyists from companies like General Electric, Texas Instruments and Boeing.

Under Mr. Levin's bill, the trip, and telling information about how much money the lobbyists spent on each lawmaker, would go undisclosed. Even so, Mr. Levin and his bipartisan co-sponsors say the bill represents a major advance and that to tamper with it risks killing it. After passing this bill, they say, Congress can enact separate legislation or rules to ban gifts from lobbyists and others. Senator Frank Lautenberg, Democrat of New Jersey, along with Mr. Levin and others, already plans to introduce such a bill; he is now seeking a non-binding resolution that would get the chamber on record in favor of taking some action.

A ban on financial favors is by far the best solution. But no one can count on that happening. In the meantime, Mr. Levin has the burden of explaining why—in the name of reform—he would permit lobbyists to keep secret all the favors they hand out to members of Congress.

Senator Paul Wellstone, the freshman Democrat from Minnesota, will offer an amendment to the Levin bill requiring full disclosure of financial favors from lobbyists. That would force every Senator to take a stance on ethics in full view of the electorate. Let light be the best disinfectant.

[From the New York Times, Feb. 14, 1993]

STILL OUT TO LUNCH ON LOBBYISTS

Give George Steinbrenner this much credit: he knows how Congress works. With some well-placed campaign contributions and well-connected lobbyists, the owner of the New York Yankees won quiet approval from Congress last fall for a $58 million bailout for his family shipbuilding business.

There were no public hearings, and the Government officials who had rejected the firm's claims for contract overruns were never consulted. Nor was there any way for the public to tell how much the lobbyists shelled out to wine, dine and otherwise persuade targeted lawmakers of the virtues of Mr. Steinbrenner's plea.

A typical case—and thus more reason for tougher regulations on lobbying. Yet Congress and the President seem ready to dispose of the issue with an inadequate bill just introduced by Senator Carl Levin, Democrat of Michigan.

The bill has some virtues. It would replace the present lobbying disclosure laws with a single uniform statute and plug loopholes so that some lobbyists, like lawyers who represent foreign companies, could no longer escape registration.

Moreover, lawyer-lobbyists and other hired guns would have to disclose the identity of their clients, the issues they lobby on, the Federal agencies and Congressional committees contacted, and the total receipts from clients—all in a form that can be cross-indexed with campaign contribution data on file with the Federal Election Commission.

But such disclosure would still fall well below the level necessary to challenge the prevailing atmosphere in Washington. The public might be told a lobbyists was paid an eyebrow-raising $500,000 for two months' light work. But the bill wouldn't require lob-

byists to reveal details of the many benefits they now lavish on lawmakers: the trips to fancy resorts, the meals, the good seats at sold-out sporting events, gifts to a member's charitable foundation or favorite charity, cheap access to corporate jets and other goodies.

Nor would they have to fess up about the campaign contributions they raise for lawmakers—a major reason lobbyists hold so much sway.

Since the bill spares lawmakers all this embarrassment, it's easy to understand the rush in Congress to pass it and claim a reform victory. President Clinton's support is harder to figure. He understands the public's need for fuller disclosure by lobbyists; indeed, he fought for it in Arkansas. If it's good for Arkansas, why not for America?

Ideally, Congress ought to reform campaign financing and outlaw all the other ways lobbyists for monied special interests now subsidize lawmakers' life styles. To expect that much integrity from Congress isn't asking too much. But complete lobbying disclosure, itemized member by member, seems the bare minimum.

[From Roll Call, Sept. 30, 1991]

EDITORIAL: PRIVATELY FUNDED TRAVEL NEEDS MORE DISCLOSURE

It's rare that we offer a compliment to Ralph Nader, but he deserves this one. Congress Watch, an arm of his group Public Citizen, earlier this month published a superb analysis of privately funded travel by Members of the House in 1989 and 1990. Public Citizen is opposed to all privately funded travel. "If a trip is deemed to be in the interest of the general public and therefore worth taking," says the introduction to the report, "it should be funded by the government." We disagree. We think it's perfectly appropriate for a Member to give a speech to a trade association and let the association pay for his or her flight and hotel room. We also think it's acceptable for corporations to fly Members out to visit their manufacturing facilities. Certainly, travel can be abused, but judging possible abuse is a function for the electorate.

Is a member of the Banking Committee, for instance, accepting too many trips from financial institutions to sunny climes? That's for voters to decide, but the judgment is difficult, if not impossible, if the voters don't have the proper information. Members must report their privately funded travel to the Clerk of the House, but the records are often sketchy and sloppy—and it's difficult to compare one Member with another.

That's where the Public Citizen study comes in. Constituents of Rep. John LaFalce (D-NY), a Banking Committee member, will learn, for example, that their Congressman took 14 trips in the course of two years that were paid for by financial firms and associations. Among his journeys were two to Puerto Rico and eight to Florida. Another New Yorker, GOP Rep. Norman Lent took trips to the following Florida venues in 1990: Tampa (Jan.), Naples (Jan.), Boca Raton (March), Fort Myers (April), and Captiva (April). Thanks to the study, voter—or election challengers—can ask what the trips were for. We chose LaFalce and Lent at random; their travel is above average but far from the top. In fact, Rep. Charles Stenholm (D-Texas) was the leading corporate traveler, with 50 trips in two years, most of them paid for by agricultural interests like the National Turkey Federation and the International Ice Cream Association. Stenholm, not coincidentally, chairs the livestock, dairy, and poultry subcommittee.

Disclosure remains the best disinfectant, but even with Public Citizen's heroic job of collating, huge gaps remain. The Nader group has a fallback position from its total ban on privately funded travel, and most of its recommendations make sense. Members of Congress, the study concludes, should be required to: "list the actual value of the trip, describe what role the law-maker played at the event, disclose any charities which receive a donation from the trip sponsor (since honoraria that go directly into a Member's pocket are now banned), and disclose their trips on a monthly basis in a report printed in the Congressional Record."

These requirements we heartily endorse. Congress has made great strides in recent years in laying out its activities for the public to judge. In the matter of travel, it must go further.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the role.

Mr. WELLSTONE. 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. WELLSTONE. Mr. President, I ask unanimous consent to add Senator BRADLEY as a cosponsor to this amendment.

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

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

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 345

(Purpose: To require the reporting of certain financial benefits provided by lobbyists to covered officials)

Mr. WELLSTONE. Mr. President, I sent an amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Minnesota [Mr. WELLSTONE], for himself, Mr. FEINGOLD, Mr. KOHL, and Mr. BRADLEY, proposes an amendment numbered 345.

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

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

The amendment is as follows:

On page 15, between lines 20 and 21 insert the following:

(c) ADDITIONAL INFORMATION TO BE INCLUDED IN REPORT.—

(1) IN GENERAL.—In addition to the information described in subsection (b), a semiannual report under subsection (a) shall contain a list of each individual financial benefit provided directly or indirectly by a registrant (including a financial benefit provided by a lobbyist employed by or a lobbyist who is a member of a registrant) to a covered legislative branch official, to an entity that is named after or is established, maintained, controlled, or financed by a covered legislative branch official, or to any other person or entity on behalf of or in the name of a covered legislative branch official, disclosing—

(A) with respect to each financial benefit other than one described in subparagraph (B), (C), (D), or (E)—

(i) the name and position of the covered legislative branch official or other person or entity to whom or which the financial benefit was provided;

(ii) the nature of the financial benefit;

(iii) the date on which the financial benefit was provided; and

(iv) the value of the financial benefit;

(B) with respect to each financial benefit that is in the form of a widely attended reception to which covered legislative branch officials were invited—

(i) the nature of the reception;

(ii) the date on which the reception occurred; and

(iii) a single aggregate figure for the expenses incurred by the registrant in connection with the reception;

(C) with respect to each financial benefit that is in the form of a conference, retreat, or similar event that is sponsored by or affiliated with an official congressional organization that is funded exclusively by appropriated funds—

(i) the nature of the conference, retreat, or other event;

(ii) the date or dates on which the conference, retreat, or other event occurred;

(iii) the common subject interests (such as party affiliation, committee membership, or expression of interest in legislation in a subject area) of the covered legislative branch officials who were invited to attend; and

(iv) a single aggregate figure for the expenses incurred by the registrant in connection with the conference, retreat, or similar event;

(D) with respect to each financial benefit that is in the form of an event that is hosted or cohosted with or is held for or in honor of 1 or more covered legislative branch officials—

(i) the name and position of each such covered legislative branch official;

(ii) the nature of the event;

(iii) the date on which the event occurred; and

(iv) the expenses incurred by the registrant in connection with the event; and

(E) with respect to each financial benefit that is in the form of election campaign fundraising activity—

(i) the name and position of the covered legislative branch official on behalf of whom the fundraising activity was performed;

(ii) the nature of the fundraising activity;

(iii) the date or dates on which the fundraising activity was performed;

(iv) the expenses incurred by the registrant in connection with the fundraising activity; and

(v) the number of contributions and the aggregate amount of contributions known by the registrant to have been made to the covered legislative branch official as a result of the fundraising activity.

(2) EXEMPTION.—A list described in paragraph (1) need not disclose financial benefits having a value of $20 or less to the extent that the aggregate value of such financial benefits that are provided to or on behalf of a covered legislative branch official or other person or entity during the calendar year in

which the semiannual period covered by the report occurs does not exceed $45.

(3) DEFINITION.—As used in this subsection, the term "financial benefit"—

(A) means anything of value given to, on behalf of, or for the benefit of a covered legislative branch official, including—

(i) a gift;

(ii) payment for local or long-distance transportation, entertainment, food, or lodging, whether provided in kind, by purchase of a ticket, by payment in advance or by reimbursement, or otherwise;

(iii) a contribution or other payment made to a third party in lieu of an honorarium on the basis of a designation, recommendation, or other specification made by the covered legislative branch official;

(iv) reimbursement of an expense;

(v) a loan; and

(vii) an expenditure made for a conference, retreat, or other event benefiting a covered person, but

(B) does not include—

(i) a contribution, as defined in the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.), that is required to be reported under that Act, unless the contribution is in the form of participation in a fundraising activity on behalf of a covered legislative branch official, including the solicitation of contributions, hosting or cohosting of a fundraising event, or service on a campaign steering committee or its equivalent;

(ii) a modest item of food or refreshments, such as a soft drink, coffee, or doughnut, offered other than as part of a meal; or

(iii) a greeting card or other item of little intrinsic value, such as a plaque, certificate, or trophy, that is intended solely for presentation.

AMENDMENT NO. 346 TO AMENDMENT NO. 345

(Purpose: To require the reporting of certain financial benefits provided by lobbyists to covered officials)

Mr. LEVIN. Mr. President, I send an amendment to the desk on behalf of Mr. WELLSTONE.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Mr. WELLSTONE, for himself, Mr. FEINGOLD, Mr. KOHL, and Mr. BRADLEY, proposes an amendment numbered 346 to amendment No. 345.

Mr. LEVIN. 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 all after "ADDITIONAL" and in lieu thereof insert the following—

INFORMATION ON FINANCIAL BENEFITS

(1) IN GENERAL.—In addition to the information described in subsection (b), each registrant shall include in its semiannual reports under subsection (a) or in a separate report on financial benefits, subject to the same filing requirements, a list of each individual financial benefit provided directly or indirectly by a registrant (including a financial benefit provided by a lobbyist employed by or a lobbyist who is a member of a registrant) to a covered legislative branch official, to an entity that is established, maintained, controlled, or financed by a covered legislative branch official, or to any other person or entity on behalf of or in the name of a covered legislative branch official, disclosing—

(A) with respect to each financial benefit other than one described in subparagraph (B), (C) or (D)—

(i) the name and position of the covered legislative branch official or other person or entity to whom or which the financial benefit was provided;

(ii) the nature of the financial benefit;

(iii) the date on which the financial benefit was provided; and

(iv) the value of the financial benefit;

(B) with respect to each financial benefit that is in the form of a conference, retreat, or similar event for or on behalf of covered legislative branch officials that is sponsored by or affiliated with an official congressional organization—

(i) the nature of the conference, retreat, or other event;

(ii) the date or dates on which the conference, retreat, or other event occurred;

(iii) the identity of the organization that sponsored or is affiliated with the event; and

(iv) a single aggregate figure for the expenses incurred by the registrant in connection with the conference, retreat, or similar event;

(C) with respect to each financial benefit that is in the form of an event that is hosted or cohosted with or in honor of 1 or more covered legislative branch officials—

(i) the name and position of each such covered legislative branch official;

(ii) the nature of the event;

(iii) the date on which the event occurred; and

(iv) the expenses incurred by the registrant in connection with the event; and

(D) with respect to each financial benefit that is in the form of election campaign fundraising activity—

(i) the name and position of the covered legislative branch official on behalf of whom the fundraising activity was performed;

(ii) the nature of the fundraising activity;

(iii) the date or dates on which the fundraising activity was performed;

(iv) the expenses incurred by the registrant in connection with the fundraising activity; and

(v) the number of contributions and the aggregate amount of contributions known by the registrant to have been made to the covered legislative branch official as a result of the fundraising activity.

(2) EXEMPTION.—A list described in paragraph (1) need not disclose financial benefits having a value of $20 or less to the extent that the aggregate value of such financial benefits that are provided to or on behalf of a covered legislative branch official or other person or entity during the calendar year in which the semiannual period covered by the report occurs has not exceeded $50.

(3) DEFINITION.—As used in this subsection, the term "financial benefit"—

(A) means anything of value given to, on behalf of, or for the benefit of a covered legislative branch official, including—

(i) a gift;

(ii) payment for local or long-distance transportation, entertainment, food, or lodging, whether provided in kind, by purchase of a ticket, by payment in advance or by reimbursement, or otherwise;

(iii) a contribution or other payment made to a third party in lieu of an honorarium on the basis of a designation, recommendation, or other specification made by the covered legislative branch official;

(iv) reimbursement of an expense;

(v) a loan; and

(vii) an expenditure made for a conference, retreat, or other event benefiting a covered person, but

(B) does not include—

(i) a contribution, as defined in the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.), that is required to be reported under that Act, unless the contribution is in the form of participation in a fundraising activity on behalf of a covered legislative branch official, including the solicitation of contributions, hosting or cohosting of a fundraising event, or service on a campaign steering committee or its equivalent;

(ii) a modest item of food or refreshments, such as a soft drink, coffee, or doughnut, offered other than as part of a meal;

(iii) a greeting card or other item of little intrinsic value such as a plaque, certificate, or trophy, that is intended solely for presentation.

(iv) financial benefits given under circumstances which make it clear that the benefits are motivated by a family relationship rather than the position of the recipient;

(v) financial benefits which are not used and which are promptly returned to the donor; or

(vi) widely attended receptions to which covered legislative branch officials are invited, other than events described in paragraph (1)(B) of this subsection.

Mr. LEVIN. Mr. President, this amendment, which I just sent to the desk on behalf of Mr. WELLSTONE, will do a number of things relative to his amendment.

It would exclude from coverage widely attended receptions to which legislative branch officials are invited as long as these receptions are not cohosted or held for the purpose of honoring such officials. This recognizes that a Member of Congress who stops by a convention, for instance, is not receiving a gift by the act of visiting a convention of a major organization such as the VFW, and many others. The coverage would exclude gifts from family members, so that a gift from husband to wife, or father to son, would not have to be disclosed as a lobbyist's gift. It clarifies that gifts that are returned are not required to be reported. And it permits lobbyists to disclose their gifts in separate reports rather than reporting the same gifts in multiple reports that are filed on behalf of different clients.

Mr. President, my own preference, frankly, given the very weak gift rules that we have in this body and in the Congress, is to ban a significant number of gifts other than de minimis gifts—minimal gifts, pens, or buttons, something under $20—as they do in the executive branch. I believe we should simply ban gifts above a nominal gift.

The amendment of my friend from Minnesota is a disclosure amendment. It discloses gifts. I think that the gifts which are inappropriate should not be disclosed; they should be banned. I have adopted basically the executive branch gift rules in my office.

The executive branch gift rules for the most part ban gifts that have other than nominal value. And they have spent some time in describing how those gifts would be defined.

The amendment before us takes a different approach. The amendment before us would disclose certain gifts until a ban is adopted, if it is adopted. It does some other things, too, which I have difficulty with. For instance, it shifts the responsibility for the disclosure from us to the lobbyist. I think responsibility should be fixed upon us as it is under our disclosure rules now. It is no secret that I feel that the approach in this amendment, that is offered, is a weak response to weak rules. The current rules relative to gifts, I believe, are weak. I believe this is a weak response to them for a number of reasons.

First, instead of banning inappropriate gifts, we are disclosing them. Disclosure is no substitute for a prohibition.

Second, it shifts responsibilities, as I have indicated, from us to others. I think the responsibility should be fixed on us and stay with us.

Third, as I have stated publicly and have written, the amendment can be easily evaded because the only person that is required to disclose the gift is the registered lobbyist, which means that the client of the lobbyist, for instance, can continue to give the tickets and provide the meals and do all the other things which are done without having to disclose. Instead of the football tickets or whatever coming from the paid lobbyist, they simply could come directly from the client of that lobbyist and there would be no disclosure requirement under the approach set forth in the Wellstone amendment. So I think it is a weak approach.

Also, there is a long delay here because the bill is not effective until 1 year after enactment. It takes effect only 1 year later. I think it is a weak approach. We have a real problem with our current rules on gifts. We ought to fix that problem, and the Rules Committee should fix them promptly. And there is a bill, which was introduced yesterday by Senator LAUTENBERG and others, including myself, that goes to the heart of the matter, which is prohibiting inappropriate gifts. There is going to be a sense-of-the-Senate resolution coming up which I believe will really focus the issue on what this Senate wants to do, whether we want to ban additional classifications and groups of gifts or not.

There are many questions when you modify gift rules. What do you do about home State products? Are we allowed to distribute products from our home States to our colleagues in order to advertise those products? Is that going to be allowed? Or is that a gift which has to be either disclosed or banned?

What do we do about receptions, receptions that are attended by us, dinners that we go to, not to raise money, simply where we, for instance, are assisting others, for instance the Cancer Society, to raise money?

What about our presence at an opening day ball game? Is that a gift to us? Or is that a ceremonial function where we should be expected, and be allowed to attend, without banning that attendance because the gift is more than $20 or requiring a disclosure of such?

There are many, many issues relating to gifts which need to be analyzed carefully. This bill is a bill which requires lobbyists who are paid, professional lobbyists to disclose who is paying them, and how much to lobby us on what issues? This is not intended to be a gifts bill. There is now a gifts amendment which has been offered to this bill, and we should dispose of that amendment.

We need, however, sensible rules. I can only urge all of our colleagues that whatever our views are in this, they will find when they get into this area that there are many legitimate, honest, complicated questions, such as the home States product, its issue, and what do you do when you go to dinners which are raising moneys for charity which you are helping to raise money for? Can you go to that dinner, or do you have to buy your ticket to that dinner, and a host of other questions which the Rules Committee is equipped to address.

The Lautenberg amendment, which will be offered shortly, after we dispose of this, will offer a sense of the Senate on banning certain gifts and urges the Rules Committee to report to us such a ban in a certain likelihood. I think that is a tougher approach. I think it is the more accurate approach. It has the ban in it instead of the disclosure. And I think that is what really goes to the heart of the issue.

So, in conclusion of my own remarks, let me say this: The Senator from Minnesota has obviously put a lot of time in on this amendment. I do not think it does the job which must be done, and I think it just does accomplish much for the reasons I gave, which is, this is a disclosure instead of a ban, because it is a long delay, because it is easily evaded. Because of that, I just do not think it does the job.

On the other hand, it reflects a dissatisfaction with the status quo. And in that regard, I think it is important. For that reason, I do not oppose the amendment on the assumption that the second-degree amendment is adopted as I have outlined here.

I thank the Chair.

Mr. COHEN. Mr. President, let me commend the Senator from Michigan for his comments and for his modifications to the amendment that is now pending.

One of the difficulties, as Senator LEVIN has pointed out, is that it is a very complicated area of law. We have, for example, not had any hearings on the amendment of the Senator from Minnesota. The Rules Committee is the committee of primary jurisdiction and has the expertise to try to reconcile some of these complicated issues. For example, what is to happen now if this rule is adopted—and it will be adopted—and we have lobbyists who are required to disclose every item in excess of $20, or anything in the aggregate in excess of $50? The Senate gift rules have a limit of $250.

You may now find a situation in which a lobbyist is required to disclose an item of very small value which a Senator does not have to disclose. Therefore, you may very well find a Senator put in the position of not really giving much credence or value to a small item which is required to be disclosed by the lobbyist, but not required to be disclosed under Senate rules. Suddenly during an election year you could have a major controversy. Lobbyists disclose a gift of a bottle of wine, or of liquor, or apples, or Michigan blueberries, or Maine potatoes, whatever it is going to be, but it is not disclosed by the Senator because the Senate rules do not require it.

So it seems to me the better approach would have been to have a hearing in the Rules Committee, reconcile the two, so you do not find yourself in the situation of lobbyists having a different rule than the Senate does. That may not be easily done, but it seems to me we are inviting a host of problems unless we reconcile the two. That is one issue that strikes me.

Secondly, the approach taken by Senator LAUTENBERG has been described as being relatively weak. At least, the implication by some publications is that while the legislation proposed by the Senator from Minnesota has real teeth in it because it will require disclosure, a sense of the Senate is something that may or may not come about. It is only a sense on the part of the Senate that it would like to do something, but action may never be taken.

On the contrary, it seems to me Senator LAUTENBERG's is a better approach to take, expressing a sense of the Senate to call upon the Rules Committee to hold hearings, to make an investigation, to reconcile the complexities involved. How do we handle a situation where Senator LEVIN wants to distribute Michigan wine, for example, that some distributor in Michigan would like to bring to the attention of our colleagues in the Senate, and may distribute to him on a wholesale basis, which he then wants to give to other Members saying "taste Michigan wine."

What do we do? Say: Senator LEVIN, thanks but no thanks? Or do we simply disclose it, or fail to disclose it, under the Senate rules. It gets to be a complicated area in which the Rules Committee really ought to be holding hearings.

So I say to my friend from Michigan, I think he has improved the amend-

ment, and I know that the Senator from Minnesota offers this in the best of faith and good intentions. There are some problems in terms of the definition of a personal friend. Exactly what are we talking about? Are we talking about family friends, close personal friends? What does that mean? Is that a girlfriend or a fiance? Exactly what are we talking about? These are very complicated issues.

As I understand it, the Senator from New Jersey is going to call upon the Rules Committee to spend the next 6 months reconciling this very complicated issue of gifts, so we can have one rule for lobbyists, one rule for Senators, and one rule for the House Members. Hopefully, it will be simple.

I think perhaps Senator LEVIN has a more direct approach: Do not get into disclosure issues; just ban gifts, period. Very simply. It may create some problems, but nonetheless that may be the better approach because of the simplicity and avoidance of the appearances that otherwise might be implicit.

Mr. President, I join my colleague in expressing some of the complicated aspects of this issue, and do not oppose the amendment.

Mr. WELLSTONE. Mr. President, first of all, let me say this for the record. The Senator from Wisconsin, Mr. KOHL, and Senator FEINGOLD are listed as original cosponsors, along with Senator BRADLEY and Senator LAUTENBERG.

Second of all, I am going to be very brief, Mr. President. I do want to say to my colleague from Maine that there actually will not be any exemption for friends, so that will not be a problem with this amendment.

Mr. President, I think that the Senator from Michigan and the Senator from Maine have done a lot of work with this amendment, and I believe they have improved upon it. I thank them for not opposing an amendment which I think has done something that is an important addition to this bill.

The only quarrel I have with my colleagues—and I will say it briefly—I think they harp on the complexity of it all to the point where that becomes a simplification. There are too many loopholes right now. It is not enough to just ask lobbyists in the aggregate to talk about the amount of money they have spent on legislation. I think people in the country have a right to know what lobbyists are spending on Senators and Representatives when it comes to gifts, meals, travel, and when it comes to some fundraising efforts. I think it is that simple. It is no more complicated than that. I think this just adds sunshine to the political process here and strengthens what I think is a very fine piece of legislation.

Mr. COHEN. Mr. President, the complicating factor is that the Senate rules do not require that disclosure. So you have one disclosure rule for lobbyists, but a second one for Senators. That is subject to great mischief. For example, if a lobbyist were to list a gift on his disclosure form, and it is not listed on the Senator's because we have different rules, that creates the appearance that the Senator is trying to hide something. So, I think we have to reconcile the two.

Mr. WELLSTONE. Mr. President, I understand. I was responding to the concern made about how you define a friend. I understand that. I am sure we will reconcile that.

I appreciate the Senator's support. I think he has made it a stronger amendment.

Mr. LEVIN. Mr. President, this is a weak amendment because it requires disclosure of gifts, rather than prohibiting them outright.

Disclosure of gifts by lobbyists may give more ammunition for Common Cause to use in its running attack on the Congress, but it will not address the public's concerns. What the public wants is not another disclosure provision, but a prohibition like the executive branch rule. First and foremost, when gifts are suspect in the public's eye, we should eliminate them, period. That's why the Lautenberg bill is the right way to go on this issue, and this amendment does not do the job.

It applies only to gifts from registered lobbyists, leaving huge loopholes for gifts from clients, partners, spouses, and employees of registered lobbyists.

It is easy to evade. For instance, if a lawyer-lobbyist invites a Federal official to dinner, that would be a gift and would have to be disclosed. But if a partner in the same law firm, who is not a lobbyist, invites the same official to dinner it would not have to be disclosed, even if the same people attended the dinner, ate the same food, and had the same conversation on the same subjects.

Similarly, if a lobbying firm paid for a reception attended by Members of Congress, that would be a gift and would have to be disclosed. But if one of the firm's clients—which was not registered—were to pay for the reception instead, it would not have to be disclosed. Again, this would be true even if the same guests were present and had the same discussions.

It wouldn't become effective for more than a year, meaning that no gift would be disclosed until well after the time when we should have a gift ban in place.

It places the burden of dealing with gift disclosure on the lobbyists, rather than on Members themselves where any such burden properly belongs. That means an abdication of congressional responsibility for our own actions.

Many of us saw the recent "Prime Time Live" piece on a trip taken by several House Members to attend an Electronics Industry Association conference in Florida. We then read on the New York Times editorial page that under this bill, the trip "would go undisclosed."

This simply is not true. The New York Times was wrong. The trip would not go undisclosed. Trips paid by private persons are disclosed today, under the Ethics in Government Act, which specifically requires Members to disclose any gifts in excess of $250, and such disclosure is supposed to include, in the case of congressional travel, "the identity of the source and a brief description (including a travel itinerary, dates, and nature of expenses provided)."

The fact that this disclosure requirement is already on the books should in itself answer those who would say that disclosure is the answer to this problem.

There are other problems with this amendment:

It applies only to gifts to covered legislative branch officials. Gifts to covered executive branch officials would not have to be disclosed. This means that if an event is hosted by both legislative and executive branch officials, the legislative branch officials have to be disclosed, but not the executive branch officials.

It contains absolutely no exclusion for gifts based on a personal friendship. That means that:

If your best friend is a lobbyist and he gives you a wedding present, the gift has to be disclosed on the firm's lobbying reports.

If your college roommate is a lobbyist and he invites you to his home for dinner, that dinner has to be disclosed on the firm's lobbying report.

If your staffer is engaged to a lobbyist, every gift she gives to her fiancee has to be disclosed on the firm's lobbying reports.

Unlike the executive branch rules, it contains no exclusion for discounts and similar benefits that are generally available to the public or to Government employees.

That means that items like frequent flier awards, sweepstakes prizes, reduced membership fees in professional organizations for Government employees, and even commercially available discounts or loan rates would have to be reported as financial benefits provided by lobbyists.

It would require the disclosure of "election campaign fundraising activities" under the Lobbying Disclosure Act, instead of the Federal Election Campaign Act. That means that such fundraising activities would have to be disclosed:

Only if conducted by registered lobbyists, and not if conducted by other people with a strong interest in legislation; and

Only if conducted on behalf of an incumbent—not a challenger—since candidates for office are not covered legislative branch officials.

Mr. President, the amendment does give Members an opportunity to say that they are taking action on this issue now. It may be weak, it may not take effect for more than a year but it would give Members an opportunity to express concern.

I can't fix this amendment, because the underlying concept of the amendment is flawed. It is flawed because it requires disclosure instead of prohibiting gifts, because such disclosure is limited to registered lobbyists, and because the burden of compliance is placed on lobbyists instead of on us.

The strong way to proceed is a strong prohibition, parallel to the executive branch rules. Those rules took years to write, and the Rules Committee needs at least a few months to have a bill ready for floor consideration. I certainly hope that whatever action we take on this amendment does not detract from that far more important effort.

The PRESIDING OFFICER. Is there further debate?

If there is no further debate, the question is an agreeing to the amendment.

The amendment (No. 346) was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the Wellstone amendment, as amended.

The amendment (No. 345), as amended, was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. ROTH. Mr. President, the role of interest groups in the U.S. system of government has been a matter of concern and debate for over 200 years. Even today, the subject bears directly on constitutional freedoms of petition, speech, and assembly, and the limits of those freedoms and the manner in which they may be regulated. While it must be remembered that almost all lobbying is constitutionally protected, it is also true that Congress may, without infringing on important first amendment rights, require that lobbying activities be disclosed to the public. Surely there can be no question that both Congress and the public are well served by the disclosure of private pressures on public issues.

As it stand now, the omnibus 1946 Federal Regulation of Lobbying Act, the 1938 Foreign Agents Registration Act [FARA], the so-called Bryd amendment and the 1989 HUD Reform Act form a loose patchwork of disclosure requirements that are too easily avoided. The Foreign Agents Registration Act and the Federal Regulation of Lobbying Act have been in place for decades. Indeed, FARA's dissemination policies have remained unchanged since 1938. These laws are so complicated and riddled with loopholes as to be neither enforced nor enforceable. In short, the existing lobbying disclosure laws poorly serve both the public and the lobbying community.

As an original cosponsor of the Lobbying Disclosure Act of 1993, I am confident that S. 349 will gc a long way toward clarifying existing disclosure rules and will ultimately yield more useful information to both the public and to Congress. By improving and replacing a group of laws that are widely viewed as ineffective and unenforceable with a single statute, S. 349 will broaden the coverage of existing disclosure laws to ensure that all professional lobbyists are registered. Under the new rules, the American people will better learn how their Government works and how decisions may be influenced by the activities of organizations heavily engaged in the legislative process.

Mr. President, the Committee on Governmental Affairs on which I serve as ranking Republican has worked tirelessly to produce a strong and balanced lobbying disclosure bill which I believe will bring additional and needed sunshine into the process of government. I would ask my colleagues on both sides of the aisle to support the legislation.

Mr. LAUTENBERG addressed the Chair.

The PRESIDING OFFICER. The chair recognizes the Senator from New Jersey.

AMENDMENT NO. 347

Mr. LAUTENBERG. 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 New Jersey [Mr. LAUTENBERG], for himself, Mr. BOREN, Mr. LEVIN, Mr. WELLSTONE, and Mr. FEINGOLD, proposes an amendment numbered 347.

At the appropriate place, insert the following:

SEC. . LIMITS ON ACCEPTANCE OF GIFTS, MEALS AND TRAVEL.

It is the sense of the Senate that, as soon as possible during this year's session, the Senate should limit the acceptance of gifts, meals, and travel by Members and staff in a manner substantially similar to the restrictions applicable to executive branch officials.

Mr. LAUTENBERG. Mr. President, this amendment expresses the sense of the Senate that, as soon as possible during this year's session, the Senate should limit the acceptance of gifts, meals, and travel by Members and staff in a manner that is substantially similar to the restrictions applicable to executive branch officials.

I supported the amendment just adopted and believe that it is an important first step. At a minimum, the public ought to know about the gifts that Members of Congress receive. There is a perception around the country that we in the Senate, and our friends in the House, are accepting all kinds of freebies that are leading Members to favor a particular group's legislative interests. We've got to do something about that.

I come, as the Presiding Officer does, from the field of business. One of the things that I would be very circumspect about, very diligent about, was whether or not my purchasing agents were getting gifts from suppliers. It was specifically prohibited in my company. That was almost a mandate for job termination, because I did not want that person to be influenced by personal considerations when the well-being of my company, the employees, and shareholders was at stake. Similarly I think we should hold Government officials to very high standards.

Yesterday, along with Senators BOREN, LEVIN, WELLSTONE, FEINGOLD, and KOHL, I introduced legislation to substantially tighten the congressional rules on acceptance of gifts. That legislation, entitled the Congressional Ethics Reform Act, adopts a strengthened version of the executive branch rules, which ban the acceptance of any items of value, with a very limited number of exceptions.

Ideally, I would have liked to have offered that bill as an amendment today. However, the distinguished manager of this bill, Senator LEVIN asked that I not do so, but rather proceed with a sense-of-the-Senate resolution now, and then further consider and perhaps refine the legislation before moving forward.

I know that Senator FORD, the chairman of the Rules Committee, also wants to have an opportunity to look closely at the language.

So given their strong views on this, I am going to hold off for now. But I want to emphasize the last point, "for now."

While I realize that my bill was introduced just yesterday and deserves careful examination from my colleagues, there is no reason why this examination ought to take very long.

After all, these rules have already been established for the executive branch. Federal employees are already living with these guidelines. And while some changes are necessary to adapt them to the Congress, this is not something that ought to take months and months.

For now it is important, in my view, that the Senate go on record in support of a direct prohibition on the acceptance of most gifts, and of getting that done fairly soon.

So this amendment says that it is the sense of the Senate that as soon as possible the Senate should limit the acceptance of gifts, meals, and travel in a manner substantially similar to the restrictions applicable to executive branch officials. I would like to see us act before the August recess.

The amendment would not mandate that the executive branch rules be adopted precisely in the same form. That is actually not possible because of the differences between the way the legislative and the executive branches function. In general, though, the executive branch rules provide a good general framework for the Congress. And since those rules already are in effect for executive branch employees, we know that similar rules are workable. It can be done. In fact, we in the Congress perhaps ought to abide by even stricter rules.

Mr. President, the need to tighten the gift rules is especially urgent, because the public's trust in the Congress is at an alarming low point. That's largely because we in the Congress look to many Americans like a privileged class. But the fact is, Members of Congress should be here to be the servants of the people. And that means we ought to live by the same standards as other citizens.

Unfortunately, there is a widespread perception that Members of the Congress are failing to pursue the public interest and are responding to special interests inside the beltway. In the view of many, Members have lost touch with ordinary Americans, in part because they enjoy an assortment of special perks and privileges that are unavailable to the general public.

Now, I know and I believe deeply that many of my colleagues would not change their view on legislative matters because someone offers to buy them a meal or a gift. But the perception problem is real. And the fact is, many Members of Congress do enjoy special advantages that do not accrue to the ordinary American. And many of these special perks are specifically designed to influence Members in the performance of their official duties.

One prime example, Mr. President, is the way that many lobbyists shower Members of Congress with gifts. It is not unusual for lobbyists to give Members free tickets to, say, a show, a concert, a sporting event, and take them out to dinner before the event, buy them a cup of coffee and some nice desserts afterward or maybe a little champagne. Some lobbyists regularly take Members out for lavish meals at expensive restaurants. Let me add that we do not want to hurt the restaurant business, but this needs to be cleaned up.

Sometimes the lobbyists provide Members with free trips, typically involving stays in luxurious hotels in beautiful places, along with various forms of entertainment, whether it is playing tennis, golf, skiing, you name it.

I know that many of my colleagues feel that Members of Congress would not be influenced by a free dinner or even a luxury trip to the Caribbean. And I concur in that. Members of this body are serious, committed public servants who want to do what is right for their constituents and for the country at large.

However, it seems indisputable that these kinds of gifts have contributed to Americans' deepening distrust of Government, and Congress, in particular. And that is a serious problem, for as public trust diminishes, the ability of Congress to address our Nation's serious problems is also diminished. After all, it's difficult to generate badly needed public support for important initiatives when Congress' intentions are viewed with such cynicism and suspicion.

Mr. President, we ought to move forward as soon as possible during this year's session to tighten the rules on the acceptance of gifts. The current rules are far too lax. Members of the Senate may accept gifts worth up to $250 from any person. It's hard to understand why. Why must we be able to accept gifts of $250? Do people give you gifts because they like you? Maybe friends do. Maybe family does. But from a stranger, a professional, it is hard to imagine that a gift worth up to $249 does not carry with it a subliminal, maybe an overt, message that says, "Hey I want you to remember this when you have some tax legislation being considered; please remember that beautiful clock every time you see it in front of you; please keep that in mind when you sit down in your committee and you hammer out legislation."

Again, I say to you that my colleagues in this Chamber and the other Chamber are fundamentally honest, hardworking people who want to do the right thing. But the public looks at all these gifts, sees expensive clocks, and sees something designed to do something more than just keep time.

Let me return to the weakness in the present rules. As I said, Senators may not receive gifts totalling more than 250 from any one person. But gifts worth less than $100 are not counted. And thus a person engaged in lobbying may legally provide Senators with a virtually unlimited number of gifts worth $99 or less.

So if one wanted to give someone an expensive chess set with silver pieces worth $99 each, they could provide the whole set, along perhaps with the board itself, without being subject to the $100 limit. That's not right.

Another weakness in the current rules is that some types of gifts are excluded from the limits altogether. There is no limit, for example, on the number of meals at Washington restaurants that lobbyists can provide to Senators. In addition, the rules allow Members' broad latitude to accept reimbursement for various travel expenses, regardless of costs.

By contrast, Mr. President, officials in the executive branch must abide by much stricter rules of conduct.

Generally speaking, executive branch officials may not accept gifts from any person who does business with the official's agency or who has interests that may be substantially affected by the performance of the employee's official duties.

There are limited exceptions, such as awards, honorary degrees, food at conferences attended in an official capacity, and other items worth less than $20. However, the rules apply broadly to any items of value, including meals and travel expenses.

Mr. President, the bill I have introduced with Senators BOREN, LEVIN, WELLSTONE, FEINGOLD, and KOHL would require Members and staff to abide by a strengthened version of the rules on gift acceptance that already apply to the executive branch.

My sense-of-the-Senate amendment today does not ask the Senate today to endorse every dot and comma from my bill. But it does call for a vote on similar legislation in the near future.

It says that we ought to abolish rules that permit the perceptions to develop all around that we are here waiting for some lobbyist to take us out to dinner, to wine us, to dine us, to go to the theater, et cetera. We have to do away with that. It's time to wipe the slate clean.

So what I am asking for is my colleagues to vote on a rollcall vote—and I ask for the yeas and nays, Mr. President.

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

The yeas and nays were ordered.

Mr. LAUTENBERG. Mr. President, I want to emphasize again that I do not want to impugn the integrity of any Member of this body or the House. But, Mr. President, public cynicism has reached deeply disturbing levels. As a consequence, practices that seemed innocuous, harmless, just a few years ago, clearly are not as insignificant today.

Mr. President, a strict ban on most gifts is not a cure-all and would not address every abuse in the current system. Clearly, we have to take other steps, like that proposed in this wonderful piece of legislation being offered by Senator Levin and others, to reform our lobbying system; and like legislation proposed by my distinguished colleague from Oklahoma, which I have cosponsored to revise our campaign finance system. We also must take other steps to eliminate special perks and privileges for Members of Congress. However, no comprehensive program for political reform would be complete without addressing the problem of lobbyists' gifts.

So, Mr. President, this is the first step in what I hope will be a Congress that produces real, significant reform. And I want to assure my colleagues that, when it comes to gifts, I will not relent.

I am committed to getting this done. And, in the end, the American people are not going to be denied.

Mr. President, have we asked for the yeas and nays?

The PRESIDING OFFICER (Mr. WOFFORD). The yeas and nays have been ordered.

Mr. LAUTENBERG. I yield the floor.

Mr. BOREN addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. BOREN. Mr. President, I am proud to join with my colleague from New Jersey, Senator LAUTENBERG, in offering this sense-of-the-Senate amendment; just as I was proud to join with him on the introduction of S. 885, which would place into the law the kind of ban on gifts that the Senator from New Jersey has described.

As he indicated, it is very important that we end the gulf that now exists between the people and this institution. The Congress of the United States belongs to the American people. It is very important that the people at the grassroots level feel that, as individual citizens, they are heard by Members of the Congress; that we are truly representative of them.

As my colleague has just said, we face very serious problems in this country. If we do not find ways to get our budget deficits under control, the economic future and security of this country will certainly be placed in jeopardy, as all of us know. That is but one of the many decisions we must make.

Soon we will confront the question of how to reform the health system in this country. We must confront major reforms in the educational system of this country.

If we are to be a leading nation in the world in the next century, we must make sound decisions. We must make them as fast as possible, and we must put this country back on the right track again. To do that will require much sacrifice and commitment by the American people.

And if the people have doubts about the integrity of this institution, if the people doubt that the Members of Congress truly seek to represent them and truly seek to perform public service, in the best sense of that term, the task of making those decisions will be far more difficult.

I suppose that of all the polling data that I have seen that really has saddened me as a Member of the Congress was the question answered by a majority of the American people when asked: Do you believe that the Congress of the United States represents people like you or do you believe that the Congress really represents only the special interests? A rather large majority said, "I believe Congress represents the special interests and it does not represent people like me."

I think all of us are prepared for criticism, as public officials. When I read polling data that says Congress is not doing a very good job in terms of solving the economic problems of this country, I am sorry when I see polling data that indicates that. I am sorry to say that I also, from time to time, agree with the assessment of the people that we are not doing a good job in terms of meeting some of the major challenges that we are confronted with.

But it really saddens me when I see that the people have lost confidence in the institution and have lost confidence in the ability of the Members of Congress to represent people like this. Because I do believe that the vast majority of those of us who have sought to serve in the Congress of the United States and in other public offices sought those offices in the first place because we wanted to render public service and we wanted to make a contribution back to the broader community. We wanted to give back to a country that has done so much for us. We did want to seek to represent the rank and file citizens of this country and to be responsive to their concerns.

And so, Mr. President, a part of rebuilding the strength of this institution and putting this country back on the right track again is the passage of genuine reforms of this institution that will help restore the public trust in the Congress of the United States.

I believe that the proposal by Senator LAUTENBERG is a proposal that heads us in the right direction. The perception that we are able to receive valuable gifts just because we happen to hold public office, that we are able to accept travel to places, to resorts and to other places that many of the constituents who pay our salaries cannot afford themselves—vacations, in essence, at the expense of special interest groups not available to our constituents—that perception must be changed.

I think that the bill which is offered by the Senator from Michigan is another important step in the right direction—tightening the lobbying registration laws and disclosure laws.

The amendment which was adopted a moment ago, to disclose gifts to Members of Congress and staffs, is also a step in the right direction. I commend Senator LEVIN for his long leadership in this area of tightening lobby registration requirements, because a part of restoring confidence in this institution is comprehensive lobby reform. Tightening the registration requirements is an important part of that comprehensive reform.

I am convinced that another important part is the enactment of Senate bill 885, by Senator LAUTENBERG, myself, and others, which will ban the giving of gifts, not only to Members of Congress, but also to the members of their staffs as well.

In addition, if we are going to have comprehensive reform, we must also ultimately address the problem of the revolving door, where people leave positions of public trust and public service to go to work for special-interest groups as soon as they have terminated their service, whether it is the Trade Representative of the United States, who has supposedly been representing our interest, who goes out the door and quits his position or her position to go to work for a foreign government at 5 or 10 times the salary they were making on the Government payroll, or whether it is the Member of Congress or the staff director who retires to go to work for some special-interest group when they had previously been charged with representing the interests of all of the American people. It casts a doubt on the integrity of this system in the minds of the American people, and it adds to that feeling that "Congress does not represent people like me. Congress represents the special interests instead, and sometimes even the foreign interests."

So the adoption of this amendment sends an important signal to our colleagues in those committees that will have jurisdiction over Senate bill 885 that it is our hope that bill will be passed; it will be brought to the Senate floor so we can pass it here with dispatch, and that we can add that second element of important comprehensive lobby reform. After we have passed the Levin bill to tighten registration, we can also add to it a gift ban and I hope ultimately a proposal to close the revolving door.

This is a step in the right direction. I commend my colleague from New Jersey for taking the leadership on this issue, a very important issue in terms of restoration of trust. I am proud to join as a cosponsor of this amendment, and I urge its adoption.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I thank the Senator from Oklahoma for his support and comments, which, as always, were clear and articulate. He is a person regarded by all of us as someone who epitomizes the principles by which we should operate. I share his views on many related legislative matters, and am pleased to have his significant support.

Mr. President, I would point out to my colleagues that industry after industry has developed programs that prohibit gift giving to their employees—again, I come from the business world—because it might influence a purchasing agent or a contract officer.

There are laws against it, as a matter of fact, in many States and many communities, that offer very severe penalties for accepting gifts. There is no good reason to allow exchanges of gifts between suppliers and purchasers—and the same kind of concerns apply when it comes to gifts from others who might want to influence legislation.

There is no logical reason to allow it.

Mr. President, sometimes a gift to a Member represents a gesture of appreciation for something done in the past. But included in that gesture of appreciation often is kind of a subliminal message that says: Hey, listen; remember the person who gave this to you.

I used an example before of the clock ticking away on the desk. I do not want to get the clock manufacturers upset—there are wonderful clock manufacturers; they are beautiful things to have—but when a clock or silver calendar holder sits in the front of the desk, it sends a message that says: Hey, remember me? I am the person who did this for you.

Mr. President, we have to address the public perception that people can have their views influenced, subverted, diverted as a result of a gift. So it is time to get rid of them.

After all, few Americans doubt that this is a body where Members are adequately paid to do their duty. And few Americans would believe that Members need to accept gifts, often from unidentified people, to supplement their income. So I hope we will be able to get wide support for this sense-of-the-Senate resolution.

I note, Mr. President, the distinguished occupant of the chair would like to join as a cosponsor of this legislation, and I include the name of Senator WOFFORD.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, it has been said that common sense is the master workman. I believe that is the case. In regard to this sense-of-the-Senate resolution, I commend my friend from New Jersey, who has been a leader in the Senate from the day he got here, especially as it relates to matters in the workplace. No one in this body has a more renowned record for having accomplished a great deal in the business place than the Senator from New Jersey.

So I commend and applaud the intent of this sense-of-the-Senate resolution. I certainly think his approach to this matter is the right way to go. Rather than coming on this floor and offering this amendment, which would probably pass now, the most logical, sensible way to go is the way the Senator from New Jersey has approached this. That is, to refer this matter to the appropriate committees and, within a reasonable period of time, come back with their recommendation as to how, if at all, this matter should be altered.

I think we do have to look at this amendment very closely—not the intent of it, but the specifics of it. As the Chair knows, and the other Members of this body, I have responsibility as chairman of the Legislative Branch Appropriations Subcommittee. We have, during the period of time I have been on this subcommittee, been heavily involved in what goes on in the Congress, both on the House and the Senate side. We have done a great deal to focus attention on some of the things we do right and some of the things we do wrong. We have changed drastically how we, as Members of the Senate, handle franked mail. It also has applied to the House. They have changed drastically how they handle their franked mail.

There was a time in the last few years when you could not find out how much people mailed, especially in the other body. In the Senate, we have been able for the last several years to look at an account and find out how much mail has come from a specific Senator's office. In the House, that has only been a recent innovation and is one that has opened up this Congress to allow people to know how much the frank is used.

We have also in that regard initiated numerous other changes I need not go into at this time. But we have done it on a consistent basis to improve how we do business here, and so that the public understands how we do business here.

I listened in my office, and on the floor here, to the comments of my friend from New Jersey. One thing he said, for example, is that he believes we should have stricter rules than the executive branch of Government has. If we have rules any stricter than the executive branch of Government, then we will have to start paying the public to serve here. I think it is something we have to look at very, very closely, in our zeal, what we do, to allow us to function here. I understand why we need to have rules in the marketplace to prevent employees from receiving gifts from people they do business with. I think that is important.

But, for example, in the executive branch of Government, the rules do not apply to the President or the Vice President.

Also, in the executive branch of Government, as I understand it, the gifts rule applies only to gifts from persons who have business before an employee's agency or who are regulated by that agency or who are affected by the performance or nonperformance of the employee's governmental duties.

The reason I mention that—and I am confident the committees will review this sense-of-the-Senate resolution—I think that we have to understand that some of the things that we are talking about here would prevent—for example, I have been exchanging gifts with two people I went to high school with. We have exchanged gifts all of our adult life, maybe even before we were adults. Under the proposed rules, the way I read them, my friend Don and my friend Jimmy Joe and I would no longer be able to exchange gifts. I have been exchanging gifts for 30-plus years with these people, and I do not think that is the intent of the sense-of-the-Senate resolution. It is something we have to look at.

I think also, Mr. President, the committees to which this will be referred, we also have to look at—I mean, greeting cards? If we are to a point where we have to be told we cannot accept a Christmas card, I do not think that is really something that the public cares about, whether I get a Christmas card from one of the pages or a friend I have known for 2 weeks or 20 years.

The summary of this Congressional Ethics Reform Act says:

> Members may accept invitations to speak or to participate in widely attended gatherings such as conferences, seminars and receptions.

I sure hope so. If I am asked to speak, I have to get permission from the Ethics Committee to speak to a gathering of teachers or plumbers, Chamber of Commerce?

My point in standing here, Mr. President, is just to make sure that this is not a stampede that is going to leave us so that we cannot represent the people who elected us.

I again say there is no question in my mind what is the intent of the amendment of the Senator from New Jersey. I admire him for coming forward with this, because I, with him, think we have to take a look at how we do business. I am willing to have my subcommittee cooperate in any way that we can possibly do this.

Senator BOREN spoke earlier on the floor about the revolving door. This is something I have had a belief in long before I came to this body. In my days in the Nevada legislature and when I was Lieutenant Governor of the State, when I served as chairman of the Nevada Gaming Commission, I always advocated that people who serve, especially in the very sensitive business in Nevada dealing with gambling, should not be able to be regulating one day and working for one of the gamblers the next day. I always felt that way.

When I served as chairman of the gaming commission, I advocated a law and/or a rule, whichever I could get, that would prevent somebody like me from going to work for the gaming industry for a period of time, for a year, after I got off that job. There was no law passed, but I felt I should live by what I said, so I did not accept any clients in my law practice. lBut it was interesting, after the year went by, people were not as interested as much as if I had accepted them right away, I am sure.

I agree with the intention, but I think I do not believe this Congressional Reform Act that has been submitted and as I reviewed the summary is perfect. I think it is something that needs to be reviewed because it applies not only to us but to members of our staff. I think, as I read it—and I could

be wrong—but it is something the committees need to look at, this rule limiting gifts to members of our staffs. They could not get gifts from any source either. I think that is something that at least the summary leaves some question as to whether a member of my staff could also get Christmas presents from somebody they have known for a while.

Remember always, as we have heard here so many times, we have three separate, equal branches of Government—the legislative, executive, and judicial branches of Government. The reason our Founding Fathers set up these separate but equal branches of Government is that they are different, and different rules should apply, in many instances, to one branch than applies to the other.

I am saying here with the gifts rule, let us take a close look at it and make sure we have covered everything. There are certain things we agree on, clearly, and I think those we do not we should look at very closely. I would say, Mr. President, that even the most innocent tokens of appreciation or personal friendships could be construed as ethical violations, as I read this proposal that is now in the sense-of-the-Senate resolution.

I repeat for the third time, I say this not to state any opposition to the sense-of-the-Senate resolution offered by my friend from New Jersey, but I think we need to be aware of some of the problems that we may create in trying to solve a problem that is perceived by us and perhaps members of the public that need to be remedied. Any Member of this body any time, now or when we were first made a republic, can refuse to accept a gift in any manner. They can refuse to accept Christmas cards. They can just put "Return to Sender." They can refuse to accept gifts given from their longtime friends or lobbyists. Anyone can do that right now. So there is no one who forces a gift upon anyone. In fact, I think any Member should and hopefully does decline anything that would compromise them in any way.

So I believe, in closing, Mr. President, that rather than take a haphazard approach—and certainly I am not suggesting this legislation is haphazard—that we need to take a look at the gifts rule and the other things encompassed in this amendment and have the Rules Committee and perhaps the legislative branch, which also has jurisdiction over some of these matters, take a close look at them and see if there are things we can do to improve this sense-of-the-Senate resolution and, most of all, use our common sense, both in how we fulfill our duties and how we apply any necessary standards to the performance of these duties.

Mr. LAUTENBERG addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I would like to say, for just a moment, that there are few in this body who I respect more, or for whom I have more affection, than my friend from Nevada. When it comes to integrity, he is one of the persons we all look to, because he has been a real leader in this area.

He is, as he indicated, chairman of the legislative branch Subcommittee on Appropriations, which provides money for committee funding, et cetera, office funding. He has always been very diligent about pointing out the deficiencies of the system. I appreciate his comments today about the need to ensure that we do not overrun the system with rules that may constrict more than help. We take that admonition very seriously and listen carefully when my friend from Nevada speaks.

Of course, as this is a sense-of-the-Senate resolution we need not get into a debate about all the specific rules that are appropriate. But I do want to respond to something that the distinguished Senator from Nevada said. The amendment calls in general terms for rules that are substantially similar to those that apply in the executive branch. Earlier I said that I thought that the rules for the Congress perhaps should be even more strict. I want to clarify that this would not be required by the amendment.

Then there is also a question about a Christmas card exchange. There happens to be in the rules now an exemption for greeting cards. And it is my intent, as evidenced by the bill we introduced yesterday, that gifts from friends should not be restricted. And no one is going to question gifts in the context of a genuine long-term relationship.

But, Mr. President, I submit to my friend from Nevada that if a stranger comes up and offers you a gift and you are out on the street, you say, hey, wait a second. Why am I getting this? There has to be some reason behind this.

When people entrusted with the affairs of the country, as we are, suddenly get a gift from out of nowhere, that should raise at least the same suspicion. We should ask ourselves: Why? Is it the way I look today; the speech I made last night?

Mr. President, let's be realistic. Lobbyists are registered because their goal is to influence people and to move legislation their way or their client's way.

So, again, our intent is not to limit gifts where old friendships exist. But we ought to be wary of anyone else who comes up with expensive gifts or who suddenly wants to take us out to dinner or lunch or otherwise.

So, Mr. President, I say to my friend from Nevada, we hear what he is saying. We respect it greatly. We know he is with us in concept, and we will be very careful about the details. For now, we are calling for a sense-of-the-Senate resolution which says basically we ought to adopt with rules similar to those that apply in the executive branch.

In the legislation introduced yesterday, we do propose to strengthen the rules somewhat, as they would apply to the Congress. While the executive branch rules limit gifts from those with interests before an employee's agency, our legislation would limit gifts from anyone other than a family member or personal friend, even if the giver does not have a direct interest in pending legislation.

Incidentally, in response to something else that my friend from Nevada mentioned about different branches of Government, I would note that I think there are significant restrictions on giving gifts to judges.

So, yes, Congress operates differently than the other two branches. But many of the same ethical standards should apply. And I think the executive branch standards are pretty good.

So, Mr. President, I hope we will be able to move this resolution with dispatch and get a rollcall vote.

Mr. REID. Will the Senator yield for a question?

Mr. LAUTENBERG. Certainly.

Mr. REID. Did the Senator from New Jersey say beware of strangers bearing gifts?

Mr. LAUTENBERG. I wish I had, but that is essentially what I said. I used different words like wipe the slate clean, which probably exaggerates the situation.

Again, I doubt that many, if any, of my colleagues are influenced by an elaborate meal or a trip. But we want to avoid that opportunity and the associated public perception. And that is the purpose of this resolution.

I thank my friend from Nevada for his comments.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, there is no question in my mind that the congressional gift rules are inadequate and should be changed. That is why I have cosponsored the Lautenberg resolution. Right now, the gifts rules permit Members and staff to accept any number of gifts up to $100 each without disclosure and without limit.

Now, I do not believe for 1 minute that Members of Congress can be purchased for the price of a pair of football tickets or a fancy dinner. The acceptance of such gifts creates the appearance often of impropriety. The public is tired of hearing reports about financial favors received by Members of Congress and their staffs, and it is time for us to change the rules and get this problem behind us.

In February, the executive branch adopted much stricter rules for its em-

ployees. If executive branch employees can live under those standards, there is no good reason why Congress should not. That is the approach taken by the Lautenberg bill in general. It will tighten our standards in general to match the new executive branch standards. They are tough, but I think they are the right direction to go, and I congratulate Senator LAUTENBERG for his initiative in taking on this issue. But the standards in the executive branch are complex.

The executive branch rules run 15 pages. The Lautenberg bill is 17 pages. The executive branch rules took years to be developed. I hope that our new rules will come from the Rules Committee and will be reported out in a matter of months.

Last, Mr. President, I wish to comment on the thoughts of the Senator from Nevada, while he is on the floor, because he makes a very important point of which we should all take heed.

There are issues we have to address in our representative capacity. What do we do with home-State products? Are we not going to be allowed to distribute home-State products to boost them? This is not something which benefits us. This is something which is of benefit to the wine, or whatever, industry we are trying to boost. Would that be a gift to us?

What about widely attended receptions? We go to a VFW reception. The tickets to that reception are $25. Are we not going to be able to go to those receptions which are attended by 500 or 1,000 people without our buying the ticket to each one? How can we represent the VFW well if we cannot go to their receptions unless we pay for all of these receptions?

What about being a guest at the Cancer Society dinner? We are the guest of honor. Our name is used to try to maybe bring in a few additional people. Will we have to then purchase the dinner ticket at that dinner where we are the guest of honor, and then for all of these dinners and all of these receptions will we then either be prohibited from going or have to buy the ticket, which for many of us is prohibitive, personally prohibitive?

So the Senator from Nevada makes a very important point, and I think the Senator from New Jersey has acknowledged that we have to do this carefully so we do not undermine our own capability to represent our constituents. That is why the Lautenberg resolution seems to me so important. This sense-of-the-Senate amendment will refer this matter to the Rules Committee with some direction, saying it is our sense that we ought to do this as quickly as possible, but that we should limit the acceptance of gifts, meals, and travel in a manner substantially similar to restrictions applicable to executive branch officials.

I believe that is the right way to go, and as we go down that road, hopefully, we will keep in mind, very much in mind, the thoughts of the Senator from Nevada.

There are many other examples, by the way, like that, and I think the Senator from New Jersey and others acknowledge that we have to do this carefully, and the Rules Committee is the right place to do it. But we want them to act promptly.

Mr. President, I yield the floor. I believe we are trying to work out a time agreement on the Lautenberg amendment. I do not know if the Senator from New Jersey has yet been involved in those discussions. If not, I would suggest, unless someone else wants the floor, that a quorum——

Mr. REID. Will the Senator yield for a unanimous-consent request?

Mr. LEVIN. Yes.

Mr. REID. I ask unanimous consent that my name be added as a cosponsor of the Lautenberg amendment.

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

Mr. LEVIN. Again, I commend my friend from New Jersey. His leadership in this area has been stalwart. It is essential he proceed on the course he is headed. I am glad he is setting some parameters for when we determine we are going to move some restriction on gifts, and without the kind of energy and force he has displayed we are not going to get it done.

And we have to get it done. We have to change the way we do business on gifts. It is that simple. We want to do it right but we have to do it. The Senator from New Jersey is keeping us on that track. I commend him for it. I am proud to cosponsor his amendment.

Mr. LAUTENBERG. Mr. President, I thank the Senator from Michigan, as well as I am pleased to have the Senator from Nevada join in as a cosponsor.

Mr. President, there are questions that arise; and again careful study before we see this enacted into law is required. The situation, for example, that the Senator from Michigan raises about the VFW conference. I happen to be a member of the VFW, so my life membership might get me by. But there are other situations that we would be looking at.

It is our intent to do something that is similar to that which is included in what our legislation will be; that is, if one is invited to attend a large meeting on behalf of an organization, that is likely to be an acceptable process. However, if there is a meeting, and a ballet performance with a $1,000 particular ticket, or $100 ticket that might be purchased by a lobbyist, that would be ruled out.

So we will be working with some of the refinements. We do not want to inhibit any personal relationships that existed before. Everyone knows what we are trying to do here; that is, to get rid of the possible situation where influence can be peddled to a Member of the Congress.

We will pursue it.

I am not sure whether or not we are going to be talking about a time agreement with our colleagues. But to give us time to have some discussion with it, Mr. President, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. LEVIN. Mr. President, I ask unanimous consent that the Senator from Minnesota [Mr. DURENBERGER] be allowed to proceed as in morning business for 7 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Minnesota.

NO CLEAR GOALS IN BOSNIA

Mr. DURENBERGER. Mr. President, I rise today to address the question of the involvement of United States military forces in the conflict in the former Yugoslavia.

Allow me to begin by quoting a European statesman on the subject of the unrest in the Balkans:

> If the President demands something, the Serbian government must yield, and if she does not, then Belgrade will be bombarded and if necessary occupied until the will of the President is fulfilled. You must rest assured that I stand behind you and ready to draw the sword.

Mr. President, that quote does not come to us from Helmut Kohl, or John Major, or Francois Mitterrand. It does not even come to us from our own period of history.

The Speaker was Kaiser Wilhelm of Germany. And the time was August 1914.

Different people, different time. But the very same problem we are confronting today—the militarism of Serbian nationalists, and a reign of terror against innocent people.

And even the solution proposed is the same—united military action to resolve the conflict.

Do we stand on the brink of a cataclysm on the scale of World War I? I would say no.

But can we safely ignore the lesson of that earlier Balkan adventure? This is a question we must all ponder closely in our hearts.

So I do not rise today in support of United States involvement in Bosnia. Nor do I rise in opposition—yet.

But I want to make it clear that I have extremely serious reservations about President Clinton's policy.

The President has not demonstrated under what circumstances a Bosnian

involvement is in the national interest of the United States.

The President has not demonstrated precisely which goals he is contemplating pursuing.

So the President has not defined our role. And he has not defined our goal.

If the history of U.S. involvement in other events, for example, in the civil war in Lebanon—back in the early 1980's—has one clear lesson to teach us, it is this:

No role. No goal. No go.

Mr. President, I want to make it clear that I am not prejudging the question of United States involvement in Bosnia. But the definition of a national interest—and the articulation of a clear and achievable goal—constitute, together, an absolute sine qua non of a successful military action.

These two crucial factors are precisely what is missing—so far—in the Clinton administration's policy on Bosnia.

These factors are not just desirable. They are essential. The Chairman of the Joint Chiefs of Staff, Gen. Colin Powell, estimates that a successful peacekeeping effort in Bosnia could require a troop strength of 500,000 soldiers.

To give you an idea of the potential scale of that kind of an intervention, let me point out that we had 20,000 troops in Somalia, for 5 months, at a cost of $1.87 billion. A Bosnian intervention, on the scale described by General Powell could therefore cost in the neighborhood of $50 to $100 billion—depending on the length of the hostilities. And there is no host country or oil-producing neighbors to pay for it.

The administration may well issue a rejoinder to the effect that no U.S. commitment on that scale is envisioned. Our expense—and our goals—will be much more modest.

But this still leaves us far from an answer to the essential questions: What are we doing there? And what precisely are we trying to accomplish?

President Clinton wants America to be a leader—a powerful moral authority for peace and freedom. This is a goal which I sincerely hope is shared by all Americans. I know I share it.

But we cannot exercise moral leadership if we lack honesty—honesty with ourselves about our goals, and about our commitment to them.

This is a defining point in international relations. The days of bipolar conflict are over. We are in the age now of instant information—but the growth of our intelligence and the refinement of our shared ideals has not kept pace with the growth in our ability to communicate information.

It is now—at the beginning of a time of geopolitical uncertainty, rather than later—that we should invest the time and intellectual effort required to define the world order we seek to build.

If we assume a leadership role in a particular conflict, we assume responsibility for the result. If we establish a situation in which our initial deployment is open-ended, what we will create is a dynamic for escalation—and an eventual choice between failure, and success at a prohibitive cost.

Surely this is one lesson of Vietnam that has been seared into our national psyche—do not make foreign policy commitments without the understanding, the backing, and the informed engagement of the American people.

We have to know what we are trying to accomplish in the Balkans, and why. To say that the brutal TV images of Serbian aggression require a humanitarian response on the part of the United States is simply insufficient.

The question is not whether we approve of the actions of the Serbs. It is not about whether we approve of ethnic cleansing. It is not even about whether the Holocaust is an appropriate analogy.

It is not about any of these things.

It is about what we, as a people, are prepared to do about the suffering we see in the Balkans.

And this is emphatically not a decision that can be made unilaterally by the President of the United States. Twenty-nine years ago, after the Gulf of Tonkin, Lyndon Johnson succeeded in establishing a major American military commitment.

As the subsequent tragedy in Southeast Asia proves, it is not enough to carve out a policy beachhead. You have to know how far you are going to go—and you have to know when you have gotten there.

To this end, I ask my colleagues to join me in calling upon the President to articulate a clear strategy and clear goals for any proposed United States involvement in the Balkan war. The goal which the President has outlined is far too vague—the goal must be concrete, achievable, and decisive.

And we need to distinguish between peacemaking and peacekeeping. We do not yet know which of these will be our mission, and I think the President ought to tell us what he thinks about the subject.

We have to shift the debate from how to start a Bosnian mission—air strikes, ground forces, and so forth—to the much more important question of how to finish it.

Do we want to have the Serb Government protecting Moslems? Do we want a reunified Yugoslavia? Are we willing to establish what amounts to a United States trust territory in the Balkans, into the indefinite future? I do not have an answer to these questions, but I am genuinely alarmed at the fact that they are not even being asked.

So I ask the President to defer any commitment until the American people—through their representatives in Congress—have had a chance to confront the issues at stake in this decision to begin U.S. military involvement.

Most of my colleagues will remember the debates we had about President Bush's decision to go to war in the Persian Gulf. I am not alone in thinking of those debates as one of the finest moments in the history of the U.S. Senate. It brought out the best in all of us—on both sides of that question.

A full and informed debate is equally essential in the case of any proposed involvement in Bosnia.

If the President wants to commit U.S. troops, he simply must come before Congress to ask for debate—and to ask for authorization.

Because when America does go to war, it must go united.

When America goes to war—or to an armed peacemaking effort—it must go on the basis of good information, clear thought and intelligent choices.

And if our direct national security interest is not clear, then what needs to be understood is the shared ideals—political and humanitarian—on which the risk is premised.

So, Mr. President, to violate these principles is to risk a calamity that would be especially shameful because it is entirely avoidable. The judgment of history on rash decisions is written in clear, bold letters. In the jungles of Vietnam and in the rubble of the Marine barracks in Beirut.

We ignore this judgment at our peril.

So I ask President Clinton to help the American people understand the issues at stake in this Bosnian engagement. I ask him to help me understand these issues.

And I ask him to do it now because later, there will not be time. The time for thought is before action—and before the commitment of American troops to a mission that has yet to be clearly defined.

Mr. President, I ask unanimous consent that an article in the St. Paul Pioneer Press by editorial writer D.J. Tice, addressing some of these issues be printed in the RECORD.

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

[From the St. Paul Pioneer Press, May 5, 1993]

MORAL OUTRAGE, NOT OUR NATIONAL INTERESTS, IS THE FACTOR PROPELLING U.S. INTO BOSNIA

(By D.J. Tice)

A sprawling consensus that it's time for America to intervene militarily in the Bosnian civil war has congealed among the nation's opinion leaders. With President Clinton in the lead, the united front willing to contemplate at least U.S. airstrikes stretches impressively from Bob Dole to Paul Wellstone, from Anthony Lewis to William Safire.

Serbian leaders, now reconsidering the U.N. peace plan they have spurned for months, are squirming in the face of this American wrath, as well they might. America's blood is up on Bosnia—or, at least, the blood of its politicians and pundits is up, which is good (or bad) enough.

It's not quite impossible, this week, to hope that the U.S. chest pounding may itself

prove sufficient to end the fighting. It's not quite impossible, just desperately difficult.

In any case, just as Serb leaders defy the swelling American war spirit at their peril, an American commentator questions the wisdom of the prestigious consensus spoiling for a fight with trepidation. Many perfectly sensible people are convinced America must enter the Bosnian fray.

It's probably some blindness in me that I can't share their certainty.

If the President chooses to act, to send young Americans into battle, they, and he, will have my support. But for now, doubts haunt me.

The central doubt is whether America has a compelling national interest in controlling the outcome of the Bosnian war—and, if not, whether the new foreign-policy doctrine seemingly being formulated is a plausible one that can long enjoy public support.

The case for action in Bosnia is by and large a moral case—a conviction that America has a moral obligation to end the abuse and killing of besieged Muslim civilians there.

No doubt, ending suffering and death would in any circumstance constitute a moral act. But it's less clear how the Bosnian war differs from dozens of conflicts in recent decades in which the United States might have intervened on the same grounds, but didn't.

America didn't go to war to end brutal, famine-triggering civil wars in Ethiopa, Sudan and other African states. We didn't intervene in the Iraq-Iran war, or earlier in the Khmer Rouge horror in Cambodia. Is the Serbs' admittedly stomach-turning brutalization of Bosnian Muslims fundamentally different from those and other tragic conflicts America has stood by and watched?

It seems more likely that a profound, new post-Cold War foreign-policy doctrine is in the making in the Bosnia debate (it was at work in the Somalia intervention, too, though the risks were smaller there). It is a doctrine, it seems that America faces a moral imperative to relieve by force all severe civilian persecution in war (which is not exactly uncommon), whether America has an overriding national interest in the conflict or not.

Such a foreign policy would be morally generous, to be sure. But it would also be an onerous and unprecedented national commitment. It might, if faithfully fulfilled, keep young Americans in harm's way, somewhere in the world, more or less perpetually.

Perhaps, as many seem to think, this is a moral burden America must bear in the post-Cold War world. (It sure suggests we've gotten over the "Vietnam syndrome.") But two questions: Will the American people support this world-police policy indefinitely? And will the kind of deep military budget cuts now being contemplated allow us to maintain a fighting force capable of carrying out this extraordinary mission?

The case is also made, of course, that the Balkan fighting puts vital American interests at risk by threatening a wider Mediterranean war. Yet, if the danger of spreading war is great, will limited airstrikes secure the peace? And would arming the besieged Muslims, surely prolonging the battle in Bosnia, reduce or intensify the threat?

Finally, what is America's ultimate objective in Bosnia, and how do we intend to achieve it? The U.N. peace plan, carving tiny Bosnia into 10 "semiautonomous" ethnic regions, seems an almost farcical nonsolution. What will this jigsaw Bosnia be but a mosaic of hostile camps—a war in waiting?

Is there any real cure in this to the territorial rivalries, mutual suspicions and nationalist aspirations of the Balkan peoples? If not, how long can America and its allies suppress the battle with airstrikes? And if airstrikes don't work, what then? Most proponents of action, the administration included, continue to rule out commitment of U.S. ground troops, except as "peacekeepers"—an eerie distinction that often means any deployed troops will lack sufficient resources to defend themselves and control events.

It discomforts me to no end to have doubts about a course of action that seems so plainly necessary to so many smart and serious people. But America's march toward war in Bosnia still seems long on moral outrage, on an urge to do something, and troubling short on pragmatic strategy and realistic view of national interests.

Mr. DURENBERGER. Mr. President, I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

STAR PRINT—S. 847

Mr. LEVIN. Mr. President, I ask unanimous consent that S. 847, a bill to provide for the assignment of female members to combat duty on ships, be star printed to reflect the changes which I now send to the desk.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. 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.

LOBBYING DISCLOSURE ACT OF 1993

The Senate continued with the consideration of the bill.

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Mr. President, I ask unanimous consent that the following be the only amendments remaining in order to S. 349 and that they be considered under the following time limitations equally divided in the usual form:

An amendment by Senator STEVENS regarding simultaneous filing with the House and the Senate, 30 minutes; an amendment by Senator STEVENS requiring disclosure of $1,000 or more annually, 2 hours; an amendment by Senator GRAMM of Texas relevant to the bill requiring disclosure to which relevant second-degree amendments would be in order; an amendment by Senator MCCONNELL regarding sense of the Senate on the savings from the repeal of the deductibility of lobbying expenses to be used for child immunization, 30 minutes; an amendment by Senators MITCHELL and BOREN regarding a sense of the Senate on political action committees and voluntary spending limits, 30 minutes; an amendment by Senator PRESSLER regarding the banning of political action committees, 30 minutes; an amendment by Senators LEVIN and COHEN in lieu of the committee amendments which Senator LEVIN will be eligible to withdraw upon the call for the regular order made by the majority leader in accordance with the earlier consent agreement.

Further, that there be 1 hour remaining on the Lautenberg amendment No. 347, equally divided between Senators STEVENS and LEVIN, with the Lautenberg amendment laid aside to recur upon the disposition of the Stevens amendments, if offered, or 1 p.m., whichever is later.

I further ask unanimous consent that, when the Senate resumes consideration of S. 349 at 10 a.m. tomorrow, Senator STEVENS be recognized to offer one of his amendments.

I ask unanimous consent that the Pressler amendment not be in order unless the Mitchell-Boren amendment is offered and disposed of; further, that these amendments all be first-degree amendments only; that Senator STEVENS be permitted to modify his disclosure amendment after it is offered, providing the modification is relevant to the subject matter of the original amendment; that no motions to recommit be in order; and that, when these amendments are disposed of, the Senate proceed to third reading and final passage of the bill, without any intervening action or debate.

Mr. President, I ask the Chair to withhold putting the request to the Senate pending a clarification.

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. COHEN. 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. COHEN. Mr. President, yesterday I offered some remarks to this body in the spirit that I thought that we owed a higher obligation to the people of this country than to simply engage in a kind of mindless firing of shots across the bow only to receive another volley across our own. While there are serious and substantive differences on the President's economic stimulus package, I felt that we had made our respective points and that we ought to get down to the serious business of this Nation.

I said that with the hope that we might take up and pass a bill which Senator LEVIN and I worked on with other members of the committee, which enjoys very strong bipartisan support. This is not a partisan issue. We have a problem as far as the perception and the reality of lobbying disclosure. This is a 2- or 3-year effort, perhaps even longer, on the part of Senator LEVIN and his staff and mine. We are trying to resolve the issue in a way that is fair to lobbyists who, after all, represent the people of this country, be it special or nonspecial interest, and at the same time assure the public that lobbyists are making full disclosure so the public knows who is lobbying whom on behalf of whom and on what issue. That was the very direct, simple purpose of this legislation.

I would have hoped that we could have kept off all of the extraneous or nongermane amendments and do something in a relatively brief period of time, knowing that there were a number of amendments which would be controversial but at least pertain to the bill. Then last evening, of course, an amendment was offered dealing with campaign finance; in essence, the banning of political action committees. I would like to say just a few words about that particular issue.

It is my belief that every reform carries with it the seeds of its own abuse. Every reform that we pass eventually will become subject to abuse and will be in need of reform itself. That is exactly what happened with respect to the creation of political action committees. They came about as a result, or in the wake of, the Watergate scandal. People saw there were large contributions being made to respective parties and that much of it was undisclosed, and in cash.

There was a perception that somehow labor had enjoyed an advantage over business; that Democrats had an advantage over Republicans. There was a political action committee called COPE which was not available to Republican Members. So, in the wake of the Watergate scandal, we said: How about if we allow Republican Members or the private sector to gather together their members and make a consolidated contribution to whomever they want? Again, this came about as a direct reform in the wake of the Watergate scandal. But it had its motivation also in partisan attempt to even the scale somewhat. The feeling was that the Democrats enjoyed an advantage and the Republicans did not.

So one thought was that if we allow small contributors to band together to form political action committees, there would, in fact, be a proliferation of political action committees. After all, as Jefferson pointed out, this Nation is made up of special interests, which I tried to point out last night. Everyone in this country has a special interest. The thought was if we limit the amount of contributions, we know PAC's are going to be expanded and encourage greater participation.

Our hope was that we would encourage more people to get involved. So the creation of the political action committees came about under the belief and the assumption that we would balance the scales: Democrats would not enjoy a greater degree of support than Republicans; labor would not have an advantage over business; and we would reform the political system.

Now what has happened? PAC's have suddenly become the evil of our society, according to some. I must tell you, I find it difficult to draw certain distinctions. If, for example, a president of a company—let us call it the XYZ Co.—and his wife each contributes $2,000 under the existing campaign laws, they are allowed to do that. No one questions that. If that same president is the head of a company in which the top executives each contribute $100 apiece into a fund that totals up to $5,000, now that is seen as being an undue influence on the political system.

I have trouble distinguishing between those two cases—between the contributions of the president of the company and his wife, or the executives of a company—their contributions being roughly equal.

Nonetheless, the perception is that PAC's have somehow corroded our political system. So if that is the case, I am fully prepared—fully prepared—to say let us not have them anymore, even though I have doubts as to whether that is, in fact, going to clean up the system in the eyes of the American people.

But there is a political motivation behind this, as well. The fact is that Republicans see that the Democrats currently enjoy an advantage under our current financing system. Because you are a majority in both Houses and because you now occupy the White House, you have an advantage because political action committees do not necessarily have a moral conscience; they act out of self-interest.

And even though one might expect a business PAC to support a Republican challenger or incumbent, it does not necessarily follow that will be the case because, if there is in fact a Democratic incumbent, many of the PAC's feel obligated to protect their special interest by supporting the incumbent Representative or Senator; namely, a Democratic majority.

So now we see proliferation of PAC's not as evening things out but, rather, simply reinforcing the advantage that Democrats currently enjoy in both the House and the Senate. So there is in fact a political motivation to what we are doing.

My own view is, let us abolish the PAC's. I have a question as to whether you can do that constitutionally. But assuming it is constitutional, just get rid of PAC's.

But the question is why do we have to do it on this bill? It is a legitimate issue. Any Senator has a right to offer a campaign finance amendment and, indeed, one is pending. But I have a question as to why we are doing it on this particular piece of legislation. If we are going to offer an amendment, then certainly the majority has a right to amend it in the second degree, to make its political point, because they may not like unlimited campaign funding, because they may think that gives us an advantage. And so here we are fighting out the political advantages and disadvantages, pros and cons on a bill which really is not relevant to what we are trying to take up.

For all practical purposes, we have been here for 2 days, and we are likely to be here for another day on a bill that in all probability should have been wrapped up if not last night then certainly by today.

Mr. President, I must say that we are giving the American people quite an example. It is not gridlock. It is not porklock. It is simply a lockout. We have paralysis, and it is not because of a partisan jockeying right here, right now as to who is going to go forward. We are just breaking down because we are attaching amendments to bills which really are not relevant, and we are doing so to score political points.

Now, these points can be argued and should be argued next week, or the week after next. Whenever the majority wants to bring up its campaign finance legislation, we are fully prepared to debate them on each and every issue. We will contest virtually every provision because there are legitimate differences. But I must say that for us to engage in this kind of attempt to amend this bill at this time, once again wasting 2 full days, it seems to me is doing a great disservice to the American people.

Now, we are going to be faced tonight, as a result, with the majority leader asking the Sergeant at Arms to call all Senators back into session. It is unnecessary. It is regrettable. But I think it is inevitable at this point.

Mr. President, I am here to manage the minority side of the bill. I hope I can do so without compromising any of the minority's rights. But I must tell you my own sense of frustration is reaching the level that I think matches that of the American public. They are becoming disenchanted with us because we are not moving. We are simply delaying. We are not even debating. We are simply waiting. And we are not "Waiting for Godot." We are not even waiting for BOB DOLE at this point, because he is fully ready and willing to come to the floor at a moment's notice.

But I would say that tonight we are going to be in session, we should be in

session, and, hopefully, there will be amendments offered on behalf of either the majority or the minority.

Mr. President, I yield the floor.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, first, let me say that I agree with my friend from Maine. The campaign finance reform issue has no place on this bill. We cannot prevent a Senator from offering that amendment. Indeed, the Senator from South Dakota offered an amendment relative to PAC's. We cannot prevent that from being offered under the rules of the Senate. Once that issue is moved by that Senator, however, that then precipitates a debate on campaign finance reform.

What has happened is that a debate on campaign finance reform, which is going to take place next week anyway or the week after, is then brought forth on this bill where it has no place at all and could well just delay or destroy this bipartisan effort. Both the Republican manager and myself, and I believe the leadership—they can speak for themselves—would be perfectly happy to say no campaign finance reform amendment on this bill, period, if we could get unanimous consent.

But that requires the consent of every Senator. It is up to 100 Senators. Each Senator has a right to offer an amendment and there is an amendment which is pending. Since there is an amendment that is pending, we have a right to offer a second-degree amendment to that amendment. If another campaign finance reform amendment is offered, people who have a different point of view have a right under the rules to offer a second-degree amendment. But the precipitating factor is the initial offering of a campaign finance reform amendment.

I wish it has not happened. I hope it will be withdrawn or disposed of in some way. It does not belong on this bill. It belongs in a debate on campaign finance reform. That debate is going to take place anyway.

So my friend from Maine is exactly right. I share his frustration. I must say that I hope somehow or another whoever is not willing to move campaign finance reform off this bill and onto the bill where it belongs, that those folks will relent and let us get on with our business, because the people want us to reform lobbying disclosure.

For 50 years we have tried to reform lobbying disclosure. Harry Truman tried to reform lobbying disclosure. He appointed a commission. The commission could not agree. Lyndon Johnson wanted to reform lobbying disclosure. He could not get it done. There was deadlock between the House and the Senate—for five decades now starting in the 1940's.

There has been deadlock on what we are trying to do here. We have a bipartisan bill. We do not have a deadlock on the disclosure of lobbyists. We have agreed on this basic bill. It is the intrusion of these other matters—very important matters, by the way. Campaign finance reform is very, very important. There is a place for it. It is coming up.

I would plead to the sponsor of the amendment that initiated this debate on campaign finance reform to allow that debate to take place where it belongs, which is on the campaign finance reform bill, and not to just make it impossible for us to proceed and dispose of a matter which is also important.

We want lobbyists, finally, to tell the public what these laws on the books have intended them to tell the public since 1946. Who is paying them, how much, to lobby on what issues? That is what our bill does; the bipartisan bill. And we ought to be allowed to get on with it. I hope we are.

Mr. COHEN. Mr. President, let me say it is not only one single amendment dealing with PAC's. I cite that as an example. But since last evening there has been a proliferation of amendments many of which really do not pertain to this bill.

So what we have done is set in motion a dynamic which is repeated too often. I made the statement before the committee, which my distinguished colleague friend from Oklahoma chairs, in behalf of the Senate, for the committee to study the reform of this institution.

I made the observation that here we are sitting day after day, looking at chart after chart. There were 14 charts laid out before the committee. We looked at them every single day; we held a meeting trying to figure out how we can rearrange the boxes. Do we merge appropriations and authorization? Do we put the select committees under the jurisdiction of a major legislative committee? How many do we have, eight? Do we have 14? We do all of this calculation as to how we can eliminate the overlapping jurisdiction, the redundancy, the duplication, the waste and inefficiency? And it is all to naught.

It is all irrelevant and futile unless we impose the discipline upon ourselves. We can go through this. We could make the recommendation to the chairman. We can support them, come back, adopt them, assuming we can adopt them, and nothing will have changed because we will be right back here next year doing the same thing—offering amendments whenever we can to think we are going to score political points.

Part of politics, I suppose, is scoring political points. But right now at a time when all the polls show that only 27 percent of the people of this country have any hope—27 percent have hope—the rest are apprehensive. They are scared. They want us to do something.

Well, here is a bill with which we think we can do something without engaging in the partisan slinging back and forth. Immediately we are bogged down with a series—not just one amendment but a series—of amendments which have little to do with this measure.

So I would say to my friend from Oklahoma that I give him credit for all the time and devotion he has dedicated to this issue of congressional reform. But the most important reform is for each of us to delegate to the majority leader, to the minority leader, to the chairman and chairwomen of our respective committees, some degree of deference.

If I spend all of my time trying to become an expert in the field of defense matters or intelligence matters, or Government matters, or aging issues, I would hope that my colleagues might defer to that effort so that when a bill comes to the floor, those members on the committee would have at least the presumption that they put a lot of work and effort that deserve support. What happens? A defense bill, by way of example, comes to the floor of the Senate. Before it hits the floor there are 155 amendments pending. And we will spend a week, or 2 weeks, or whatever the time, for each Member, then a certified expert in the field, to superimpose their own judgment on the committee.

That is permitted, and perhaps even encouraged under the rules of the Senate. But I must say if we continue to do that, time after time, the country is going to continue to watch these proceedings and say, what in the world are they doing? Is this how democracy is supposed to work? Is this representative Government at its best? Or are we simply interested in trying to score points?

I would say it has to stop. It has to take discipline. We have to do it ourselves. We have to impose that discipline upon ourselves.

We are not going to get rules changes through. There are too many people in this institution who think the rules need not to be changed, but perhaps the Members do. So they are going to have to come to terms with their own inclinations, and this is something we have to curb—that desire to score points on bills, which really are not relevant to that issue.

We do not have a germaneness rule. We are not like the House. It is not within the tradition of the Senate to limit ourselves in what we can offer as amendments. But certainly there should be some discipline exercised. We should pick our spots, so to speak—both parties—but try to find a vehicle which we both can agree on, which will do, we think, some good, and pass it.

Mr. BOREN. Mr. President, I want to compliment my colleague from Maine for the remarks which he has just been

making, and my friend and colleague from Michigan as well.

I think that the dialog between the two of them is very instructive. It also expresses a spirit which is very badly needed, and that is mutual respect and a bipartisan approach to serious issues attempting to move the legislative agenda ahead.

I want to commend both of them for it. My colleague from Maine has just talked about the work of our special committee on the organization of Congress, a committee constituted to try to reform this institution, review of this institution.

I believe that the Senator from Maine is absolutely correct when he says it is not only going to take some organization and improvements for us to begin to function as we should, but it is going to take a new spirit of responsibility, a new spirit of trying to make decisions in an orderly way, a new spirit of mutual self respect in order to get things done.

As one who will manage the campaign finance reform bill on this side of the aisle, hopefully a bill that will be bipartisan, I will assure my colleagues that when that issue comes to the floor there will be an opportunity to debate all of these issues—the issues of political action committees, the issues of how campaign finance reform shall be funded, and all of the other important issues dealing with that legislation.

There will be no attempt on this side of the aisle to prevent a thorough discussion and decisions being made by the Members of this body of the important issues dealing with that subject.

The President has indicated, and has sent many messages to those on both sides of the aisle, that he welcomes input. He will soon be announcing his own proposals, and announcing them again in the spirit of wanting to receive input from both sides of the aisle, allowing some time to pass for the receipt of that input.

So I agree very strongly with my colleagues, Senators COHEN and LEVIN, that we should move ahead and make the progress that we can make on this bill; that we should move ahead and achieve a measure of success on lobby registration and disclosure.

If we want to restore the trust of the American people in this institution, we must do our business in an orderly way, in a bipartisan fashion, when we can, and then still allow for that clash of views between those who legitimately have different perspectives on issues to occur at the proper time and in the proper forum.

So, Mr. President, I think that the Senator from Maine is correct that the American people are worried, frightened, and we do nothing to reassure them when we appear more interested in having political debates than in moving forward to solutions to the problems this country faces.

So I join both managers in urging our colleagues to restrain themselves and put forward amendments that only deal with lobby disclosure. There are many other issues that could be taken up in the area of reform of the institution. But let us move forward on this one.

I state to those that have interest in the issue of campaign finance reform that we will have adequate opportunity to discuss that issue, and certainly this Senator, as one who will be managing that bill, will make no effort to prevent us from dealing with the viewpoints and the suggestions and proposals of those on both sides of the aisle when we get to that issue, because this Senator hopes for us to find a consensus, and to have a meeting of the minds, and to, in essence, have bipartisan product that will solve that problem when we get to that issue.

Mr. MCCONNELL. If the Senator will yield, I am not certain he had heard that this matter has been worked out, and we are going to shortly be able to enter into an agreement that will move us toward final passage, without campaign finance agreements on this bill, which is my preference on our side of the aisle.

Mr. BOREN. I am delighted to hear that, as he and I have debated campaign finance reform many times. Both of us know that in the weeks ahead and days ahead we will undoubtedly have adequate time to do that. And as much as we enjoy each other's company and exchanging views with each other, I am sure we both feel we will have adequate opportunity to do that. I am delighted with that announcement.

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. 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.

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Mr. President, I ask unanimous consent that the following be the only amendments remaining in order to S. 349, and that they be considered under the following time limitations, equally divided in the usual form:

An amendment by Senator STEVENS regarding simultaneous filing with the House and Senate, 30 minutes; an amendment by Senator STEVENS requiring disclosure of $1,000 or more annually, 2 hours; an amendment by Senator GRAMM of Texas relevant to the bill requiring disclosure, to which relevant second-degree amendments would be in order, no time limitation; an amendment by Senator SIMON regarding lobbying of Government-sponsored enterprises, 60 minutes; an amendment by Senators LEVIN and COHEN in lieu of the committee amendments, which Senator LEVIN will be eligible to withdraw upon the call for the regular order made by the majority leader in accordance with the earlier consent agreement.

I further ask unanimous consent that there be 1 hour remaining on the Lautenberg amendment No. 347, equally divided between Senators STEVENS and LEVIN, with the Lautenberg amendment laid aside to recur upon the disposition of the Stevens amendments, if offered, or 1 p.m., whichever is later; that when the Senate resumes consideration of S. 349 at 10 a.m. tomorrow, Senator STEVENS be recognized to offer one of his amendments; that except where otherwise stated, these amendments all be first-degree amendments only; that Senator STEVENS be permitted to modify his disclosure amendment after it is offered, providing the modification is relevant to the subject matter of the original amendment; that no motions to recommit be in order, and when these amendments are disposed of, the Senate proceed to third reading and final passage of the bill, without any intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I thank my colleagues for their cooperation. I want to make some comments about further handling of this bill and the schedule generally, and regarding comments made earlier by my colleagues.

First, it had been my hope that we could complete action on all matters relating to this bill, other than the amendments to be offered by Senator STEVENS, by the close of business today, and that we would have the amendments by Senator STEVENS tomorrow. Senator STEVENS is necessarily not able to be here today. He has been on a trip to Russia as part of an important function on behalf of the Senate, and accommodating his schedule is certainly appropriate, indeed necessary, given the importance of the mission which he and other Senators have undertaken.

It has turned out that not only have we been unable to complete everything else but the Stevens amendment, the opposite has occurred. In 2 days, we have been able to complete nothing, except for the disposition of the Wellstone amendment, by agreement, without a recorded vote. Therefore, all remaining matters, as the agreement just obtained makes clear, will occur tomorrow.

With respect to this bill, it is my intention that we will remain in session this week until we complete action on the bill. There is no reason why we

should not be able to do so. There are time limitations on all but one of the remaining amendments. I hope we will be able to dispose of that one. The reason we do not have a time limitation is because the subject matter is not clear. Everybody is acting in good faith, and we should be able to dispose of that in a reasonable amount of time on both sides.

If we are unable to complete action on this matter prior to the dinner tomorrow evening, we will then have to return following the dinner, or on Friday, or both, to complete action on the bill. I make that statement now so that Senators may be aware of that and adjust their schedules accordingly, if necessary. I hope that will not be the case.

I now address myself to the comments made by my friend and colleague from Maine, Senator COHEN. Every Member of the Senate knows of our close personal friendship and our close working relationship. We are of different parties, and we often vote in a different way, and we take different positions on issues; but we also agree on many things. I value my friendship with Senator COHEN, and our good working relationship on behalf of our constituents. Never have I agreed with him more than in his remarks here earlier this evening.

The reality is that getting anything done in the Senate now has become extremely difficult, and the propensity, the tendency, the growing pattern of offering amendments that are not related to the pending bill is increasing. I think what we saw this evening was a dramatic example of that. The ability to offer amendments unrelated to the bill provides all Senators an outlet to have the issue that they are concerned about raised, if it is not otherwise to be raised.

But here we are, knowing that we are going to take up campaign finance reform in just a few days, that having been publicly stated on many occasions, knowing that this bill has nothing to do with campaign finance reform; and we are confronted on this bill—we are confronted until we just obtained this order—with amendments relating to campaign finance reform. What conceivable motivation could a Senator have to offer an amendment on campaign finance reform to this bill, knowing that the campaign finance reform bill is coming up in just a few days? The answer to that is obvious, and I will not belabor the point.

Since I became majority leader, I have made a truly determined effort to accommodate the interests and schedules of every Senator. The number of votes has been reduced; the number of days in which we are in session has been reduced; the predictability of votes has been dramatically increased, and I have tried very hard to accommodate every single Senator, without regard to party. But I want to say to my colleagues that it is becoming increasingly evident to me that the schedule which we have followed cannot be continued. The schedule which I announced to accommodate Senators with families—and that is a legitimate concern, especially the Senators with young children—was that we would not vote after 7 p.m. on Tuesdays and Wednesdays. But that assumed that we would be voting prior to 7 p.m. This is a Wednesday, and we have reached 7 p.m., and there have been no votes. Well, obviously, if we cannot vote before 7 p.m. and we cannot vote after 7 p.m., we cannot ever vote.

And the result is that it takes several days to enact legislation or to act on legislation that ought to take several hours.

The bill we just completed action on, this week, to elevate the Environmental Protection Agency to Cabinet status, a truly unremarkable proposition which the overwhelming majority of Americans either know nothing about, care nothing about, or if they did, probably support it thinking it is a good idea, a bill that really ought to have passed in a couple of hours took I believe it was 5 legislative days spread over a 10-calendar-day period to pass a simple bill elevating the Environmental Protection Agency to Cabinet-level status.

I believe it finally passed by a margin of 79 to 15, indicating that there really was not much disagreement in the Senate on the main point of the bill.

I make these remarks so that every Senator can be on notice that I believe it necessary to reconsider the entire process by which the Senate conducts its business and the schedule under which the Senate operates.

I always felt it unwise to make decisions that are general in nature based upon a specific event and particularly if there is any high emotion at the moment and, therefore, I deliberately and specifically now state that I make no decision other than to state that we are going to reconsider it and, obviously, as in all such matters, I want to discuss it in detail with my friend and colleague, the distinguished Republican leader.

But I also state that the Senate cannot continue to function in a manner in which it has so far. We have to be able to get action on legislation in a manner that does not take all of the time that it takes to do these relatively minor bills.

I ask myself if it takes 10 days in the Senate to act on a bill elevating the EPA to Cabinet-level status, what will happen when we get to health care? By any reasonable correlation, one could assume 10 months or 10 years given the relative weight, complexity, and controversy of the measures.

So I thank my colleagues for their cooperation. I thank those who enabled us to reach this agreement. We will finish the bill this week. I want to make clear, lest there be any inference drawn from my remarks, that I do not intend that this be all we do this week. We may have to begin consideration of other measures should that be necessary and appropriate, but before making a decision on that, I will discuss the matter further with the distinguished Republican leader.

I just say to my colleague and friend from Maine, he expressed his high level of frustration. I just want to say to him I go through this on every bill.

Mr. COHEN. The majority leader is paid more than I am.

Mr. FORD. Not enough.

Mr. MITCHELL. I think it is.

And we simply have to do better.

I hope we can do it in a way that has no party implications or no implication on particular legislation. The fact of the matter is all Senators are very busy. All Senators have enormous time constraints on their schedules, and we want to accommodate that as much as possible.

A good example is the point I made earlier about Senator STEVENS, along with Senator NUNN, and others traveling to Moscow on a very important mission. They were not here today. They were not shirking. They were actually working on a very important task.

We have to do the very best we can to accommodate them in those circumstances and other important matters. But we simply have to be able to function in a more timely and efficient way than we have, and it is a matter that I will take under consideration, and I invite any Senator who wishes to inform me of his or her views on the subject to do so in this process.

Mr. COHEN. Mr. President, if I could add a couple comments.

First, I want to thank the majority leader for his kind words but also to reaffirm a very latter point that he made, namely, both parties do this.

Members on both sides of the aisle have done this for years, and that is one of the reasons why it has taken so long to move virtually anything.

As the majority leader pointed out, there is a reason for that rule, and that is to allow Members who otherwise might never have an opportunity to debate an issue to attach it to an unrelated piece of legislation.

But it seems to me we have to curb that appetite of ours for doing it as a matter of routine, either routine or seeking to score a political advantage. There is a time and place for that.

We are going to have several very controversial measures come before this body in the very near future. Campaign finance is one. Striker replacement is another. There may be several other pieces of legislation—health care to be sure. And there is going to be long, extended debate. There may be

even filibusters on those measures. It may be that the minority feels compelled in order to hold back the tide of the majority vote on this to wage those kinds of extended debates or filibusters.

It seems to me we have to exercise discretion when we can. When we have a bill that we all support, then we ought to be mature enough and willing enough to hold back on the temptations to take advantage to score any points that we like to make.

So I hope that we can accept it on that basis. I thank the Senators who did have amendments pending on both sides, not only on the Republican side but on the Democratic side as well, for withdrawing those amendments to allow us to proceed to what I believe will be the completion of this bill hopefully by tomorrow evening, but if not, certainly by Friday.

I yield the floor.

MORNING BUSINESS

NATIONAL TOURISM WEEK

Mr. PRESSLER. Mr. President, as a member of the Senate Subcommittee on Foreign Commerce and Tourism and a member of the Senate Tourism Caucus, I invite my colleagues to join in recognizing National Tourism Week, May 2–8, 1993. The world's largest industry, travel, and tourism, deserves our attention and our praise during this week-long celebration.

The economic importance of travel and tourism in America is often overlooked. However, not only is tourism our Nation's largest export earner, but the travel and tourism industry also is the Nation's second largest employer. In fact, employment in the travel industry has risen every year since 1958, despite periods of economic downturns. Further, the travel and tourism industry is America's third largest retail sales industry.

The Tourism Policy and Export Promotion Act, enacted during the 102d Congress, established directives to build on the past success of the travel and tourism industry. It reauthorized the U.S. Travel and Tourism Administration [USTTA] and emphasized the importance of further developing and expanding tourism markets and marketing programs. Perhaps most important for my State of South Dakota, it created the Rural Tourism Development Foundation which will assist States in promoting rural America as a travel destination.

Increased attention to rural tourism development can advance significantly America's travel and tourism industry. I am pleased to report that last week, the joint rural tourism development conferences of USTTA and the National Association of State Development Agencies [NASDA] were held in Rapid City, SD. More than 200 participants from across the country attended the joint tourism conferences. Discussion topics ranged from tourism marketing to foreign visitors to promotion of minority business development. I ask unanimous consent that immediately following my remarks two articles from the Rapid City Journal regarding the joint tourism conferences be printed in the RECORD.

Mr. President, I am proud of the ongoing efforts by my fellow citizens of South Dakota to develop and promote our State as a rural travel destination. Next week, the first Conference on Tourism for Indian Tribes will take place in Pierre, SD. Hosted by the Rosebud Sioux Tribe, the U.S. Small Business Administration, the Capital Ownership Development and Assistance Center, and the South Dakota Department of Tourism, the conference will address the development of cultural tourism opportunities. Promoting our Indian reservations through tourism development not only will increase native American pride, but also boost local economies.

Mr. President, the economic importance of the travel and tourism industry merits increased national awareness. We must work to strengthen and build this vital sector of America's economy. In that spirit, efforts like National Tourism Week and greater promotion of tourism in rural America are essential to continue the economic success story of American tourism.

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

[From the Rapid City (SD) Journal, Apr. 27, 1993]

SPEAKER: RURAL IS "IN"

(By Dan Daly)

People are looking for rural America, according to Derrick Allen Crandall.

And a small community struggling through the booms and busts of agriculture, timber or mining can turn that urge into a more stable economy, added Crandall, president of the American Recreation Coalition.

Speaking at a national rural tourism conference Monday in Rapid City, Crandall said 80 percent of the U.S. population lives in cities, but only 15 percent do so by choice. Also, he noted that in several surveys, the No. 2 recreational pastime was "driving for pleasure," not far behind "walking for pleasure."

Crandall was talking about the potential impact of various scenic byways programs in the United States.

Perhaps the best local example of the scenic byways program is U.S. Highway 14A, which runs through Spearfish Canyon.

"The interstate system does a good job, but people want to see something different," Crandall said. "We're looking for the roads of America."

Such designations can point travelers toward places they might not otherwise find, Crandall said.

He believes the scenic byways will become the backbone of rural tourism, a resource on the scale of national forests and state parks.

Other speakers on the first day of the conference told participants about niches such as ranching vacations and aid for rural areas that want to develop tourism.

One tool is the U.S. Department of Agriculture's "Our Town" community-based tourism development program.

Despite its unwieldy title—the United States Travel and Tourism Administration (USTTA) Rural Tourism Development Conference and the National Association of State Development Agencies' (NASDA) Third Annual National Conference on Tourism Development—the conference brought people from as far away as Hawaii, Alaska, Connecticut and Florida.

It spans four days at three local hotels and the Rushmore Plaza Civic Center.

More than 200 people—representing 39 states, the District of Columbia and even the World Tourism Organization based in Spain—were on hand for the three-day conference.

Those attending represented federal agencies, state tourism and economic development bureaus and a variety of local and regional tourism industry groups.

Small-group sessions dealt with topics such as tapping into global markets, training and education, funding for rural tourism and organizing communities for tourism.

Other sessions will cover heritage tourism, or marketing the history of a community, "eco-tourism," gaming, lodging taxes and minority business development.

[From the Rapid City (SD) Journal, Apr. 29, 1993]

EUROPE WANTS WHAT MIDWEST HAS TO OFFER

(By Debra Holland)

What's hot in international tourism? Everything South Dakota and surrounding states have to offer, says the director of an international tourism marketing firm.

Charles Box, executive director of Rocky Mountain International of Cheyenne, Wyo., said people from Europe wanted wide open spaces or what he called "green destinations."

"They want the real American," he said. "And we've got a great product to sell. We don't have to stretch it."

Matthew Cohn, director of tourism for Montana who spoke at the Rural Tourism Conference in Rapid City Wednesday, agreed.

"We don't have the man-made attractions," he said of Montana. "We have the God-made attractions."

Many international travelers are choosing to use Rapid City instead of Denver as the hub for their vacation in the Middle West.

"Rapid City has been the star in the international market," Cohn said.

From all indications, Rapid City hotels and motels will have from 3,000 to 5,000 new room rentals for one-night stays by international visitors this year compared to last, he said.

A new factor also may be bringing more international tourists to middle America: Crime and even murder in Florida may lead some visitors to choose a more safe vacation destination, Box said.

"This didn't even exist as an issue until now," he said. "I don't know if it is related, but bookings this year are better than ever."

Rocky Mountain International is paid by the states of Wyoming, South Dakota, Montana and Idaho to market them to potential tourists in Europe.

If your state does not tap into the international market, a neighboring state will, Laurie Green, director of sales for TW Recreational Services Inc., at Yellowstone National Park, told those at the Rural Tourism Conference.

She said the international market could be lucrative.

"They (international visitors) spend six times the amount of money as domestic travelers," she said.

The international visitor likes and will travel during the "shoulder" seasons in the spring and fall. And they have longer vacations—most get five to seven weeks a year.

Green sees room for expanding the international travel market to the south because of the recently passed Free Trade Agreement.

REPORT ON THE UNITED STATES-CANADA FREE-TRADE AGREEMENT—MESSAGE FROM THE PRESIDENT—PM 19

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Finance.

To the Congress of the United States:

Pursuant to section 304(f) of the United States-Canada Free-Trade Agreement Implementation Act of 1988 (Public Law 100-449; 102 Stat. 1875), I am pleased to transmit the attached biennial report regarding the actions taken by the United States and Canada to implement the Free-Trade Agreement.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *May 5, 1993.*

NATIONAL SERVICE TRUST ACT AND STUDENT LOAN REFORM ACT—MESSAGE FROM THE PRESIDENT—PM 20

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Labor and Human Resources.

To the Congress of the United States:

I am pleased to transmit today for your immediate consideration and enactment the "National Service Trust Act of 1993" and the "Student Loan Reform Act of 1993." These Acts represent innovative public policy founded on traditional American values: offering educational opportunity, rewarding personal responsibility, and building the American community. In affirming these values, the Acts reject wasteful bureaucracy—instead reinventing government to unleash the ideas and initiative of the American people. Also transmitted is a section-by-section analysis.

Throughout the Presidential campaign last year, Americans of all backgrounds and political persuasions responded to national service like few other ideas. The reasons are clear. Higher education is fundamental to the American Dream, but complex procedures and inflexible repayment plans have created serious problems for many students with education loans to pay back. Defaults are too high today—and taxpayers are left to foot the bill. Americans are yearning to reaffirm an American community that transcends race, region, or religion—and to tackle the problems that threaten our shared future.

The two Acts are designed to meet these basic American needs. The National Service Trust Act of 1993 establishes a domestic Peace Corps, offering hundreds of thousands of young people the opportunity to pay for school by doing work our country needs. The Student Loan Reform Act of 1993 overhauls the student loan system. Through a one-stop direct student loan program, the Act will save taxpayers billions of dollars, lower interest rates for students, and simplify the financial aid system. And through new EXCEL Accounts and other repayment options, the Act will offer borrowers greater choice and lower monthly payments while reducing the chance of defaults.

The National Service Trust Act of 1993 establishes a definition of national service that is clear but broad. National service is work that addresses unmet educational, environmental, human, or public safety needs. It enriches the lives of those who serve, instilling the ethic of civic responsibility that is essential to our democracy. And national service does not displace or duplicate the functions of existing workers.

Building on the National and Community Service Act of 1990 and the flourishing community service programs of nonprofit organizations and States, the initiative rejects bureaucracy in favor of locally driven programs. In the spirit of reinventing government, the Act will empower those with the greatest expertise and incentives to make national service work.

The Act enables citizens of all backgrounds to serve and use their educational awards where they see fit. While many participants will be recent college graduates, Americans will be eligible to enter the program at any time in their adult lives. Both full-time and part-time service will be encouraged. And whatever their education level, those who complete a term of service will receive an award of $5,000. The award will be payable toward past, present, or future educational expenses in 4- and 2-year colleges, training programs, and graduate and professional schools.

The Act demands that programs meet tough guidelines for excellence and requires measurable performance goals and independent evaluations. Within these limits, however, the Act enables the people who run programs to design them. The smallest community-based organizations and largest Federal agencies will be able to compete for funding. A variety of program models will be eligible, ranging from youth corps that enable at-risk youth to meet community needs, to preprofessional programs that give college students ROTC-like training and then placements in specific problem areas, to diverse community corps that involve Americans of all backgrounds in meeting common goals.

With the economic market as a model, there is competition at every level of the system: programs compete for State approval, States compete for Federal approval, and programs at the national level compete against each other and States for Federal approval. To build public/private partnerships that earn support far beyond government, the Act requires programs to make a cash match and to increase non government support as time passes.

The Act is designed to reduce waste and promote an entrepreneurial government culture. The Act establishes a new Government Corporation for National Service that combines two existing independent agencies, the Commission on National and Community Service and ACTION. With flexible personnel policies and a small, bipartisan board sharing power with a chairperson, the Corporation will operate as much like a lean nonprofit corporation as a Government agency.

The State level will mirror the Federal level and build a strong partnership between the two. Bipartisan State commissions on national service will be responsible for selecting programs to be funded by States. To ensure genuine Federal/State cooperation, a representative of the Corporation will sit on State commissions and a representative of the States on the Corporation Board.

The National Service Trust Act of 1993 encourages Americans to join together and serve our country—at all ages and in all forms. The Act enhances the Serve-America program for school-age youth; extends and improves the VISTA and Older Americans Volunteer Programs authorized under the Domestic Volunteer Service Act; supports the Civilian Community Corps and Points of Light Foundation; and pulls these efforts under the new Corporation. The Act will help instill an ethic of service in elementary and secondary school students, encourage them to serve in their college years, and give them further opportunities later in their lives.

The Student Loan Reform Act of 1993 will take an important first step toward comprehensive reform of the student loan system. It saves money, makes loan repayment more affordable, and holds students more accountable. The measures in no way replace the Pell Grant program, which will remain the cornerstone of financial aid for millions of students.

The Student Loan Reform Act of 1993 replaces the current Federal Family Education Loan program with the Fed-

eral Direct Student Loan Program over a 4-year period. By eliminating subsidies to private lenders and making loans directly to students, direct lending will save taxpayers $4.3 billion through Fiscal Year 1998 and still allow interest rates to drop for student borrowers. Many schools will make loans directly to students on campus, though none will be forced to do so. In addition, no institution will service or collect loans. This reform simplifies the system for many students, enabling most to receive all their aid through "one-stop shopping" at their institutions' financial aid offices.

The lending reform expands choice and reduces burdens for all student borrowers by offering a variety of repayment plans—including fixed, extended, graduated, and income-contingent schedules. In the same way that multiple financing options help homeowners, these plans offer real choice to all and lower monthly payments to those who want them. Income-contingent repayments—through the new EXCEL Accounts—also encourage service by students who do not participate in service under the National Service Trust Act. With more manageable monthly payments, more students will be able to take jobs that pay less but do more for their communities, without risking default. And whatever plan they first choose, students will be able to change their repayment schedule as their circumstances change.

The Student Loan Reform Act of 1993 will also reduce default rates. By electing income-contingent repayment schedules, students with lower incomes will be able to repay their loans on a manageable plan, without defaulting. Through cooperation with the IRS, the Act will improve collection and monitoring of student loans. And for those who are able to pay but do not, the Act will give the Secretary of Education authority to require payment on an income-contingent basis.

Opportunity, responsibility, and community go beyond politics. They are basic American ideals. Enactment of these two Acts will express the Nation's commitment to these ideals and to our shared future. I urge the Congress to give the legislation prompt and favorable consideration.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *May 5, 1993.*

MESSAGES FROM THE HOUSE

At 3 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of it's reading clerks, announced that the House has passed the following bills, in which it request the concurrence of the Senate:

H.R. 578. An Act to provide for recovery of costs of supervision and regulation of investment advisers and their activities, and for other purposes.

H.R. 616. An Act to amend the Securities Exchange Act of 1934 to permit members of national securities exchanges to effect certain transactions with respect to accounts for which such members exercise investment discretion.

H.R. 791. An Act to designate the United States courthouse in Benton, Illinois, as the "James L. Foreman United States Courthouse."

H.R. 1303. An Act to designate the Federal Building and United States Courthouse located at 402 East State Street in Trenton, New Jersey, as the "Clarkson S. Fisher Federal Building and United States Courthouse."

H.R. 1345. An Act to designate the Federal building located at 280 South First Street in San Jose, California, as the "Robert F. Peckham United States Courthouse and Federal Building."

H.R. 1346. An Act to designate the Federal building located on St. Croix, Virgin Islands, as the "Almeric L. Christian Federal Building."

H.R. 1513. An Act to designate the United States courthouse located at 10th and Main Streets in Richmond, Virginia, as the "Lewis F. Powell, Jr. United States Courthouse."

The message also announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 71. Concurrent resolution authorizing the use of the Capitol grounds for the twelfth annual National Peace Officers' Memorial Service.

H. Con. Res. 82. Concurrent resolution authorizing the use of the Capitol grounds for the Greater Washington Soap Box Derby.

The message further announced that the House has passed the bill (S. 214) to authorize the 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 U.S. participation in that conflict, with an amendment, in which it requests the concurrence of the Senate.

At 5:56 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of it's reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 995. An Act to amend title 38, United States Code, to improve reemployment rights and benefits of veterans and other benefits of employment of certain members of the uniformed services, and for other purposes.

The message also announced that the House has agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2) to establish national voter registration procedures for Federal elections, and for other purposes.

MEASURES REFERRED

The following bills, were read the first and second times and referred as indicated:

H.R. 791. An Act to designate the United States courthouse in Benton, Illinois, as the "James L. Foreman United States Courthouse"; to the Committee on Environment and Public Works.

H.R. 1303. An Act to designate the Federal building and United States Courthouse located at 402 East State Street in Trenton, New Jersey, as the "Clarkson S. Fisher Federal Building and United States Courthouse"; to the Committee on Environment and Public Works.

H.R. 1345. An Act to designate the Federal building located at 280 South First Street in San Jose, California, as the "Robert F. Peckham United States Courthouse and Federal Building"; to the Committee on Environment and Public Works.

H.R. 1346. An Act to designate the Federal building located on St. Croix, Virgin Islands, as the "Almeric L. Christian Federal Building"; to the Committee on Environment and Public Works.

H.R. 1513. An Act 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.

H.R. 995. An Act to amend title 38, United States Code, to improve reemployment rights and benefits of veterans and other benefits of employment of certain members of the uniformed services, and for other purposes; to the Committee on Veterans' Affairs.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-788. A communication from the Secretary of Agriculture, transmitting, pursuant to law, a report on Advisory and Assistance Services; to the Committee on Agriculture, Nutrition, and Forestry.

EC-789. A communication from the Chairman of the Defense Base Closure and Realignment Commission, transmitting, pursuant to law, notice of documentation of certified material relative to the Defense Logistics Agency; to the Committee on Armed Services.

EC-790. A communication from the Acting Secretary of the Air Force, transmitting, pursuant to law, a report relative to unit cost on a major defense acquisition program; to the Committee on Armed Services.

EC-791. A communication from the Chairman of the Defense Base Closure and Realignment Commission, transmitting, pursuant to law, notice of documentation of certified material relative to the Defense of the Navy; to the Committee on Armed Services.

EC-792. A communication from the President and Interim Chief Executive Officer, Thrift Depositor Protection Oversight Board, transmitting, pursuant to law, a report on the activities and efforts of the Resolution Trust Corporation; to the Committee on Banking, Housing, and Urban Affairs.

EC-793. A communication from the Deputy Associate Director for Compliance of the Department of the Interior, transmitting, pursuant to law, a report relative to refunds of offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-794. A communication from the Deputy Associate Director for Compliance of the Department of the Interior, transmitting, pursuant to law, a report relative to the refund

of offshore lease revenues; to the Committee on Energy and Natural Resources.

EC–795. A communication from the Acting Director of the Department of the Interior, transmitting, pursuant to law, the report relative to lease sales on the Outer Continental Shelf for fiscal year 1990; to the Committee on Energy and Natural Resources.

EC–796. A communication from the Secretary of Energy, transmitting, pursuant to law, a report relative to programs supported under the Renewable Energy and Energy Efficiency Technology Competitiveness Act of 1989; to the Committee on Energy and Natural Resources.

EC–797. A communication from the Secretary of Energy, transmitting, pursuant to law, a report relative to the implementation of Alaska Federal-Civilian Energy Efficiency Swap Act of 1980; to the Committee on Energy and Natural Resources.

EC–798. A communication from the Acting Assistant Secretary for Environmental Restoration and Waste Management of the Department of Energy, transmitting, pursuant to law, a report relative to a study of plutonium casks; to the Committee on Environment and Public Works.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. DECONCINI, from the Select Committee on Intelligence, without amendment:

S. 647. A bill to assist in the effective management of the civilian work force of the Central Intelligence Agency, and for other purposes (Rept. No. 103–43).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committee were submitted:

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources:

Leslie M. Turner, of New Jersey, to be an Assistant Secretary of the Interior.

Elizabeth Ann Reike, of Arizona, to be an Assistant Secretary of the Interior.

Robert Armstrong, of Texas, to be an Assistant Secretary of the Interior;

Bonnie R. Cohen, of Massachusetts, to be an Assistant Secretary of the Interior; and

Jim Baca, of New Mexico, to be Director of the Bureau of Land Management.

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

By Mr. RIEGLE, from the Committee on Banking, Housing, and Urban Affairs:

Roberta Achtenberg, of California, to be an Assistant Secretary of Housing and Urban Development.

Nicolas P. Retsinas, of Rhode Island, to be an Assistant Secretary of Housing and Urban Development.

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

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mr. INOUYE:

S. 888. A bill to authorize a certificate of documentation and a coastwise and fishery endorsement for the vessel *Reel Class*; to the Committee on Commerce, Science, and Transportation.

S. 889. A bill to authorize the certificate of documentation for the vessel *Da Warrior* (State of Hawaii registration number HA 161 CP) to be endorsed with a fishery endorsement; to the Committee on Commerce, Science, and Transportation.

By Mr. CRAIG:

S. 890. A bill for the relief of Matt Clawson; to the Committee on the Judiciary.

S. 891. A bill to require the establishment of a Federal system for the purpose of conducting background checks to prevent the employment of child abusers by child care providers, to establish a Federal point-of-purchase background check system for screening prohibited firearms purchasers, to provide accurate and immediately accessible records for law enforcement purposes, to assist in the identification and apprehension of violent felons, and to assist the courts in determining appropriate bail and sentencing decisions; to the Committee on the Judiciary.

By Mr. CHAFEE (for himself and Mr. PELL):

S. 892. A bill to prohibit the manufacture, importation, exportation, sale, purchase, transfer, receipt, possession, or transportation of handguns and handgun ammunition, with certain exceptions; to the Committee on the Judiciary.

By Mr. ROTH:

S. 893. A bill to provide television broadcast time without charge to Senate candidates, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. BAUCUS:

S. 894. A bill to amend the Internal Revenue Code of 1986 to deny the benefits of certain export subsidies in the case of exports of certain unprocessed timber; to the Committee on Finance.

By Mr. PRYOR (for himself, Mr. DANFORTH, Mr. BOREN, and Mr. JOHNSTON):

S. 895. A bill to amend the Internal Revenue Code of 1986 with respect to the treatment of the rehabilitation credit under the passive activity limitation and the alternative minimum tax; to the Committee on Finance.

By Mr. METZENBAUM (for himself and Mr. JEFFORDS):

S. 896. A bill to amend the Federal Land Policy and Management Act of 1976 to promote ecologically healthy and biologically diverse ecosystems on rangelands used for domestic livestock grazing, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BINGAMAN:

S. 897. A bill to authorize a project to demonstrate the feasibility of voting by telephone; to the Committee on Rules and Administration.

By Mr. KENNEDY (for himself, Mr. SIMON, Mr. FEINGOLD, Mr. HARKIN, Mr. INOUYE, Mr. KERREY, Mr. LEAHY, Mr. LIEBERMAN, Mr. METZENBAUM, Ms. MIKULSKI, Mr. MITCHELL, Ms. MOSELEY-BRAUN, Mr. MOYNIHAN, Mrs. MURRAY, Mr. ROCKEFELLER, Mr. SARBANES, and Mr. WELLSTONE):

S. 898. A bill to provide for the admission of the State of New Columbia into the Union; to the Committee on Governmental Affairs.

By Mr. DANFORTH (for himself, Mr. COHEN, and Mr. BRADLEY):

S. 899. A bill to require the Attorney General to prepare an evaluation and report on potential problem officer early warning programs and to develop a model potential problem officer early warning program, and to express the sense of the Congress that the Attorney General, under existing authorities, should provide assistance to local jurisdictions in establishing procedures to identify and provide guidance to police officers who demonstrate the potentiality of having difficulty dealing with members of the public on a consistent basis; to the Committee on the Judiciary.

By Mr. MACK (for himself, Mr. HELMS, and Mr. SMITH):

S. 900. A bill to designate a route as the "POW/MIA Memorial Highway", and for other purposes; to the Committee on Environment and Public Works.

By Mr. THURMOND:

S. 901. A bill to extend the temporary suspension of duty on Paramine Acid; to the Committee on Finance.

S. 902. A bill to extend the temporary suspension of duty on Trimethyl Base; to the Committee on Finance.

S. 903. A bill to extend the temporary suspension of duty on Anthraquinone; to the Committee on Finance.

S. 904. A bill to suspend temporarily the duty on 1,8-Dihyroxynaphthalene-3, 6-disulfonic acid; to the Committee on Finance.

S. 905. A bill to suspend temporarily the duty on C.I. Reactive Blue 224; to the Committee on Finance.

S. 906. A bill to extend the temporary suspension of duty on naphthalic acid anhydride; to the Committee on Finance.

S. 907. A bill to make the temporary suspension of duty on menthol feedstocks permanent; to the Committee on Finance.

S. 908. A bill to suspend temporarily the duty on dimethyl succinyl succinate; to the Committee on Finance.

S. 909. A bill to suspend temporarily the duty on Resolin Red F3BS components I and II; to the Committee on Finance.

S. 910. A bill to temporarily suspend the duty on 2-(4-Aminophenyl)-6-methylbenzothiazole-7-sulfonic acid); to the Committee on Finance.

S. 911. A bill to suspend temporarily the duty on basic blue 147; to the Committee on Finance.

S. 912. A bill to temporarily suspend the duty on lauryllactam; to the Committee on Finance.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. INOUYE:

S. 888. A bill to authorize a certificate of documentation and a coastwise and fishery endorsement for the vessel *Reel Class*; to the Committee on Commerce, Science, and Transportation.

REEL CLASS ACT OF 1993

• Mr. INOUYE. Mr. President, I am introducing a bill to direct that the vessel *Reel Class*, Hawaii hull number HA 6566E, be accorded coastwise trading

privileges and be issued coastwise endorsements under 46 U.S.C. 12106, 12107, and 12108.

The *Reel Class* was constructed in Florida and is currently classified as a recreational vessel. It is 33 feet in length, 13 feet in breadth, and has a depth of 3 feet. The vessel was purchased by Floyd Fuller, who intended to employ it in a charter fishing business. However, previous ownership of the vessel by a foreign national has resulted in the owner not being able to meet certain vessel documentation laws. The owner of the *Reel Class* is seeking a waiver of the existing law because he wishes to use the vessel for small fishing charters. His desired intentions for the vessel's use will not adversely affect the coastwise trade in U.S. waters. If he is granted this waiver, it is his intention to comply fully with U.S. documentation and safety requirements. The purpose of the legislation I am introducing is to allow the *Reel Class* to engage in the coastwise trade and the fisheries of the United States.•

By Mr. INOUYE:

S. 889. A bill to authorize the certificate of documentation for the vessel *Da Warrior* (State of Hawaii registration number HA 161 CP) to be endorsed with a fishery endorsement; to the Committee on Commerce, Science, and Transportation.

DA WARRIOR ACT OF 1993

• Mr. INOUYE. Mr. President, I am introducing a bill to direct that the vessel *Da Warrior*, Hawaii hull number HA 161 CP, be accorded coastwise trading privileges and be issued a coastwise and fisheries endorsement under 46 U.S.C. 12108.

The vessel *Da Warrior* was previously granted a coastwise endorsement relating to 46 U.S.C. 12106 and 12107 in Public Law 101-225. However, the owner wishes to use the vessel for small fishing charters. An additional waiver relating fisheries, section 12108, is necessary to allow a charter fishing business. His desired intentions for the vessel's use will not adversely affect the coastwise trade in U.S. waters. If he is granted this waiver, it is his intention to comply fully with U.S. documentation and safety requirements. The purpose of the legislation I am introducing is to allow the vessel *Da Warrior* to engage in the coastwise trade and the fisheries of the United States.•

By Mr. CRAIG:

S. 891. A bill to require the establishment of a Federal system for the purpose of conducting background checks to prevent the employment of child abusers by child care providers, to establish a Federal point-of-purchase background check system for screening prohibited firearms purchasers, to provide accurate and immediately accessible records for law enforcement purposes, to assist in the identification and apprehension of violent felons, and to assist the courts in determining appropriate bail and sentencing decisions; to the Committee on the Judiciary.

FEDERAL CRIMINAL RECORDS IDENTIFICATION ACT

• Mr. CRAIG. Mr. President, most of our colleagues are probably familiar with the concept of an instant background check system for criminal records. Some may even take it for granted that law enforcement will be able to use the computer networks and communications technology that make it possible for a merchant to clear a credit card purchase on the spot, or allow an individual to search through tens of thousands of records in the blink of an eye. It's generally understood we may someday have a system in place that would use these technological advances to allow the immediate accessing of all State and Federal criminal records. And there's general agreement that such a system would be of great benefit to local, State, and Federal law enforcement agencies.

What may surprise many, however, is how close we are to that day. I've heard some of my colleagues estimate it would still take many years and billions of dollars to put such a system in place.

Actually, Mr. President, I'm convinced we can do it in considerably shorter time than that—probably no more than a year—and for considerably less money. And today I am introducing legislation to take the final, small step still needed to put this system in place.

The Federal Criminal Records Identification Act of 1993 would assist in the creation of a nationally accessible and accurate database on criminal offenders. It would enable identification of persons for whom there are outstanding arrest warrants so that law enforcement may be protected in the field and may apprehend fugitives from justice. It would enable the screening of prospective handgun purchasers to prevent those prohibited by chapter 44, title 18, United States Code from purchasing handguns from licensed dealers. By establishing a uniform Federal framework, it would ensure that States which conduct background checks for child care providers are able to obtain access to accurate and complete criminal history information from across the Nation. It would enable the courts to have ready access to criminal history background information to aid in establishing appropriate bail for defendants and sentences on persons convicted of serious crimes.

There are additional strategic benefits for law enforcement, as well. This legislation would permit the immediate review of criminal records by officers in the field, protecting their safety and improving their responses to crime. It would enable cross-comparisons of homicides, acts of violence or criminal activity, helping to trace patterns of serial offenders. It would generally improve information concerning criminal trends and behavior, allowing a more effective law enforcement response to protect the public.

The key to putting this system in place swiftly is the use of a master name index, which directs the system to the full criminal history record of an individual. This enables immediate access to the full record whether the record itself is automated or not. Although instantaneous electronic access to criminal records is being used today in only five States to screen handgun purchasers and other States to screen child care personnel, at least 39 States—which account for more than 80 percent of all criminal records—have a fully automated master name index. Even in States where the records are not fully automated, immediate national accessibility is available through the name index. Furthermore, Justice Department research indicates that 80 percent or more of the current national criminal records for dangerous criminals committing offenses the last 5 years are in automated form.

The Federal Criminal Records Identification Act of 1993 uses the concept of a name index and builds on the progress already being made in many States toward automating these records. The bill would set up a State-by-State, telephone accessible screening system. It provides funding—much of it self-sustaining and based on user fees, to allow the system to pay for itself.

Since I will be providing both the bill and a summary of its provisions for the RECORD, I will not go into all the details of the legislation at this time. However, I would like to point out that the bill provides specific guidelines and prohibitions for two of the potential uses of this system: Screening criminal records that relate to handgun purchasers and child care providers. The bill is specific in these two areas to ensure that the system is responsive to legitimate law enforcement purposes but prevents abuses that could interfere with the rights of law-abiding citizens.

I know many in this body may recall previous Senate debates involving the idea of an instant background check. Some of our colleagues may have voted for the amendment offered in 1991 by the Senator from Alaska [Mr. STEVENS], which reforms the basis for—and a good portion of—this bill. But whether you are a Senator who supported it or opposed it or has never heard of it, you ought to be able to support this bill. There are no political bogeymen here, ladies and gentlemen. If you support law enforcement, I hope you will review this bill and decide to join me as a cosponsor.

I ask unanimous consent to insert at this point a summary of the bill and a copy of its text.

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

S. 891

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 "Federal Criminal Records Identification Act of 1993".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) the technological capability exists to identify violent felons, convicted child abusers, and other predatory criminals through existing criminal justice records;

(2) advances in electronic communication and data compilation make it possible to check criminal history records instantaneously to identify child abusers who seek employment or access to child care facilities, felons who attempt to purchase handguns, fugitives for whom arrest warrants exist, and convicted persons prior to sentencing by courts of justice;

(3) five States are currently demonstrating the practicability of instantaneous electronic screening of handgun purchasers, and other States are demonstrating the practicability of electronic screening of child care personnel;

(4) the vast majority of serious criminal career activity occurs between the ages of 18 and 30; Justice Department research indicates that 80 percent or more of the current nationwide criminal records for dangerous criminals committing offenses the last 5 years are in automated form allowing a viable instant check system to be implemented immediately;

(5) a key element in operating the point-of-purchase sale system is a master name index, whether automated or manual, which directs the system to the full criminal history record of an individual; Department of Justice research indicates that such information is currently 100 percent available in 44 or more States;

(6) continuing Department of Justice initiatives for improving criminal history records have directed State remedial efforts toward automating criminal records in reverse chronological order, focusing on persons with a record of criminal activity within the last 5 years;

(7) at least 39 States, which account for more than 80 percent of all criminal records, have a fully automated master name index; even in States where the records are not fully automated, immediate national accessibility is available through the name index in virtually all cases;

(8) thirty-two States with fully automated criminal histories include final results or have disposition rates of criminal charges at rates that equal or surpass those available in Florida and Virginia, both of which States successfully operate instant background screening systems on firearms purchasers;

(9) in each of the 5 States currently using instant background check systems for firearms purchases, the time between the enactment of the legislation establishing the systems and the actual online usage was less than 1 year; in 4 of those States, the online implementation of the system required between 6 and 9 months;

(10) as a result of earmarking 5 percent of funds available under the Omnibus Crime Control and Safe Streets Act of 1968, an additional $20,000,000 was provided to the States in 1992 for the purpose of developing and improving access to automated criminal history records;

(11) over 1,000,000 people are currently incarcerated in the United States, and more than 3,000,000 people are on probation or parole;

(12) instant retrieval of accurate criminal records greatly enhances the ability of law enforcement officers in the field to identify dangerous suspects and enables courts of justice to make informed decisions for conditions of release and imposition of sentence;

(13) preschool and adolescent child care education programs have upwards of 50,000,000 children enrolled; more than 6,000,000 children receive some form of out-of-home care, and the number of children enrolled in day care is projected to increase substantially over the next decade;

(14) child abuse is an extremely serious national problem; it is estimated that each year over 500,000 children are victims; the emotional and psychological consequences of abuse are devastating, not only to the victim, but to the family and friends of the child; child abuse undermines public confidence in the individuals and systems which provide care, education, supervision, or recreation for our children;

(15) predatory child molesters commit sexual crimes against a staggering number of children, and are similar to the serial killers in their commitment to perpetrating numbers of heinous crimes;

(16) there is an extremely high rate of recidivism among child sex abusers; even when they are apprehended and punished, the lack of adequate detection and monitoring of sexual predators who migrate from State to State poses a particularly sinister threat to children;

(17) at least 22 States currently require a criminal history check or permit access to criminal information systems to screen people who will have substantial contact with children, and a number of States are considering initiatives to develop systems for screening child care providers;

(18) the States are severely hampered in their ability to protect children from child abuse outside the home because of the incompleteness and inaccessibility of the national criminal history records necessary for screening child care providers for a history of child abuse crimes;

(19) screening the background of a potential child care provider for a history of child abuse crimes, the overwhelming majority of whom are caring and professional individuals, does not violate the individual's rights, nor does instant background screening of prospective handgun purchasers, virtually all of whom are law-abiding citizens, violate their individual rights under the Second and Fourteenth Amendments to the United States Constitution to keep and bear arms; and

(20) the creation of a nationally accessible and accurate database on criminal offenders will yield general benefits to law enforcement authorities by—

(A) permitting the immediate review of accurate criminal records by officers in the field, thus protecting their safety and improving their response to crime;

(B) enabling cross-comparisons of homicides, acts of violence, and criminal activity, thus assisting discovery of patterns of serial murderers, gang migrations, or other concerted criminal activities; and

(C) generally improving information with regard to criminal trends and behavior, thus allowing a more effective law enforcement response to protect the public.

(b) PURPOSES.—The purposes of this Act are—

(1) to create a Federal instant background check system to—

(A) identify persons for whom there are outstanding arrest warrants so that law enforcement officers may be protected in the field and may apprehend fugitives from justice;

(B) screen prospective handgun purchasers to prevent persons who are prohibited by chapter 44 of title 18, United States Code, from purchasing handguns from licensed dealers;

(C) establish a uniform Federal framework to ensure that States that conduct background checks for child care providers are able to obtain access to accurate and complete criminal history information from across the Nation; and

(D) enable the courts to have ready access to criminal history background information to aid in establishing appropriate bail for defendants and to aid in imposing sentences on persons convicted of serious crimes;

(2) to provide the resources for each State to implement a computerized criminal records system that incorporates, on a continuing basis, the records of crimes committed by persons with a record of criminal activity dating back at least a decade;

(3) to provide a continuing funding mechanism to ensure the long-term viability of the system;

(4) to require the Attorney General to develop regulations implementing national uniform guidelines to allow States to determine if a person who seeks employment as a child care provider should be prohibited because of past criminal activity in another State;

(5) to determine and to report on the status of State criminal history records systems, and determine what needs to be done by each State to implement an effective instant background check system;

(6) to determine the means by which a federally accessible network of criminal history records can be accessed by the States;

(7) to provide the means of communication to allow law enforcement authorities and the courts to function more efficiently and effectively in carrying out their duty to preserve public order and protect the citizenry; and

(8) to provide for the privacy and to protect the rights of the persons who will be screened by the system.

SEC. 3. DEFINITIONS.

In this Act—

"authorized agency" means a division or office of a State designated by a State to report, receive, or disseminate information under this Act.

"background check crime" means—

(A) for the purpose of screening child care providers, a child abuse crime, murder, manslaughter, aggravated assault, kidnapping, arson, sexual assault, domestic violence, incest, indecent exposure, prostitution, promotion of prostitution, and a felony offense involving the use or distribution of a controlled substance; and

(B) for the purpose of screening handgun purchasers, a crime punishable by imprisonment for a term exceeding 1 year within the meaning of section 921(a)(20) of title 18, United States Code.

"child" means a person who is a child for purposes of the criminal child abuse law of a State.

"child abuse" means physical or mental injury, sexual abuse or exploitation, neglectful

treatment, negligent treatment, or maltreatment of a child by a person in violation of the criminal child abuse laws of a State.

"child abuse crime" means a crime committed under a law of a State that establishes criminal penalties for the commission of child abuse by a parent or other family member of a child or by any other person.

"child abuse crime information" means the following facts concerning a person who is under indictment for, or has been convicted of, a child abuse crime: full name, social security number, race, date of birth, a brief description of the child abuse crime or offenses for which the person is under indictment or has been convicted, and any other information that the Attorney General determines may be useful in identifying persons under indictment for, or convicted of, a child abuse crime.

"child care" means the provision of care, treatment, education, training, instruction, supervision, or recreation to children.

"domestic violence" means a felony or misdemeanor involving the use or threatened use of force by—

(A) a present or former spouse of the victim;

(B) a person with whom the victim shares a child in common;

(C) a person who is cohabiting with or has cohabited with the victim as a spouse; or

(D) any person defined as a spouse of the victim under the domestic or family violence laws of a State.

"exploitation" means child pornography and child prostitution.

"handgun" has the meaning stated in 921(a) of title 18, United States Code.

"licensee" means an importer, manufacturer, or dealer (as defined in section 921(a) of title 18, United States Code) that is licensed under section 923 of title 18, United States Code.

"mental injury" means harm to a child's psychological or intellectual functioning, which may be exhibited by severe anxiety, depression, withdrawal or outward aggressive behavior, or a combination of those behaviors or by a change in behavior, emotional response, or cognition.

"negligent treatment" means the failure to provide, for a reason other than poverty, adequate food, clothing, shelter, or medical care so as to seriously endanger the physical health of a child.

"physical injury" includes lacerations, fractured bones, burns, internal injuries, severe bruising, and serious bodily harm.

"provider" means—

(A) a person who—

(i) is employed by a qualified entity;

(ii) who owns or operates a qualified entity; or

(iii) who has or may have unsupervised access to a child to whom the qualified entity provides child care; and

(B) a person who—

(i) seeks to be employed by a qualified entity; or

(ii) seeks to own or operate a qualified entity.

"qualified entity" means a public or private business or organization that provides child care or child care placement services, including a business or organization that licenses or certifies others to provide child care or child care placement services.

"sex crime" means an act of sexual abuse that is a criminal act.

"sexual abuse" includes the employment, use, persuasion, inducement, enticement, or coercion of a child to engage in, or assist another person to engage in, sexually explicit conduct or the rape, molestation, prostitution, or other form of sexual exploitation of children or incest with children.

"State" means a State, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, the Virgin Islands, Guam, and the Trust Territories of the Pacific.

SEC. 4. STATE INSTANT CRIMINAL CHECK SYSTEMS FOR HANDGUN PURCHASES.

(a) IN GENERAL.—Not later than the date that is 12 months after the date of enactment of this Act, each State shall establish and maintain a system that, on receipt of an inquiry from a licensee pursuant to section 922(s)(1) of title 18, United States Code, immediately researches the criminal history of a prospective handgun transferee, advises the licensee whether its records demonstrate that such transferee is prohibited from receiving a handgun by reason of section 922 (g) or (n) of title 18, United States Code, and, if such transferee is not so prohibited, provides the licensee a unique identification number with respect to the transfer.

(b) ADDITIONAL REQUIREMENTS.—A State instant criminal check system shall—

(1) provide for the privacy and security of the information contained in the system to an extent equal, at a minimum, to the protections and remedies provided in section 552a(g) of title 5, United States Code;

(2) ensure that information conveyed to the system by a licensee pursuant to section 922(s)(1) of title 18, United States Code, is not retained in any form whatsoever, is not conveyed to any person except a person who has a need to know to carry out the purpose of that section, and is not used for any purpose other than to carry out that section; and

(3) provide to a prospective handgun transferee who is denied receipt of a handgun on the basis of information provided by the system a procedure for the correction of erroneous information as otherwise set forth in this Act.

(c) PROHIBITIONS ON USES OF INFORMATION.—

(1) RECORDATION BY THE GOVERNMENT.—No record or portion thereof generated by an inquiry concerning or a search of the criminal history of a prospective transferee under a State instant criminal check system established under subsection (a) shall be recorded at or transferred to a facility owned, managed, or controlled by the United States or any State or political subdivision thereof.

(2) REGISTRATION OF OWNERSHIP.—Neither the United States, a State, or any political subdivision thereof shall use information provided by a licensee pursuant to a State instant criminal check system established under subsection (a) to establish any system for the registration of handguns, handgun owners, or handgun transactions or dispositions, except with respect to persons who are prohibited from receiving a handgun by section 922 (g) or (n) of title 18, United States Code.

SEC. 5. AMENDMENT OF CHAPTER 44 OF TITLE 18, UNITED STATES CODE.

(a) DEFINITIONS.—Section 921(a) of title 18, United States Code, is amended by adding at the end the following new paragraph:

"(29) The term 'handgun' means—

"(A) a firearm (other than a firearm that is a curio or relic under criteria established by the Secretary by regulation) that has a short stock and is designed to be held and fired by the use of a single hand; and

"(B) any combination of parts designed and intended to be assembled into such a firearm and from which such a firearm can be readily assembled.".

(b) IDENTIFICATION PROCEDURE.—Section 922 of title 18, United States Code, is amended by adding at the end the following new subsection:

"(s)(1) Upon a State instant criminal check system becoming operational pursuant to the Federal Criminal Records Identification Act of 1993, and notice by an appropriate State official by certified mail to each licensee in the State that such system is operational, a licensed importer, licensed manufacturer, or licensed dealer shall not knowingly transfer a handgun from the business inventory of such licensee to any other person who is not licensed under this chapter before the completion of the transfer unless the licensee contacts the State instant criminal check system—

(b) IDENTIFICATION PROCEDURE.—Section 922 of title 18, United States Code, is amended by adding at the end the following new subsection:

"(A) the State system notifies the licensee that the system has not located any record that demonstrates that the receipt of a handgun by such other person would violate section 922 (g) or (n); or

"(B) at least 8 hours have elapsed since the licensee first contacted the system with respect to the transfer, and the system has not notified the licensee that the information available to the system demonstrates that the receipt of a handgun by the person would violate section 922 (g) or (n).

"(2) Paragraph (1) shall not apply to a handgun transfer between a licensee and another person if—

"(A) the other person presents to the licensee a valid permit or license issued by the State or a political subdivision of the State in which the transfer is to occur that authorizes the person to purchase, possess, or carry a firearm;

"(B) the Secretary has, under section 5812 of the Internal Revenue Code of 1986, approved the transfer;

"(C) the ability of the licensee to exchange information with the system described in paragraph (1) is impaired for a period of more than 8 hours due to natural or human disaster, insurrection, riot, hurricane, other act of God, or other circumstance beyond the control of the licensee; or

"(D) on application of the licensee, the State instant criminal check system has certified that compliance with paragraph (1)(A) is impracticable because of the inability of the licensee to communicate with the system due to the remote location of the licensed premises.

"(3) If the State instant criminal check system notifies the licensee that the information available to the system does not demonstrate that the receipt of a handgun by the person would violate section 922 (g) or (n), and the licensee transfers a handgun to the person, the licensee shall include in the record of the transfer the unique identification number provided by the system with respect to the transfer.

"(4)(A) If the licensee knowingly transfers a handgun to a person and willfully fails to comply with paragraph (1) with respect to the transfer and, at the time of the transfer, the State instant criminal check system was operating and information was available to the system demonstrating that receipt of a handgun by the person would violate section 922 (g) or (n), the Secretary may, after notice and opportunity for a hearing, suspend for not more than 12 months or revoke any license issued to the licensee under this section, and may impose on the licensee a civil fine of not more than $10,000.

"(B) Any action by the Secretary under subparagraph (A) shall be subject to the pro-

cedures and remedies provided in section 923 (e) and (f).

"(5) A State employee responsible for providing information through a State instant criminal check system shall not be liable in an action at law for damages for failure to prevent the sale or transfer of a handgun to a person whose receipt or possession of a handgun is unlawful under this section.

"(6) Notwithstanding any law, rule, or regulation of a State or political subdivision of a State that requires a waiting period prior to the receipt or sale of a handgun, after a State instant criminal check system has been placed in operation, a licensee may transfer, and a person may receive, a handgun immediately upon notification of the licensee pursuant to subparagraph (1)(A). No permit or license shall be required by any State or political subdivision of a State for such transfer or receipt.".

(c) PENALTY.—Section 924(a) of title 18, United States Code, is amended—

(1) in paragraph (1) by striking "(2) or (3)" and inserting "(2), (3), (4), or (5)"; and

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

"(5) A person who willfully violates section 922(s) shall be fined not more than $2,000, imprisoned not more than 1 year, or both.".

SEC. 6. ESTABLISHMENT AND OPERATION OF CRIMINAL HISTORY SYSTEM.

(a) ESTABLISHMENT OF THE SYSTEM.—Each State shall establish a system accessible by telephone, and may establish other electronic means in addition to telephonic communication, that any licensee, provider, law enforcement officer, or court of law may contact for criminal history information. Information available to a licensee shall be limited to information concerning a background check crime or other information concerning whether receipt of a handgun by a prospective transferee would violate section 922 (g) or (n) of title 18, United States Code. Information available to a provider shall be limited to a background check crime. Information available to law enforcement officers and to courts of law shall include information concerning any arrest or conviction for any crime.

(b) CONTINUOUS OPERATION.—Each State shall take such steps as are necessary to ensure that the system operates continuously and without closing, at all times and days of each year for purposes of inquiries from law enforcement officers, licensees, and courts.

SEC. 7. OPERATION OF SYSTEM FOR PURPOSE OF SCREENING HANDGUN PURCHASERS.

(a) ACCURACY OF RESPONSES.—Each State shall take such steps as are necessary to ensure that not more than 2 percent of initial telephone responses of the system contain erroneous determinations that receipt of a handgun by a prospective handgun transferee would violate section 922 (g) or (n) of title 18, United States Code.

(b) NOTIFICATION OF LICENSEES.—On establishment of a system under this section, each respective State shall notify the Secretary of the Treasury, and the Secretary shall notify each licensee of the existence and purpose of the system and the telephone number and other electronic means that may be used to contact the system.

(c) OPERATION OF THE SYSTEM.—

(1) REQUIREMENTS FOR PROVISION OF INFORMATION.—The system established under this section shall not provide information to any person who places a telephone call to the system with respect to a person unless—

(A) the system verifies that the caller is a licensee; and

(B) the licensee—

(i) states that a person seeks to purchase a handgun from the licensee; and

(ii) provides the name, birth date, and social security number (or if the transferee does not have a social security number, other identifying information about the proposed transferee as required to make a valid identification).

(2) INFORMATION TO BE PROVIDED.—

(A) IN GENERAL.—If the system receives a telephone call with respect to the transfer of a handgun to a person and the requirements of paragraph (1) are met, the system shall, in accordance with subparagraph (B)—

(i) if the receipt of a handgun by the person would violate section 922 (g) or (n) of title 18, United States Code, inform the licensee that the transfer is disapproved; and

(ii) if such a receipt would not violate section 922 (g) or (h) of title 18, United States Code—

(I) assign a unique identification number to the transfer;

(II) provide the licensee with the number; and

(III) destroy all records of the system with respect to the call (other than the identifying number and the date the number was assigned) and all records of the system relating to the person or the transfer.

(B) TIMING.—

(i) PROMPT RESPONSE REQUIRED.—The system shall make every effort to provide to the caller the information required by subparagraph (A) immediately or by return telephone call without delay.

(ii) RULES GOVERNING DELAYED RESPONSES.—If the system is unable to respond immediately to the inquiry due to circumstances beyond the control of the system, the system shall—

(I) advise the caller that the response of the system will be delayed and state the reasons for the delay and the estimated length of the delay; and

(II) make every effort to provide the information required by subparagraph (A) within 8 hours after the licensee first contacted the system with respect to the transfer.

(d) CORRECTION OF ERRONEOUS SYSTEM.—

(1) ADMINISTRATIVE PROCEDURES.—If the system established under this section informs a licensee that receipt of a handgun by a person would violate section 922 (g) or (n) of title 18, United States Code, the person may request the system to provide him or her in writing with a detailed explanation of the reasons therefore. Within 5 days after receipt of such a request, the system shall comply with the request. The requestor may submit to the system information to correct, clarify, or supplement records of the system with respect to the requestor. Within 5 days after receipt of such information, the system shall consider such information, investigate the matter further, and correct all erroneous records relating to the requestor and notify any department or agency of the United States or of any State or political subdivision of a State that was the source of the erroneous records or such errors.

(2) PRIVATE CAUSE OF ACTION.—After all administrative remedies are exhausted and such records are not corrected, a person disapproved for the purchase or receipt of a handgun because the system established under this section provided erroneous information relating to the person may bring an action in any court of competent jurisdiction against the United States, or any State or political subdivision of a State that is the source of the erroneous information, for damages (including consequential damages), injunctive relief, mandamus, and such other relief as the court may deem appropriate. If the person prevails in the action, the court shall allow the person a reasonable attorney's fee as part of the costs.

SEC. 8. REPORTING OF CHILD ABUSE INFORMATION.

(a) IN GENERAL.—An authorized agency of a State shall report child abuse crime information to the Federal criminal background check system.

(b) PROVISION OF STATE CHILD ABUSE CRIME RECORDS TO THE FEDERAL CRIMINAL BACKGROUND CHECK SYSTEM.— Not later than 180 days after the date of enactment of this Act, the Attorney General shall—

(1) investigate the criminal records of each State and determine for each State a timetable by which the State should be able to provide child abuse crime records on an online capacity basis to the Federal criminal background check system;

(2) establish guidelines for the reporting of child abuse crime information, including guidelines relating to the format, content, and accuracy of child abuse crime information and other procedures for carrying out this Act; and

(3) notify each State of the determinations made pursuant to subparagraphs (A) and (B).

(c) EXCHANGE OF INFORMATION.—An authorized agency of a State shall maintain close liaison with the National Center on Child Abuse and Neglect, the National Center for Missing and Exploited Children, and the National Center for the Prosecution of Child Abuse for the exchange of information and technical assistance in cases of child abuse.

(d) ANNUAL SUMMARY.—The Attorney General shall publish an annual statistical summary of the child abuse crime information reported under this Act. The annual statistical summary shall not contain any information that may reveal the identity of any particular victim of a crime.

(e) ANNUAL REPORT.—The Attorney General shall publish an annual summary of each State's progress in reporting child abuse crime information to the Federal criminal background check system.

(f) STUDY OF CHILD ABUSE OFFENDERS.—(1) Not later than 180 days after the date of enactment of this Act, the Administrator of the Office of Juvenile Justice and Delinquency Prevention shall begin a study based on a statistically significant sample of convicted child abuse offenders and other relevant information to determine—

(A) the percentage of convicted child abuse offenders who have more than 1 conviction for an offense involving child abuse;

(B) the percentage of convicted child abuse offenders who have been convicted of an offense involving child abuse in more than 1 State;

(C) whether there are crimes or classes of crimes, in addition to those defined as background check crimes, that are indicative of a potential to abuse children; and

(D) the extent to which and the manner in which instances of child abuse form a basis for convictions for crimes other than child abuse crimes.

(2) Not later than 1 year after the date of enactment of this Act, the Administrator shall submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives containing a description of and a summary of the results of the study conducted pursuant to paragraph (1).

SEC. 9. BACKGROUND CHECKS FOR CHILD CARE PROVIDERS.

(a) IN GENERAL.—

(1) PROCEDURES FOR MAKING REQUEST FOR BACKGROUND CHECK.—A State may have in effect procedures (established by or under State statute or regulation) to permit a qualified entity to contact an authorized agency of the State to request a nationwide background check for the purpose of determining whether a provider is under indictment for, or has been convicted of, a background check crime.

(2) ACCESS THROUGH NATIONAL CRIMINAL BACKGROUND CHECK SYSTEM.—The authorized agency shall access and review State and Federal records of background check crimes through the national criminal background check system and other criminal justice record keeping systems and shall respond promptly to the inquiry.

(b) GUIDELINES.—

(1) IN GENERAL.—The Attorney General shall establish guidelines for State background check procedures established under subsection (a), including procedures for carrying out the purposes of this Act.

(2) REQUIREMENTS.—The guidelines established under paragraph (1) shall require—

(A) that no qualified entity may request a background check of a provider under subsection (a) unless the provider first completes and signs a statement that—

(i) contains the name, address, date of birth, and social security number of the provider;

(ii) the provider is not under indictment for, and has not been convicted of, a background check crime and, if the provider is under indictment for or has been convicted of a background check crime, contains a description of the crime and the particulars of the indictment or conviction;

(iii) notifies the provider that the entity may request a background check under subsection (a);

(iv) notifies the provider of the provider's rights under subparagraph (B); and

(v) notifies the provider that prior to the receipt of the background check the qualified entity may deny the provider employment;

(B) that each State establish procedures under which a provider who is the subject of a background check under subsection (a) is entitled—

(i) to obtain a copy of any background check report; and

(ii) to challenge the accuracy and completeness of any information contained in any such report;

(C) that an authorized agency to which a qualified entity has provided notice pursuant to subsection (a) make reasonable efforts to review available criminal history records and respond to the qualified entity;

(D) that the response of an authorized agency to an inquiry pursuant to subsection (a) inform the qualified entity that the background check pursuant to this section—

(i) may not reflect all indictments or convictions for a background check crime;

(ii) is not certain to include arrest information; and

(iii) should not be the sole basis for determining the fitness of a provider;

(E) that the response of an authorized agency to an inquiry pursuant to subsection (a)—

(i) state whether the background check information set forth in the identification document required under subparagraph (A) is complete and accurate; and

(ii) be limited to the information reasonably required to accomplish the purposes of this Act;

(F) that no qualified entity may take action adverse to a provider, except that the qualified entity may choose to deny the provider employment on the basis of a background check under subsection (a) until the provider has obtained a determination as to the validity of any challenge under subparagraph (B) or waived the right to make such challenge; and

(G) that each State establish procedures to ensure that any background check under subsection (a) and the results thereof shall be requested by and provided only to—

(i) qualified entities identified by States;

(ii) authorized representatives of a qualified entity who have a need to know such information;

(iii) the providers;

(iv) law enforcement authorities; or

(v) pursuant to the direction of a court of law;

(H) that background check information conveyed to a qualified entity pursuant to subsection (a) shall not be conveyed to any person except as provided under subparagraph (G);

(I) that an authorized agency, State employee or a political subdivision of a State or employee thereof responsible for providing information to the Federal criminal background check system shall not be liable in an action at law for damages for failure to prevent a qualified entity from taking action adverse to a provider on the basis of a background check.

(c) EQUIVALENT PROCEDURES.—

(1) CERTIFICATION.—Notwithstanding anything to the contrary in this Act, the Attorney General may certify that a State licensing or certification procedure that differs from the procedures described in subsections (a) and (b) shall be deemed to be the equivalent of such procedures for purposes of this Act, but the procedures described in subsections (a) and (b) shall continue to apply to those qualified entities, providers, and background check crimes that are not governed by or included within the State licensing or certification procedure.

(2) CRITERIA.—The Attorney General shall by regulation establish criteria for certifications under this subsection. Such criteria shall include a finding by the Attorney General that the State licensing or certification procedure accomplishes the purposes of this Act and incorporates a nationwide review of State and Federal records of background check offenses through the Federal criminal background check system.

(d) RECORDS EXCHANGE.—The Attorney General may exchange Federal Bureau of Investigation identification records with authorized agencies for purposes of background checks under subsection (a) and may by regulation authorize further dissemination of such records by authorized agencies for such purposes.

(e) TECHNOLOGY.—The Attorney General shall, to the maximum extent possible, encourage the use of the best technology available in conducting background checks.

SEC. 10. IMPROVEMENT OF CRIMINAL JUSTICE RECORDS.

(a) EXPEDITED ACTION BY THE ATTORNEY GENERAL.—The Attorney General shall expedite—

(1) the incorporation of the remaining State criminal history records into the Federal criminal records systems maintained by the Federal Bureau of Investigation; and

(2) the development of hardware and software systems to link State criminal history check systems into the National Crime Information Center.

SEC. 11. ACCESS TO STATE CRIMINAL RECORDS.

(a) MEANS OF COMMUNICATION.—Not later than 60 days after the date of enactment of this Act the Attorney General shall—

(1) determine the type of computer hardware and software that shall be used to operate the Federal criminal records system and the means by which State criminal records system shall communicate with the Federal system;

(2) investigate the criminal records system of each State and determine for each State the extent of such accessible criminal records that each State shall be able to provide thereafter to the Federal system by the effective date of section 922(s) of title 18, United States Code, as added by section 5; and

(3) notify each State of the determination made pursuant to paragraphs (1) and (2).

(b) FEDERAL SYSTEM.—Not later than the effective date of section 922(s) of title 18, United States Code, as added by section 5, the Attorney General shall provide to each State access to the Federal Crime Information Center, including the records of other States through a network, for the purpose of permitting the State to conduct instant criminal background checks required by that section.

SEC. 12. IMPROVEMENTS IN STATE RECORDS.

(a) IN GENERAL.—Section 509(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3759(b)) is amended—

(1) by striking "and" at the end of paragraph (2);

(2) by striking the period at the end of paragraph (3) and inserting "; and"; and

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

"(4) the improvement of State record systems and the sharing of all of the records described in paragraphs (1), (2), and (3) and the records required by this Act with the Attorney General for the purpose of implementing this Act.".

(b) ADDITIONAL FUNDING.—Section 509 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3759) is amended by adding at the end the following new subsection:

"(e) In addition to other funds authorized in this Act, there are authorized to be appropriated for fiscal year 1994, to be available until expended, $21,000,000 for the purpose of implementing subsection (b)(4).".

(c) WITHHOLDING FUNDS.—

(1) Effective on the effective date of section 922(s) of title 18, United States Code, as added by section 5, the Attorney General may refuse to make grants under title I of the Omnibus Crime Control and Safe Streets Act of 1968 to a State that does not establish and operate a State criminal background check system in compliance with subsection (b)(1)(A) of this section and section 922(s) of title 18, United States Code. No State that receives funds pursuant to the Federal Criminal Records Identification Act of 1993 may charge more than $3 per transaction to check for the existence of a felony record of a prospective purchaser of a handgun.

(2) Effective 1 year after the date of enactment of this Act, the Attorney General may reduce by up to 10 percent the allocation to a State for a fiscal year under title I of the Omnibus Crime Control and Safe Streets Act of 1968 of a State that is not in compliance with this Act, and the portion of the amounts that are appropriated for allocation to the States under that title for that fiscal year that is equal to the amount of the reduction shall thereby be rescinded.

SEC. 13. FUNDING OF STATE CRIMINAL RECORDS SYSTEMS AND DEDICATION OF FUNDS.

(a) INCREASE IN SPECIAL ASSESSMENTS.—Section 3013(a) of title 18, United States Code, is amended—

(1) in paragraph (1)(A)(iii) by striking "$25" and inserting "$30";

(2) in paragraph (2)(A) by striking "$50" and inserting "$75"; and

(3) in paragraph (2)(B) by striking "$200" and inserting "$250".

(b) SYSTEMS FOR SCREENING CHILD CARE PROVIDERS AND HANDGUN PURCHASERS AND FOR CRIMINAL JUSTICE PURPOSES.—Notwithstanding any other law, $5 of each assessment collected under section 3013 (a)(1)(A)(iii) of title 18, United States Code, $25 of each assessment collected under subsection (a)(2)(A) of that section, and $50 of each assessment collected under subsection (a)(2)(B) of that section shall be paid to the States, in proportion to the respective populations thereof, for the purposes of carrying out the Federal Criminal Records Identification Act of 1993.

SEC. 14. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated such sums as are necessary to carry out this Act.

(b) LIMITATION ON USE.—No appropriation, grant, or fund authorized under this Act shall be used for any purpose other than the creation, maintenance, and operation of systems for access to criminal history records and screening systems for handgun purchasers and child care providers as provided in this Act.

FEDERAL CRIMINAL RECORDS IDENTIFICATION ACT OF 1993 A SUMMARY

Today, we have the technological capability to identify violent felons, convicted child abusers, and other predatory criminals through existing criminal justice records. Using telephonic and other electronic communication, it is possible to check criminal history records instantly to identify felons who attempt to purchase handguns, child abusers who seek employment in child care facilities, and fugitives or dangerous criminals whom the police may stop.

This bill would take the last steps necessary to establish a nationwide, state-by-state criminal record screening system. State portions of the system already in place would be enhanced and improved by the bill. The system would provide an important new tool for law enforcement and criminal justice. For example, to prevent felons from purchasing handguns, the bill would make contacting the system a requirement before a handgun could be sold by a licensed firearm dealer. The system would also be available to states interested in using it to screen out convicted child abusers seeking employment with child care providers.

This bill creates a new chapter 134 to Title 42, U.S.C., which provides relevant definitions and sets up the system for the above purposes. The bill also amends the Gun Control Act of 1968, 18 U.S.C. §921 et seq., to require licensed dealers to contact a screening system before sale of a handgun. Other portions of the bill create funding mechanisms, many of them self-sustaining and based on user fees, to allow the systems to pay for themselves.

Section 1 provides the short title: "Federal Criminal Records Identification act of 1993." Section 2 sets forth various findings and purposes. Section 3 amends 42 U.S.C. by adding Chapter 134 and providing pertinent definitions. For example, "background check crime" means, for the purpose of screening child care providers, a child abuse crime or felony of a pertinent type; for purposes of screening handgun purchasers, it means a crime punishable by imprisonment for over one year as defined in the Gun Control Act.

Section 4 sets out the general requirements and prohibitions for state criminal history check systems. The system must be capable of advising a licensed firearm dealer if available criminal records would demonstrate that a prospective transferee is prohibited by 18 U.S.C. §922 (g) or (n) from receiving a handgun. The section also contains requirements for privacy and security of the information, and a procedure for correcting erroneous information in the system. It prohibits any records from being transferred to, or maintained at, any government facility; and it prohibits any system for registration of handguns, gun owners, or transactions.

Section 5 amends 18 U.S.C. §922 to prohibit the sale of a handgun by a licensed dealer unless the dealer first contacts the state instant criminal check system to insure that the purchaser is not prohibited by Federal law from purchase of a handgun. The sale may be made if the state screening system approves the transfer. It may not be made, of course, if the purchaser is prohibited by federal law from receipt or possession of a handgun. If a licensed dealer fails to contact the state screening system, the Secretary of the Treasury may suspend or revoke the firearms license and impose a civil fine of up to $10,000. Moreover, the dealer is subject to imprisonment of up to one year and a fine of up to $2,000 for a willful violation of not contacting the system.

Section 6 sets out more specific parameters for the state system: that it may be accessed by telephone; that it may be accessed by a licensed dealer, child care provider, law enforcement officer, or court of law; limitations on information that may be provided to each of these categories; when it must operate.

Section 7 discusses the establishment and operation of the system for screening criminal records prior to a handgun purchase. It sets forth rules concerning the accuracy of responses, requires that licensees be notified that the system is operating, provides for the information to be transmitted to the screening system, strictly limits the use of such information, and provides for correction of erroneous system information.

Section 8 relates to reporting of child abuse information by the states. It provides that an authorized agency of a state shall report child abuse crime information to the federal criminal background check system. Although no federal law exists concerning the employment of persons in child care in the states, this will enable the states to obtain or enhance systems to screen prospective employees for child abuse crimes. The section also provides for a federal report and study in this area.

Section 9 focuses on background checks for child care providers. It provides that states shall have access to criminal records for purposes of background check crimes. The Attorney General will establish guidelines to carry out the purposes of this section, including guidelines in a number of specific areas such as which child care providers may request information through the system, how erroneous records may be corrected and how the information may be used. The section also allows the Attorney General to certify a state system that is equivalent, but does not conform to, the specific guidelines.

Section 10 relates to the improvement of criminal justice records. It provides that the Attorney General shall expedite the incorporation of the remaining state criminal history records into the federal criminal records systems maintained by the FBI.

Section 11 relates to access to state criminal records. The Attorney General is directed to determine the types of computer hardware and software that shall be used to operate the federal criminal records systems and the means by which the state criminal records system shall communicate with the federal system. The section also directs the Attorney General to investigate the criminal records systems of each state and determine for each state the extent of such accessible criminal records that such state will be able to provide.

Section 12 relates to improvements in state records. It amends the Omnibus Crime Control and Safe Streets Act of 1968 to provide $21,000,000 in additional funding to implement the purposes of this Act. The Attorney General may refuse to make grants under the Omnibus Act to a state that does not establish and operate state criminal background check systems so that handgun purchasers may be screened. No state accepting federal funds may charge a dealer more than $3.00 per transaction to check for the existence of a felony record of a handgun purchaser.

Section 13 provides further funding for state criminal records systems through the special assessment on convicted persons in federal courts, 18 U.S.C. §3013. The amendments apply to persons in class A misdemeanor convictions, and to persons and corporations in the case of felony convictions.

Section 14 provides that there are authorized to be appropriated such sums as necessary to carry out this Act.●

By Mr. CHAFEE (for himself and Mr. PELL):

S. 892. A bill to prohibit the manufacture, importation, exportation, sale, purchase, transfer, receipt, possession, or transportation of handguns and handgun ammunition, with certain exceptions; to the Committee on the Judiciary.

PUBLIC HEALTH AND SAFETY ACT OF 1993

Mr. CHAFEE. Mr. President, let me thank the distinguished majority leader for this time.

Mr. President, today I am reintroducing legislation that I introduced a year ago in June to ban the sale, the manufacture, or the possession of handguns and handgun ammunition. I call my bill the Public Health and Safety Act, and I do this for a very good reason. Handguns in the United States today are a major threat to the health and the safety of our country's population.

Before I start, Mr. President, I would like to disabuse the public of one canard that is constantly circulated, and that canard is that we cannot do anything about banning handguns in the United States because of the second amendment to the U.S. Constitution. The National Rifle Association, in one of the great frauds that is perpetrated on the American public, constantly quotes part of the second amendment, the second part. And this is what the National Rifle Association's version of the second amendment to the Constitu-

tion says, and you see this emblazoned on their stationery and elsewhere:

The right of the people to keep and bear arms shall not be infringed.

The public of America might think that is the whole second amendment, but that is not the case at all. This is what the second amendment really says. We are talking about the Constitution's version now, not the NRA's version of it. The second amendment to the U.S. Constitution in its entirety says as follows:

A well regulated militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.

That is what the second amendment says. It all revolves around the necessity of having a well-regulated militia and, in order to have that "well-regulated militia," individuals who belong to the militia shall have their right to bear arms as part of that militia. It has nothing to do with the inability of any city, State, or Federal Government to regulate an individual from carrying a weapon, or possessing a weapon, or owning a weapon.

So I think it is time we get straight just what the second amendment to the Constitution actually says. As a matter of fact, Mr. President, there has never been a Federal court in the United States of America that has interpreted this otherwise. No Federal court has ever said that a community or a city or a State or the Federal Government cannot regulate the possession of weapons, whether it is assault rifles, whether it is handguns, or whatever the firearm is. So I think it is time that we get the true meaning of the second amendment out to the public, so the public may understand that it does not in fact provide for any individual constitutional right to carry a gun.

This morning, I had a press conference, during which Chief Justice Warren Burger spoke out on this subject. What he pointed out was that the Founding Fathers of this country were very, very afraid of a standing army. They had seen what a standing army meant in Great Britain, and they wanted no part of it. Indeed, during the Revolutionary War, there was not a Federal army. Instead, there was the militia that came from Massachusetts, Virginia, Rhode Island, North Carolina, and so forth.

The Chief Justice said that the history of this amendment shows that the Framers were prepared to have a well-regulated militia and, in that context, those who were part of that militia therefore had the right to keep and bear arms.

Mr. President, having disposed of the argument that the second amendment prevents the regulation or banning of handguns in the United States, I would like to move on to the remainder of my remarks.

It is staggering to realize the extent to which handguns have impacted our lives and our children's lives. Handguns, so easily available and so easily concealed, increasingly are making their presence felt not only on the streets, but in our schools and in our health care system.

This should not come as any surprise. Currently, if you can believe it, there are 70 million handguns in the United States of America—70 million—and 2 million are being added every single year. Unless we turn off the spigot of this constant inflow of these guns, there will be 2 million additional handguns in 1994, and 2 million additional handguns in 1995.

More than any other weapon, it is handguns that are killing Americans and maiming Americans. Murder by virtually all other causes in the United States has leveled off: murder from clubbings or from stabbings or from shotguns or rifles. But not handgun murders. They have been going up at a new record level every year since 1987.

Handguns are responsible for 70 percent of the gun suicides in the United States and 80 percent of gun murders. So when you are talking about a murder by a gun in the United States, in nearly every instance—80 percent—you are talking about a handgun murder. You are not talking about a shotgun murder, a rifle murder, or even an assault rifle murder, bad as those are. In the United States last year, 11,500 murders took place from handguns—11,500.

Mr. President, it is frequently implied that all of these murders take place when there is a stickup between an armed criminal and an innocent victim. But this isn't the case. Most murders occur when people, under some stress or emotion, snatch an available weapon. The handgun is there and they grab it, in the midst of an argument—it might be with a neighbor; it might be inside the family—and a murder results. At least half of all handgun murders are committed during an argument and, in most cases, the victim is related to or knew the aggressor.

Some people have the erroneous belief that, well, you better have a handgun around the house to take care of potential intruders. But the facts are, if you have a handgun in the house, there is a far, far greater chance that that handgun will murder somebody in your family than that you will use it to repel some intruder. Data show that for every self-protection homicide with a gun kept in the home, there are 43 murders, suicides, and injuries of loved ones, friends, or relatives.

We have all read of these incidents of accidental shootings of small children a 3-year-old finding a loaded handgun and innocently killing his or her sibling because the gun is loaded. Incidents of siblings accidentally shooting other siblings abound, regrettably, in our country. As for murder, 2,900 children and teens are murdered by guns every year. Of course, it is the weapon that is used for suicides more than any other. Listen to this statistic: If a gun is available in the home, the odds that a suicidal teenager will kill himself or herself go up a whopping seventy-fivefold. There is a 75-percent greater chance that a suicidal-bent child will kill himself or herself if there is a weapon in the house.

Mr. President, I particularly want to stress the tremendous toll that handguns are taking in the black community, and particularly among black young men. An entire generation of black males are being killed by guns, handguns. Handguns are the largest killer of black males from the age of 15 through 34, more than any other cause. It is not automobile accidents, it is not other types of accidents, it is not tuberculosis or AIDS or some other thing that is killing young black males from the age of 15 to 34. If is handguns.

If you look at this chart, you will see that 60 percent of all deaths of black males from the age of 15 to 19 are caused by handguns, and over 50 percent of all deaths of black males from the age of 20 to 24 is by handgun.

What is it for a white male? It is about 20 percent in these categories, whereas it is over 60 percent for black males. I read the other day that in New York City there were two adjoining basketball courts. A basketball from one court went over and bounced and hit a player in the next court on the head.

He was furious. He went to his coat, pulled out a handgun, and shot the player in the first court because he had been hit in the head with a stray basketball.

Why does this occur? Because of the prevalence of these handguns. Once upon a time, a fistfight might have ensued, but now handguns have replaced fists. And that fact is contributing to the decimation of an entire generation. These young men are gone. They are gone as fathers; they are gone as husbands; they are gone as providers from our society.

We heard very moving testimony on this point in the press conference I held this morning from Dr. Louis Sullivan, former Secretary of Health and Human Services in our country, who did such a distinguished job for 4 years during the Bush administration and is now president of Morehouse College in Atlanta, GA. He stressed what these grim statistics mean for young black males in the United States of America.

Now, let us turn to what handguns are doing to education. In every State, in my State, the little State of Rhode Island, we are finding children are bringing handguns to school. We never heard of this before. In our State, we never heard of somebody bringing a gun to school. Now, they are certainly not bringing a rifle because somebody would see it; they are bringing a handgun. They are bringing handguns because they have access to handguns.

Listen to this statistic. It is estimated that 135,000 boys bring a gun to school every day. Across the educational system of the United States of America, 135,000 boys on any one day are bringing a gun to school.

This is a recipe for disaster. It has come to the point where school districts are spending scarce moneys to install $4,000 metal detectors and purchase $150 hand-held wands. And if you have the metal detectors, obviously you have to pay somebody to be there to supervise the equipment. Some administrators are wearing bulletproof vests, if you can believe it.

The most comprehensive security measures cannot cover all exigencies. It is impossible. Listen to this. In Chicago, after a shooting at Tilden High School, where metal detectors are used on a random basis, the family of a wounded student is suing the Chicago Board of Education because the metal detectors are not used all the time. The child of those parents was wounded at Tilden High School by a handgun. So these handguns are having a disastrous effect on our school systems. Indeed, there is formed now an association for security supervisors of schools. Who has ever heard of that before? The schools now have their own security supervisors, which is certainly unique, and it is certainly unique to this Nation compared to other nations.

Now, let us talk about health care. Handguns, as I mentioned, are used in 80 percent of all the homicides that take place and 70 percent of all suicides. But for every gun death, as bad as the deaths are, the toll from the injuries incurred by handguns is just as bad. For every handgun death, you can figure there are seven gun injuries. The injuries from these guns today are extremely severe.

We had a spokesman at the press conference I just held, Dr. Howard Champion, who runs the trauma center in the District of Columbia, just a mile away at the Washington Hospital Center. He pointed out that once upon a time there would be a fight, there would be a knifing, and they would bring the individual in and sew him up. Now the individual comes in and he or she is either dead or extremely seriously injured with gunshot wounds, frequently ending up as a paraplegic or quadriplegic.

Who bears the costs of all this? It is not private insurance that these individuals have. They do not have that. The costs are borne by the citizens and taxpayers of the United States of America. The average hospitalization for a gunshot wound costs $13,000, sometimes going as high as one-half million dollars—and that is just immediate hospital costs; that has nothing to do with rehabilitation. If you have somebody with a severe spinal injury, the rehabilitation costs for that individual can run into the millions of dollars. It is estimated—and I think this is on the low side, but it is the best we can get—that handgun wounds, just for acute care in hospitals, not for rehabilitation, in the United States of America costs the taxpayers more than $4 billion a year.

There is not a Senator, there is not a Representative, who is not foursquare for preventive medicine. Why are we all for doing something about immunization and vaccinations and seeing that proper prescriptive drugs are available for youngsters when they are born? Why are we for keeping mothers healthy during their pregnancy? Because we believe in preventive medicine, in keeping the individual well. If anybody is for preventive medicine, they had better sign up for this bill because this bill would ban handguns, which are so terribly destructive and so costly for medical care.

Some people come up to me and say, "This is a radical proposal that you have." This is not a radical proposal. What is taking place in the United States of America is radical.

Let us take a look at this next chart. Here we have gun murders in the United States of about 15,000 a year. What is happening in other countries? Let's look at Canada, our next door neighbor. How many gun deaths do they have in a year? They have less than 200; less than 200 a year in Canada. What about Great Britain? They have 60 murders a year with guns—60. What about Japan? They have 90. And what about Australia? They have a Wild West tradition. They are macho. In Australia, 76 people are killed with guns a year compared to the 15,000 in the United States.

What is the difference? The other nations do not allow the proliferation of handguns in those countries as we do in the United States. You cannot just go in and buy a handgun. It is severely, severely restricted.

I think we all followed what took place recently in Virginia where, with a great struggle, the Governor of Virginia succeeded in having passed legislation that said you can only buy one handgun a month, sort of a gun-a-month club. That is all you can buy in Virginia. This was considered radical. All you can buy is one handgun a month, as opposed to being able to back up your truck and fill it up every day with handguns. They have stopped that. Now you can only get 12 a year, 1 a month. Well, compare that to these other countries, where you virtually cannot get handguns at all and therefore you do not have the murder rate.

I will say this, and I believe it strongly, that pretty soon every family in America directly is going to be touched by handgun violence. That does not mean one of your children necessarily, but a cousin, a nephew, an uncle, or somebody in the family is going to be affected by these handguns.

What does my bill do? It provides that there shall be no manufacture, no sale, no possession of handguns or handgun ammunition. Under my bill, there is a 6-month period during which people can turn in their guns and receive the greater of either $25, or whatever the appraised value of the handgun is. After the 6-month period, people can still turn in their guns but they will not be paid for them; and after the 6-month period, it will be against the law to own a gun—against the law. And there will be a fine and a prison sentence, if it is appropriate to do so.

Now, the only way we are going to get rid of these guns is to take the first step. People will say, well, will criminals have guns and the good people turn them in? Perhaps for a while. But we will get them. The first and most important thing is they will not be able to buy any more. And second, eventually they will not be able to get these guns at all.

I would like to close with a quote from C.S. Lewis as to what kind of role government should play, and what kind of society one wants for America. In this instance, he was speaking about England, but it applies to us.

It is easy to think the state has a lot of different (functions)—military, political, economics, and what not. But, in a way, things are much simpler than that. The state exists simply to promote and protect the ordinary happiness of human beings in this life. A husband and wife chatting over a fire; a couple of friends having a game of darts in a pub; a man reading a book in his own room or digging in his own garden—that is what the state is there for, and unless they are helping—

In other words, unless the state is helping—

to increase and prolong and protect such moments, all laws, parliaments, armies, courts, police, economics, etc., are simply a waste of time.

If we are going to live in a safer society than we live in today, we have to get control of these handguns. This legislation is a big start in that direction.

I thank the Chair. I thank the majority leader for his patience.

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. 892

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 "Public Health and Safety Act of 1993".

SEC. 2. FINDINGS AND DECLARATIONS.

The Congress finds and declares that—

(1) the number of privately held handguns has more than doubled—from 33,000,000 in 1973 to more than 70,000,000 today—in the past 2 decades alone, and the number of handguns in circulation continues to increase by 2,000,000 handguns each year;

(2) handguns play a major role, disproportionate to their number in comparison with

rifles and shotguns, in violent crime, intentional and accidental death, and intentional and accidental injury;

(3) while the number of homicides committed with long guns has remained relatively stable, the number of handgun homicides has set new records every year since 1987, matching pace with the skyrocketing national homicide rate;

(4) the number of handgun-related incidents in elementary and secondary schools has increased sharply, with significant numbers of schoolchildren in rural and urban areas reporting easy access to and frequent carrying to school of handguns; and the presence of handguns in school not only provokes worry among parents and children but also causes much needed school funds to be diverted for purchase of security equipment;

(5) handgun violence places considerable strain on the national health care system and is a major contributor to its escalating costs, with at least $4,000,000,000 being spent annually on emergency care, hospitalization, follow-up care, rehabilitation, and medication;

(6) handguns kept in the home are of less value than is commonly thought in defending against intruders, and they are far more likely to increase significantly the danger of a handgun fatality or injury to the inhabitants (including children) than to enhance their personal safety;

(7) violent crime and injury committed with handguns constitute a burden upon and interfere with interstate and foreign commerce, and threaten the domestic tranquility of the Nation; and

(8) current Federal firearms policy is wholly inadequate to counteract the social, economic, and financial costs exacted by handguns to our society.

SEC. 3. AMENDMENT OF TITLE 18, UNITED STATES CODE.

Chapter 44 of title 18, United States Code, is amended—

(1) by—

(A) redesignating the text of the chapter as subchapter A;

(B) inserting after the chapter heading the following:

"Subchapter

"A. Firearms In General 921

"B. Handguns 941

"SUBCHAPTER A—FIREARMS IN GENERAL";

and

(C) striking "this chapter" each place it appears and inserting "this subchapter"; and

(2) by adding at the end the following new subchapter:

"SUBCHAPTER B—HANDGUNS

"Sec.

"941. Definitions.

"942. Unlawful acts.

"943. Licensing of handgun clubs.

"944. Registration of security guard services.

"945. Recordkeeping and reports; transfers to licensed handgun clubs.

"946. Voluntary delivery to law enforcement agency; reimbursement.

"947. Penalties.

"948. Regulations.

"949. Relation to other law.

"950. Severability.

"§ 941. Definitions.

"(a) TERMS DEFINED IN SECTION 921.—Unless otherwise defined in subsection (b), a term used in this subchapter that is defined in section 921 has the meaning stated in that section.

"(b) ADDITIONAL TERMS.—As used in this subchapter:

"'Handgun' means any firearm including a pistol or revolver that is designed to be fired by the use of a single hand, or any combination of parts from which such a firearm can be assembled.

"'Handgun ammunition' means ammunition that is designed for use primarily in a handgun.

"'Handgun club' means a club organized for bona fide target shooting with handguns.

"'Licensed handgun club' means a handgun club that is licensed under section 943.

"'Registered security guard service' means a security guard service that is registered under section 944.

"'Security guard service' means an entity that engages in the business of providing security guard services to the public.

"§ 942. Unlawful acts.

"(a) OFFENSE.—Except as provided in subsections (b) and (c), it is unlawful for a person to manufacture, import, export, sell, buy, transfer, receive, own, possess, transport, or use a handgun or handgun ammunition.

"(b) EXCEPTIONS.—Subsection (a) does not apply to—

"(1) the Army, Navy, Air Force, Marine Corps, Coast Guard, and National Guard;

"(2) Federal, State, or local government agencies charged with law enforcement duties that require its officers to possess handguns;

"(3) registered security guard services; or

"(4) licensed handgun clubs and members of licensed handgun clubs.

"(c) APPROVED TRANSACTIONS.—Pursuant to regulations issued by the Secretary, the Secretary may approve the manufacture, importation, sale, purchase, transfer receipt, ownership, possession, transportation, and use of a handgun or handgun ammunition by licensed manufacturers, licensed importers, and licensed dealers as necessary to meet the lawful requirements of the persons and entities described in subsection (b).

"§ 943. Licensing of handgun clubs

"(a) HANDGUN CLUBS.—Pursuant to regulations issued by the Secretary, the Secretary may issue a license to a handgun club if—

"(1) no member of the handgun club is a person whose membership and participation in the club is in violation of State or local law;

"(2) no member of the handgun club is prohibited from transporting, shipping, or receiving firearms or ammunition in interstate or foreign commerce under section 922(g) or (h);

"(3) no member of the handgun club has willfully violated this chapter or any regulations issued under this chapter;

"(4) the handgun club has not willfully failed to disclose any material information required, or has not made any false statement as to any material fact in connection with its application;

"(5) the club has been founded and operated for bona fide target shooting; and

"(6) the handgun club—

"(A) has permanent premises from which it operates;

"(B) maintains possession and control of the handguns used by its members;

"(C)(i) has procedures and has facilities on its premises for keeping such handguns in a secure place, under the control of a designated officer of the club; or

"(ii) has made arrangements for the storage of the members' handguns in a facility of the local police department or other law enforcement agency, at all times when they are not being used for target shooting; and

"(D) meets all operational, safety, security, training, and other requirements that the Secretary may prescribe by regulation.

"(b) REVOCATION.—The Secretary shall revoke the license of a licensed handgun club that does not continue to meet the requirements of subsection (a).

"(c) LICENSE FEE.—A licensed handgun club shall pay to the Secretary an annual license fee of $25.

"§ 944. Registration of security guard services

"(a) SECURITY GUARD SERVICES.—Under regulations issued by the Secretary, the Secretary may approve the registration of a security guard service if—

"(1)(A) the security guard service has procedures and has facilities on its premises for keeping its handguns in a secure place, under the control of a designated officer of the security guard service; or

"(B) has made arrangements for the storage of its handguns in a facility of the local police department or other law enforcement agency, at all times when such handguns are not in use for legitimate business purposes;

"(2) the security guard service has obtained all necessary State and local licenses and meets all State and local requirements to engage in the business of providing security guard service; and

"(3) the security guard service meets all operational, safety, security, training, and other requirements that the Secretary may prescribe by regulation.

"(b) REVOCATION.—The Secretary shall revoke the registration of a registered security guard service that does not continue to meet the requirements of subsection (a).

"(c) REGISTRATION FEE.—A registered security guard service shall pay to the Secretary an annual registration fee of $50.

"§ 945. Recordkeeping and reports; transfers to licensed handgun clubs

"(a) RECORDKEEPING.—A licensed manufacturer, licensed importer, licensed dealer, licensed handgun club or member of a licensed handgun club, or registered security guard service that sells or otherwise transfers handguns or handgun ammunition shall—

"(A) maintain records of sales, transfers, receipts, and other dispositions of handguns and handgun ammunition in such form as the Secretary may by regulation provide; and

"(B) permit the Secretary to enter the premises at reasonable times for the purpose of inspecting such records.

"(b) REPORTS OF LOSS OR THEFT.—(1) A licensed handgun club or registered security guard service shall report to the Secretary a loss or theft of any handgun in its possession or the possession of 1 of its members or employees not later than 30 days after the loss or theft is discovered.

"(2) A report made under subsection (a) shall include such information as the Secretary by regulation shall prescribe, including the date and place of theft or loss.

"(c) TRANSFERS TO HANDGUN CLUBS.—A person that sells or otherwise transfers a handgun to a licensed handgun club or member of a licensed handgun club shall be shipped or otherwise delivered directly to the premises of the licensed handgun club where the handgun will be kept.

§ 946. Voluntary delivery to law enforcement agency; reimbursement

"(a) DELIVERY.—A person may at any time voluntarily deliver to any Federal, State, or local law enforcement agency designated by the Secretary a handgun owned or possessed by the person.

"(b) DISPOSITION.—The Secretary shall arrange with each agency designated to receive handguns for the transfer, destruction or other disposition of handguns delivered under subsection (a).

"(c) REIMBURSEMENT.—The Secretary shall pay to a person who delivers a handgun under subsection (a) on or prior to the date that is 180 days after the date of enactment of this subchapter an amount equal to the greater of—

"(1) $25; or

"(2) the fair market value of the gun as determined by the Secretary.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as are necessary to make such payments under subsection (c).

"§ 947. Penalties

"(a) VIOLATION OF SECTION 942.—(1) Except as provided in paragraph (2), a person who violates section 942 shall be fined not more than $5,000, imprisoned not more than 5 years, or both.

"(2) A person who voluntarily delivers a handgun under section 946(a) after the date that is 180 days after the date of enactment of this subchapter shall not be subject to criminal prosecution for possession of the handgun under any Federal, State, or local law, but shall pay to the Secretary a civil penalty in an amount determined by the Secretary, not to exceed $500.

"(b) FAILURE TO REPORT LOSS OR THEFT.—A licensed handgun club or registered security guard service that fails to report a loss or theft of a handgun as required by section 945(b)—

"(1) in the case of a negligent failure to report or a negligent failure to discover the loss or theft, shall pay to the Secretary a civil penalty in an amount determined by the Secretary, not to exceed $1,000; and

"(2) in the case of an intentional failure to report, shall be fined not more than $5,000, its officer designated under section 943(a)(6)(C)(i) or 944(a)(1)(A) imprisoned not more than 5 years, or both.

"(c) FAILURE TO DELIVER TO PREMISES OF LICENSED HANDGUN CLUB.—A person that sells or otherwise transfers a handgun to a licensed handgun club or member of a licensed handgun club that causes the handgun to be shipped or otherwise delivered by any means or to any place other than directly to the premises of the licensed handgun club where the handgun will be kept, in violation of section 945(c)—

"(1) in the case of a negligent delivery to an unauthorized place, shall pay to the Secretary a civil penalty in an amount determined by the Secretary, not to exceed $1,000; and

"(2) in the case of an intentional delivery to an unauthorized place, shall be fined not more than $5,000, imprisoned not more than 5 years, or both.

"(d) FALSE STATEMENT OR REPRESENTATION.—(1) A person who—

"(A) makes a false statement or representation with respect to information required by this subchapter to be kept in the records of an importer, manufacturer, dealer, or handgun club licensed under this subchapter or security guard service registered under this subchapter; or

"(B) makes a false statement or representation in applying for a handgun club license or security guard service registration under this subchapter,

shall be subject to penalty under paragraph (2).

"(2)(A) In the case of a negligent making of a false statement or representation described in paragraph (1), the person shall pay to the Secretary a civil penalty in an amount determined by the Secretary, not to exceed $1,000; and

"(B) in the case of an intentional making of a false statement or representation described in paragraph (1), the person shall be fined not more than $5,000, imprisoned not more than 5 years, or both.

"(e) FAILURE TO KEEP OR PERMIT INSPECTION OF RECORDS.—A person who fails to keep or permit inspection of records in violation of section 945(a)—

"(1) in the case of a negligent failure to maintain records, shall pay to the Secretary a civil penalty in an amount determined by the Secretary, not to exceed $1,000; and

"(2) in the case of an intentional failure to maintain records or any failure to permit inspection of records, shall be fined not more than $5,000, and its chief executive officer or other person responsible for the failure shall be imprisoned not more than 5 years, or both.

"(f) FORFEITURE.—Any handgun or handgun ammunition involved or used in, or intended to be used in, a violation of this subchapter or any regulation issued under this subchapter, or any violation of any other criminal law of the United States, shall be subject to seizure and forfeiture, and all provisions of the Internal Revenue Code of 1986 relating to the seizure, forfeiture, and disposition of firearms shall, so far as applicable, extend to seizures and forfeitures under this subchapter.

"§ 948. Regulations

"The Secretary may prescribe such regulations as the Secretary deems necessary to carry out this subchapter.

"§ 949. Relation to other law

"The regulation of handguns under this subchapter is in addition to the regulation of handguns under subchapter A and any other Federal, State, or local law.

"§ 950. Severability

"If any provision of this subchapter or the application thereof to any person or circumstance is held invalid, the remainder of the subchapter and the application of that provision to other persons not similarly situated or to other circumstances shall not be affected thereby.".

SEC. 4. RULE OF CONSTRUCTION.

Nothing in this Act shall be construed as modifying or affecting any provision of—

(1) the National Firearms Act (chapter 53 of the Internal Revenue Code of 1956);

(2) section 414 of the Mutual Security Act of 1954 (22 U.S.C. 1934), relating to munitions control; or

(3) section 1715 of title 18, United States Code, relating to nonmailable firearms.

SEC. 5. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in subsection (b), this Act and the amendments made by this Act shall take effect on the date of enactment of this Act.

(b) DELAYED EFFECTIVE DATE.—Sections 942 and 945 of title 18, United States Code, as added by section 3, shall take effect on the date that is 180 days after the date of enactment of this Act.

By Mr. ROTH:

S. 893. A bill to provide television broadcast time without charge to Senate candidates, and for other purposes; to the Committee on Commerce, Science, and Transportation.

FREE BROADCAST TELEVISION TIME ACT OF 1993

Mr. ROTH. Mr. President, for over 20 years as a Senator I have been studying the subject of campaign finance reform. After considerable reflection I have come to the conclusion that my initial views were correct. The key to reform in this body is free television time.

In 1971 I recall broaching the proposal with my colleagues. At the time, there were only a handful of Senators who would support it. Today, I am not sure what my colleagues would do. But I am convinced that free television time for Senate candidates is an idea whose time has come.

The cost of television time is a very large percentage of total campaign expenditures. It is the single reason why expensive races are expensive. While estimates of costs vary, they are all substantial. This is particularly true of Senate races. For example, in 1990, Senator HELMS spent more than $5 million on broadcast costs; Senator CARL LEVIN, $3.9 million; Senator BILL BRADLEY, $3.3 million; and Senators MCCONNELL, JOHNSTON, and PHIL GRAMM, all $3.1 million. Overall, a study published in 1990 by the Congressional Research Service set the level of spending on broadcast advertising at 53.5 percent for Senate races. Moreover, a 1990 Federal Communications [FCC] audit of 20 television stations found that candidates paid more for comparable advertising time than commercial clients.

If television broadcast licensees were required as a condition of their license to serve the public interest by providing free time, the cost of Senate campaigns would dramatically drop. Senate candidates would become less dependent on fundraising and fundraisers. No candidate enjoys spending the time it takes today to raise substantial sums for campaigns. Nor is the public pleased with the dependence of candidates on fundraising.

But the adoption of my proposal would have an impact well beyond these concerns. In my opinion, the single most important factor in making a campaign competitive is whether the challenger has an opportunity to state his or her case to the electorate. Under my proposal, the people would have the opportunity to hear both sides of the contest.

Perhaps the competitive aspects of my proposal will cause some incumbents to oppose my proposal. Many reforms are frankly proposed because they make campaigning harder for challengers or for the other party. This reform proposal is different. It will make incumbents less comfortable. I doubt, however, that this reason for opposing my proposal will be heard very much.

How would my proposal work? It would require television broadcast stations to make available, without charge, an amount of television time sufficient to allow incumbents and challengers seeking Federal office to make their case to the electorate in the 45-day period preceding the general election. Free television time would be made available on the condition that

the candidate forego both the purchase of time on his own and the acceptance of additional time purchased by any other person during this 45-day period.

We all are impacted by the spiraling costs of television time. Eliminating the cost eliminates our dependence on contributions necessary to pay the cost. Without television costs I doubt we would have a campaign finance problem to remedy.

By cutting the largest cost of a campaign for a candidate in return for a commitment not to purchase or accept additional television time, my proposal includes within it a limit on spending regarding the single most significant budget item in any campaign. I believe that my proposal might serve as a possible compromise between the parties, should they so desire. Those who, on the one side, wish to limit campaign spending to sever the connection between various sources of money and the candidate, and those who, on the other side, wish to protect the taxpayer from financing campaigns, should see the political wisdom of the free TV time proposal. This proposal, while not perfect, would achieve the goals of the opposing sides. It would drastically cut dependence on fundraising without substituting taxpayer financing.

The proposal, however, has merit well beyond mere political expediency. The notion that licensees owe a duty to the public is already well established in law. This proposal merely defines that duty. It cannot be forgotten that television broadcast frequencies belong to the people of the United States who have given them freely to licensees for the purpose of making money by selling what has been given. In recent testimony before the Joint Committee on the Organization of Congress, Ross Perot suggested that time be "made available for political campaigns with each candidate getting equal time since in fact the airways do belong to the people and nobody has ever charged a penny for them." It does not strike this Senator as inappropriate to recapture a little of what is ours in order to create a more perfect form of government.

The proposal would apply only to the general election, but the FCC is directed to report back to Congress its recommendations on possibly extending the concept to primary and other elections.

Let me now address certain questions that my colleagues may have. How much time would the proposal provide? No fixed amount is set forth in the legislation. Rather the FCC, the agency with jurisdiction over the airwaves, is directed to consult with the Federal Election Commission and then determine how much time would be allocated for each race taking into account the amount of television broadcast time previously used by candidates for the Senate in that State, provided that the time made available be sufficient to make a complete presentation of views to the electorate. The proviso is intended to deal with precedents involving uncontested or virtually uncontested Senate elections in which full use of television broadcast time was not necessary. It is my intention that the amount of television broadcast time be substantial, the equivalent of the current use of television broadcast time in a contested election. It should be so ample as to induce each and every candidate to accept the offer and its terms.

What kind of time will it be? Basically prime time. The FCC is directed to ensure that the television time provided be at hours of the day that people are watching. A television broadcast station could not fulfill the mandate by providing time after midnight or on Saturday mornings during cartoons.

Won't some stations bear a disproportionate share of the burden? In case that should happen, as it might, the FCC is authorized to direct television broadcasters to pool resources so as to ameliorate any disproportionate financial impact on a particular broadcaster.

How are third parties treated under the proposal? Candidates who are not nominees of the major parties are entitled to proportionately less time, as measured by the level of their small contributions compared to the corresponding levels for the major party candidates. There have been occasions when third party candidates for the Senate have, in fact, won. So third parties must be accommodated for both practical and constitutional reasons. My proposal would allow the FCC to use the level of small contributions as a measure of third-party entitlement to television broadcast time.

Mr. President, last Congress while I was circulating my proposal as a possible amendment to the campaign finance legislation, I encountered three different concerns. The first is that the broadcasters would get very angry with those who support this proposal. But if you reflect on the fear inherent in that thought, it simply underscores how important television broadcast time is to the future of American politics. The second concern about my proposal was that it basically solved the problem so well that other solutions that have been advocated—namely, public financing and spending limits—might become virtually unnecessary. This was a very sad reason to oppose my proposal. It showed me what a sorry state campaign finance reform legislation was in last year. The third concern was that the amendment might be unconstitutional. I strongly disagree with this contention.

We have historically conditioned the holding of a broadcast license on serving the public interest. To me there is little that can surpass either, first, the public interest in reducing campaign costs or second, the public interest in providing the opportunity for candidates to present their views so the elections might hinge on the merits rather than on television advertising advantages.

No one would suggest that if a TV station decided on its own to adopt the policy of this legislation—a limited amount of free TV time and no more, there would be a constitutional problem. The station would only be operating in the public interest. The legislation merely gives definition to that term. The broadcast media have been compelled to grant access to their channels of communication against their will before. The fairness doctrine and the equal opportunity doctrine are prime examples. They were challenged as unconstitutional in the landmark case of *Red Lion Broadcasting Co.* v. *FCC*, 395 U.S. 367 (1969). The Supreme Court held such compulsory access to be valid, saying that the first amendment as applied to the broadcast media required a balancing of interest with those of the audience paramount. Compelling all sides of an issue to be heard furthers rather than thwarts the ends of the first amendment. Such regulation, the Court said is permitted under the first amendment because of the scarcity of broadcast frequencies, the use of which is licensed.

The business of broadcasting is not exempt from Government regulations that carry financial costs merely because broadcasters excise first amendment rights. The only difference between compulsory access and compulsory free access is money. But it is not the broadcaster's profits that are constitutionally protected, rather it is their use of the airways. But even so, that unfettered use may be, according to the Supreme Court, outweighed by the public interest in having the audience informed. While TV stations are sure to complain, it is an opportunity for them to demonstrate their claim that they serve the public interest.

I understand that the television broadcasters now support the compulsory discounted broadcast time provided in section 131 of S. 3, the Congressional Spending Limit and Election Reform Act of 1993, introduced by Senator BOREN and others. The only difference between my proposal and section 131 is one of price. That is surely not a constitutionally significant difference.

Mr. President, it is time to recapture the airways to allow them to be put to public use. I can think of no better way to serve the American public than for television broadcast stations to serve as a public forum for electoral discourse. By eliminating the single major cause of escalating campaign costs—television time—we would significantly lower the dependence of can-

didates on fundraising. At the same time, free TV promises to give voters easy and balanced access to the views of both incumbants and challengers, while providing the television stations, which are licensed to serve the public, the opportunity to do their fair share in the electoral process.

Mr. President, I ask unanimous consent that the legislation I am introducing at this time be placed in the RECORD following my remarks. I also ask unanimous consent that a commentary by Charles Krauthammer entitled "Why Candidates Should Get Free TV Time" that appeared in the Washington Post on October 24, 1986, and several editorials from Roll Call be printed in the RECORD.

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

S. 893

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

Section 315(a) of the Communications Act of 1934 (47 U.S.C. 315) is amended to read as follows:

(a) ALLOWANCE OF TELEVISION BROADCAST TIME FOR CERTAIN CANDIDATES; CENSORSHIP PROHIBITION.—Each licensee operating a television broadcasting station shall make available without charge to any legally qualified candidate in the general election for the office of United States Senator an amount of broadcast time, determined by the Commission under subsection (d), for use in his or her campaign for election, subject to the conditions and limitations of subsection (e). No licensee shall have power of censorship over the material broadcast under the provisions of this section.

(b) EQUAL OPPORTUNITIES REQUIREMENT; CENSORSHIP PROHIBITION; ALLOWANCE OF STATION USE.—Except in those circumstances to which subsection (a) applies, if any licensee shall permit any person who is a legally qualified candidate for any public office to use a broadcasting station, he or she shall afford equal opportunities to all other such candidates for the office in the use of such broadcasting station: *Provided*, That such licensee shall have no power of censorship over the material broadcast under the provisions of this section. No obligation is imposed under this subsection upon any licensee to allow the use of its station by any such candidate.

(c) NEWS APPEARANCES EXCEPTION; PUBLIC INTEREST; PUBLIC ISSUES DISCUSSION OPPORTUNITIES.—Appearance by a legally qualified candidate on any—

(1) bona fide newscast;

(2) bona fide news interview;

(3) bona fide news documentary (if the appearance of the candidate is incidental to the presentation of the subject or subjects covered by the news documentary); or

(4) on-the-spot coverage of bona fide events (including but not limited to political conventions and activities incidental thereto);

shall not be deemed to be use of a broadcasting station within the meaning of subsections (a) or (b). Nothing in the foregoing sentence shall be construed as relieving broadcasters, in connection with the presentation of newscast, news interviews, new documentaries, and on-the-spot coverage of news events, from the obligation imposed upon them under this chapter to operate in the public interest and to afford reasonable opportunity for the discussion of conflicting views on issues of public importance.

(d) RULES AND REGULATIONS REGARDING ALLOWANCE OF TELEVISION BROADCAST TIME FOR CERTAIN CANDIDATES.—The Commission shall, after consultation with the Federal Election Commission, determine the amount of television broadcast time that legally qualified major-party candidates for a Senate office may receive under subsection (a) on the basis of the amount of television broadcast time used by major-party candidates in the previous election for the United States Senate, provided that at a minimum such candidates be provided an amount of television broadcast time necessary to make a complete presentation of views to the electorate in the pending election. The amount of television broadcast time that each candidate is eligible to receive and the amount of such time that each licensee must make available to each eligible candidate by name shall be published prior to each Senate election in the Federal Register by the Commission on a date established by regulation. The broadcast time made available under subsection (a) shall be made available during the 45-day period preceding the general election for such office. The Commission shall ensure that the television broadcast time made available under subsection (a) shall be made available fairly and equitably, through licensees commonly used by candidates seeking the particular United States Senate office, and at hours of the day which reflect television viewing habits and contemporaneous campaign practices. A legally qualified candidate of a party other than a party which obtained 5% or more of the popular vote in the last presidential election shall, by regulation of the Commission, be granted an allocation of broadcast time in proportion to the amount of contributions under $250 such a candidate has received when compared to such contributions received by candidates of the major parties, provided that such proportion exceeds 5%. The Commission shall require licensees operating television broadcasting stations to enter into a pooling agreement to ameliorate any disproportionate financial impact on particular licensees. For purposes of this subsection, a major party is a party which obtained more than 5% of the popular vote in the previous presidential election.

(e) CONDITIONS AND LIMITATIONS.—The entitlement of any legally qualified candidate to television broadcast time under subsection (a) is conditional upon (1) signing an agreement to forego both the purchase of any additional amount of television broadcast time, and the acceptance of any additional amount of television broadcast time purchased by another, during the period that such time is made available with respect to such candidacy pursuant to subsection (a) and the Commission's regulations, and (2) filing a copy of such agreement with the Commission.

(f) PENALTIES AND REMEDIES.—Any candidate who purchases or accepts purchased television broadcast time in violation of such agreement shall be subject, upon conviction, to imprisonment of up to one year or a fine of up to $10,000, or both. Any licensee who sells television broadcast time to a candidate, who has filed an agreement, in excess of the time to be provided by such licensee to such candidate pursuant to subsection (a) and the Commission's regulations shall be subject to appropriate disciplinary action by the Commission, including (1) an order requiring the licensee to provide an equal amount of time to other candidates for the same office, or (2) an order revoking the licensee's license.

Sec. 2. Sec. 315 of the Communications Act of 1934 is further amended as follows: (1) in subsection (b) by striking the phrase "The charges" and inserting in lieu thereof "Except to the extent that the provisions of subsection (a) apply, the charges"; (2) by redesignating subsections (b), (c), and (d) as (f), (g), and (h) respectively; and (3) by adding "generally" after "Rules and regulations" in redesignated subsection (h).

SEC. 3. Subsection (a)(7) of section 312 of the Communications Act of 1934, as amended, is amended to read as follows: "(7) for willful or repeated failure to comply with the provisions of section 315 of this title."

SEC. 4. Subsection (8) of section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431), as amended, relating to exclusions from the definition of contributions, is amended as follows: (1) at the end of paragraph (B)(xiii) by striking the semicolon; (2) at the end of paragraph (B)(xiv) by striking the period and inserting "; and" in lieu thereof; and (3) at the end of paragraph (B) by adding the following: "(xv) the value of any television broadcast time provided without charge by a licensee pursuant to section 315(a) of the Communications Act of 1934, as amended."

SEC. 5. Subsection (9) of section 301 of the Federal Election Campaign Act of 1971, as amended, relating to exclusions from the definition of expenditures, is amended as follows: (1) by inserting after paragraph (B)(i) the following: "(ii) the provision without charge of any television broadcast time by a licensee pursuant to section 315(a) of the Communications Act of 1934, as amended;" and (2) be redesignating subsequent subparagraphs accordingly.

SEC. 6. The Federal Communications Commission shall study the application of section 315(a) of the Communications Act of 1934, as amended by this Act, to the first general election campaign conducted under the provisions of that section and shall report the results of that study, together with recommendations, including recommendations for legislation, not later than the first day of March following such general election. The study shall also evaluate the desirability and feasibility of extending the provisions of section 315(a) of the Communications Act of 1934 to primary and other election campaigns.

SEC. 7. The Federal Communications Commission shall promulgate rules and regulations to implement this Act no later than 180 days after the date of enactment of this Act. Sections 1 and 2 of this Act shall not take effect until the first day of July following the promulgations of such rules and regulations.

[From Roll Call, Apr. 29, 1993]

WISHFUL THINKING

Since we have no great enthusiasm for the campaign finance reform bill that President Clinton is about to unveil, we have no great sympathy for the biggest political problem contained in it: where to find the "public financing" that will provide the incentive for candidates to accept spending limits and the rest of the bill's paraphernalia.

The Supreme Court has ruled that the government can't force candidates to accept limits, but it can, apparently, entice them by the following bargain: If you will agree to spend no more than, say, $600,000 on your House campaign, we will give you $200,000 of that. Where will the $200,000 come from? That's the rub. It's such a vexing problem that, in last year's version of the campaign bill, which passed both houses but was ve-

toed by President Bush, the little matter of the source of public financing was simply left out. This year, that blank has to be filled in. Tim Curran reported in these pages Monday that some of the money will be provided by a taxpayer checkoff on tax returns (what wishful thinking!), and other funds will come from the Treasury as a result of ending the tax-deductibility of lobbying expenses.

While it's true that lobbyists are not held in high esteem by all elements of the population, the notion of denying that lobbying activities are legitimate business expenses is simply outrageous. Lobbying is a direct result of the fact that, like it or not, government affects every aspect of economic life in America today. Threatened by targeted taxes and regulations, a business (and by that term we mean owners, managers, and rank-and-file workers) has to make its case. If it doesn't it could disappear. Besides, denying a tax deduction would hurt small companies far more than large ones. And the plan will probably backfire, anyway. Americans might reason—quite correctly—that if all this money is there to be scooped up by the Treasury, why shouldn't it be used to close the deficit rather than be sent to politicians so they can buy those nasty ads?

We doubt seriously that the public will accept public financing, in whatever disguise. And, as we said, that bothers us not one whit. Despite the hysteria of the New York Times editorial page, the truth is that campaign reform, as the Democrats conceive of it, is simply another cleverly packaged incumbent-protection device (in this regard, see "The Briar Patch," Roll Call, Feb. 15). We wouldn't be heartbroken to see no change at all to the current system, but the best change—and the easiest to implement, since it offends neither party (though it does vex one big interest group) is still available, ripe for the picking. That change is to force all radio and TV broadcasters, as a condition of license renewal, to give free air time to general-election candidates. What the average challenger needs is $200,000 to $300,000 worth of advertising to get into the game. Broadcasters, made rich through government largesse, should happily provide this air time as a public service. We wouldn't monkey with any other features of the current system—except, of course, to end soft money and bundling (yes, even for EMIY's List).

[From Roll Call, May 20, 1991]

FREE TV TIME, NOW

The Senate is at last facing up to the question of how to pay for "public" financing of campaign costs. It's clear that getting the public itself to pick up the tab is not going to work politically—nor should it. Oklahoma Democratic Sen. David Boren's notion of finding the money by ending deductions for corporate lobbying activity is at least a crack at a solution, but it's manifestly unfair. The federal government's activities currently affect, in a severe way, the profit and loss statements of every US corporation. It seems to us that spending money to try to affect government decisions constitutes a perfectly legitimate (and, therefore, deductible) business expense in such an environment. When the government stops making decisions that drastically affect business, then lobbying expenses can be made non-deductible.

We've said before that the way to make Hill races more competitive is to provide candidates with a threshhold level of funding (perhaps $100,000 to $200,000 in House races) by giving them free time to broadcast TV and radio spots. And who will foot the bill for that "free" time? The broadcasters themselves. Sen. William Roth (R-Del) has an interesting wrinkle on this idea—give candidates free time but don't allow them to buy any more. As he said on the Senate floor Tuesday, "By cutting the largest cost of a campaign for a candidate in return for a commitment not to purchase or accept additional television time, my proposal includes within it a limit on spending regarding the single most significant budget item in any campaign. I believe that my proposal might serve as a possible compromise between the parties, should they so desire." Here is a spending limit that Republicans may be able to live with.

The Senate is currently debating S.3, the Boren campaign reform bill. That bill, while it means well, contains some noxious provisions, such as prohibiting PAC donations. And its chances of becoming law are virtually nil; the President will not accept spending limits or public financing, and the Boren bill has both. But perhaps Roth has come up with the answer in his legislation, S. 1062. We urge the Senate to consider seriously self-limiting free TV time. And let the broadcasters, whose federal licenses are actually licenses to print money, do their patriotic duty.

[From Roll Call, Feb. 25, 1991]

THAT CAMPAIGN MONEY

Before members of the new task force on campaign finance reform start ripping the current system to shreds, they should read carefully the 70-page document that the FEC has produced on the 1990 election cycle. The FEC's fine statistical work is summarized in our article on page one. It shows that campaign spending was down significantly—by some $14 million—in the '90 cycle compared with the '88 cycle. There are reasons given, certainly, including a sluggish economy and a supposed lack of hot Senate races. Actually, some Senate contests were exceedingly hot—Levin vs. Schuette in Michigan cost $10 million, Simon vs. Martin in Illinois cost $13 million, Kerry vs. Rappaport in Massachusetts cost $13 million, and Helms vs. Gantt in North Carolina cost $26 million, to cite only a few. The fanatics can make all the excuses they want, but the fact is that overall spending fell, and PAC giving rose by only 2 percent.

What are we to make of the numbers? First, they suggest strongly that we should take a circumspect attitude toward sweeping campaign reform. The average Congressional candidate raised $267,120; that is not an enormous amount of money. Incumbents outspent challengers by a wide margin, but that is to be expected. Incumbents, by definition, already have the approval of voters. We shouldn't be amazed that such approval is affirmed through campaign contributions. The numbers also suggest a certain self-restraint on the part of PACs. Rightly or wrongly (and we believe wrongly), PACs have taken the brunt of the campaign-finance criticism. PAC directors know they're under scrutiny, and there is evidence that they are lightening up. This is exactly the sort of marketplace reaction that's healthy. To complain about the influence of large donors like PACs is legitimate, but to make serious structural changes in the campaign finance system could be very dangerous.

More important than the aggregate figures, however, is the fine print. The clear conclusion to be drawn is that money alone does not win elections. In Minnesota, Democratic challenger Paul Wellstone, for example, spent $1.3 million to beat Sen. Rudy Boschwitz; the incumbent spent nearly $8 million. In New Jersey, Christine Whitman (R) spent $800,000 and received 49 percent of the vote; the winner, Sen. Bill Bradley (D), spent more than $12 million.

On the House side, Rep. Vic Fazio (D-Calif) spent $1 million but received only 55 percent of the vote against two opponents who together spent $40,000. Rep. Newt Gingrich (R-Ga) spent $1.5 million and took just 51 percent against David Worley (D), who spent only $334,000. Rep. Bill Lowery (R-Calif) spent $576,000 but beat his opponent, who spent $72,000, by a margin of only 49 to 44 percent.

Figures like these strongly indicate that money is overrated as a factor in our political life. More subtly, they seem to say that perhaps beyond a certain threshold, perhaps as low as $100,000 or $200,000, marginal spending does not have a big effect. That is why we believe that the most important campaign reform is the simplest: Allow candidates of major parties free broadcast time on TV and radio, perhaps $100,000 in House races. Such a system would obviate some of the need for time-consuming fundraising and would level the playing field for challengers.

[From the Washington Post, Dec. 24, 1986]

WHY CANDIDATES SHOULD GET FREE TV TIME

(By Charles Krauthammer)

Campaign '86 has already made its mark. Political advertising has reached a nadir of nattering negativism. The volume and pitch of negative advertising has itself become a major issue. (More than half of all political ads are negative, versus 5 percent in commercial advertising.) Hence a new etiquette: a James Broyhill commercial (Senate, North Carolina) pauses to call for "a clean campaign" before attacking opponent Terry Sanford. And some delicious touches: during a television debate, Roy Romer (governorship, Colorado) offers his hand to his opponent for a mutual moratorium on negative ads. Hand and offer refused. Life.

This may also be the year the American campaign finally went indoors, never to come out. ("A political rally in California consists of three people around a television set," observed Bob Shrum, Sen. Alan Cranston's media man.) But the market—i.e. electorate—will rule on negative advertising. And there is not much point decrying the electronic campaign. Might as well decry the demise of the slide rule. Technology has its imperatives. The real scandal of American elections is not the fact of television advertising nor the negative content, but the money it takes to buy it.

In any reasonable-sized state, campaigning has been streamlined. It now consists of two activities: fund-raising and media buys. Raise money from rich people to buy the means to persuade everybody else. The candidate has no choice. Campaign costs have gone from $750,000 per Senate race in 1980 to $3 million in 1984. The 18 hottest races in the '86 campaign have already reached that level and there are two weeks still to go.

Why so much? Television. On average more than half of all campaign money goes to TV advertising. In Florida the two Senate candidates, Paula Hawkins and Bob Graham, will likely spend over $7 million between them on television alone. In California, the candidates are spending about $10 million each, mostly for media.

The result? A set of rich people (donors) grows powerful, and a set of powerful people (owners of television stations) grows rich. A cozy arrangement within the, shall we say,

ruling class. The result is an extraordinary, and extraordinarily unnecessary, augmentation of its power.

The rich already have more than their share of power in a democracy. That can be cured in two ways. By abolishing the rich, a method amply shown to be the surest road to general poverty. Or by loosening their grip on the electoral process.

How? The approach until now has been, as usual, supply side. We pretend to fight drugs by burning out Bolivian suppliers; we pretend to fight campaign corruption by limiting the supply of political money.

Campaign laws that limit giving have produced their inevitable, if unintended, consequences. Among them are the wild proliferation of special interest PACs, the absurd political windfall for rich candidates (you can give as much as you want to yourself: John Dyson just gave himself $6 million to lose a New York Senate primary), and the premium on glamorous friends who can raise large sums with a concert at their Malibu estate.

Candidates should not have to spend all their time in the salons of the rich or of pop stars to get money to pay for ads to engage in the most important political speech of the day, TV speech. There is a simpler way. Demand-side: make political advertising on television and radio free. Take away the largest financial drain on campaigns and the demand for political money falls. And with it falls the political price extracted from the candidate—and the democracy—by donors.

Airwaves, like landing rights or Yellowstone camp grounds, are a scarce national resource to be regulated by government. Sensibly, the American government does not operate the airwaves. It allocates them to private persons. Television licenses are unbelievably lucrative. In major markets a television station is worth about a quarter of a billion dollars. The physical plant costs roughly $5–$10 million. Much of the difference is the value of the operating license, a gift from the FCC. Recipients of that gift should minimally be required to grant free air time for political speech.

Taxpayers should not have to pay for it. Nor should candidates. Nor, beyond their quota of free time, should candidates be permitted to buy more. Otherwise the whole point of free media—fairness and reducing the political utility of money—is defeated.

True, a fixed amount of television time is a kind of restriction on political speech. But (1) the amount of free time can be made large. (2) It works elsewhere: Britain has a similar system, and British democracy is not noticeably impaired. And (3) you can't have everything. There is a trade-off. In a democracy, power depends on votes. To the extent that votes are less a slave to money, democracy is enhanced. If the price for that is curtailing, at the margin, the political speech of the rich and famous, we will have found ourselves a bargain.

By Mr. BAUCUS:

S. 894. A bill to amend the Internal Revenue Code of 1986 to deny the benefits of certain export subsidies in the case of exports of certain unprocessed timber; to the Committee on Finance.

TIMBER EXPORT ACT OF 1993

Mr. BAUCUS. Madam President, I rise today to introduce the Domestic Timber Conservation Act of 1993. This bill is designed to address the problem of the exportation of raw logs cut on private land.

The timber industry in the western United States is in a period of dramatic change. In the Pacific Northwest we are witnessing a complicated and bitter forest policy standoff. While the spotted owl has been the centerpiece of this crisis, the issue runs much deeper. The disappearance of abundant old growth, the shift of industry investment to the Southeast and overseas, modern technology, overcutting for short-term profit, increased environmental regulation, and log exports have combined to forever change the character of Washington and Oregon's timber industry.

In the forests of the Rocky Mountain States we see similarly serious problems for our domestic timber industry. For example, in Montana, the amount of timber offered on Forest Service land has shrunk by half in the past year.

While workers and timber-dependent communities attempt to adjust to the new reality of reduced timber supply, the export of logs and jobs overseas continues unabated. Between 1981 and 1988, west coast log exports doubled. In 1992, Washington and Oregon exported 2.3 billion board feet of unmilled logs—a significant number when you consider that the highest annual cut for Washington and Oregon was just over 5 billion board feet in 1988.

Timber has become a precious resource. If we are to adjust to these new realities, to protect jobs, to protect the economies of timber-dependent communities, we must provide incentives to squeeze the very last bit of value from every log that is harvested from public and private lands. Instead of exporting raw logs, we should be using these logs to manufacture housing, furniture, and other value-added products.

Yet our current Tax Code provides exactly the opposite incentive. At a time when American timber workers are hanging on for dear life, it makes absolutely no sense to provide timber companies with a tax incentive to export raw logs. It should be national policy to see that these logs feed mills in States such as Oregon, Washington, Idaho, and Montana. The logs, the jobs they create, and the dollars they bring into the local communities should stay in the United States. At the very least, the Federal Government should not be providing tax incentives to companies who would rather export logs, and jobs, overseas.

The export of logs from western Federal lands has been limited since 1968 and banned outright since 1973. In 1991, Senator PACKWOOD and I introduced legislation which was signed into law that closed the remaining loopholes on the public land log exports.

This legislation takes an additional, necessary step in this direction. It will eliminate the generous international tax provisions in the Internal Revenue Code that encourage timber companies to look abroad rather than concentrate on the health and stability of the timber industry at home.

Specifically, this bill will eliminate the opportunity to avoid U.S. tax through the sale of unprocessed timber by a foreign sales corporation. This would be accomplished by amending the tax law to insure that unprocessed timber not be considered export property eligible for an exemption from U.S. income tax.

Further, all sales of unprocessed timber would be deemed to be U.S. source, negating the potential for benefit under the foreign tax credit rules.

Finally, the legislation provides that the proceeds from the sale of unprocessed timber through a controlled foreign subsidiary would not be eligible for deferral. Thus, the income from such sales will be taxable in the year of sale regardless of whether the proceeds are repatriated to the United States.

It is estimated that this legislation will save U.S. taxpayers approximately $500 million over a 5-year period. More importantly, it will serve to protect the jobs of hard-working Americans and extend the lives of mills so vital to the social fabric of timber-dependent communities throughout the northwestern United States.

Madam President, I want to emphasize that the purpose of this legislation is to address a problem unique to the timber industry. As a long-time supporter of growing the export base of the agriculture industry, it is not my intention to have the measures used in this bill applied to agriculture or any other industry now or in the future.

I urge my colleagues to join with me in supporting this legislation. Together with the House, where a companion bill has already been introduced, we can succeed in curbing the flow of raw logs to foreign lands and save thousands of jobs in the process.

Madam 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. 894

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

SECTION 1. DENIAL OF CERTAIN EXPORT SUBSIDIES.

(a) FOREIGN SALES CORPORATIONS.—Paragraph (2) of section 927(a) of the Internal Revenue Code of 1986 (relating to exclusion of certain property) is amended by striking "or" at the end of subparagraph (C), by striking the period at the end of subparagraph (D) and inserting ", or", and by adding at the end thereof the following:

"(E) any unprocessed timber which is a softwood.

For purposes of subparagraph (E), the term 'unprocessed timber' means any log, cant, or similar form of timber."

(b) DOMESTIC INTERNATIONAL SALES CORPORATIONS.—Paragraph (2) of section 993(c) of such Code (relating to exclusion of certain property) is amended by striking "or" at the

end of subparagraph (C), by striking the period at the end of subparagraph (D) and inserting ", or", and by adding after subparagraph (D) the following:

"(E) any unprocessed timber which is a softwood.

For purposes of subparagraph (E), the term 'unprocessed timber' means any log, cant, or similar form of timber."

(c) TITLE-PASSAGE RULE.—Subsection (b) of section 865 of such Code (relating to source rules for personal property sales) is amended by adding at the end thereof the following:

"Notwithstanding the preceding sentence, any income from the sale of any unprocessed timber which is a softwood and was cut from an area in the United States shall be sourced in the United States and the rules of sections 862(a)(6) and 863(b) shall not apply to any such income. For purposes of the preceding sentence, the term 'unprocessed timber' means any log, cant, or similar form of timber."

(d) ELIMINATION OF DEFERRAL.—Subsection (d) of section 954 of such code is amended by adding at the end thereof the following new paragraph:

"(4) SPECIAL RULE FOR CERTAIN TIMBER PRODUCTS.—For purposes of subsection (a)(2), the term 'foreign base company sales income' includes any income (whether in the form of profits, commissions, fees, or otherwise) derived in connection with—

"(A) the sale of any unprocessed timber referred to in section 865(b), or

"(B) the milling of any such timber outside the United States.

Subpart G shall not apply to any amount treated as subpart F income by reason of this paragraph."

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to sales, exchanges, or other dispositions after the date of the enactment of this Act.

By Mr. PRYOR (for himself, Mr. DANFORTH, Mr. BOREN, and Mr. JOHNSTON):

S. 895. A bill to amend the Internal Revenue Code of 1986 with respect to the treatment of the rehabilitation credit under the passive activity limitation and the alternative minimum tax; to the Committee on Finance.

HISTORIC REHABILITATION TAX CREDIT EXPANSION ACT OF 1993

• Mr. PRYOR. Mr. President, I rise today to introduce legislation to put the historic rehabilitation tax credit back to work.

The National Park Service calls the historic rehabilitation tax credit one of the most effective urban revitalization tools implemented by the Federal Government. Its data shows that this tax credit has served as a powerful incentive channeling approximately $16 billion in private investment into some 25,000 preservation projects since it was first enacted in 1978. These private dollars attracted by the rehab credit brought decent housing, jobs, and commercial activity back to impoverished neighborhoods and replaced a sense of futility with pride in community.

Unfortunately, the Tax Reform Act of 1986 crippled the effectiveness of the rehab credit. The limitations placed on the credit has caused a 75-percent decline in the number of projects and a drop from $2.4 billion in private investment during fiscal year 1985 to $600 million during fiscal year 1991.

Mr. President, the historic rehabilitation credit is a powerful and effective tool that should be put back to work for the American people, and I am pleased to announce that my distinguished colleague, the senior Senator from Missouri, Senator DANFORTH, has joined me to lead the effort to reinvigorate the credit. We are also joined by our distinguished colleague on the Finance Committee, Senator BOREN, who we are proud to have as part of this important cause.

The bill we introduce today will stimulate private investment to underused and often abandoned properties by partially lifting the passive loss and income limits imposed on the use of the credit, and by affording limited relief from the alternative minimum tax for incentives provided by the credit. The effect will be to trigger immediate economic activity, create quality jobs, provide affordable housing, conserve our Nation's current resources, stimulate and nurture small business, and rebuild our communities' spirit.

Mr. President, I would like to demonstrate the effectiveness of the rehab credit through a few studies and examples.

First, the rehab credit stimulates the economy. According to the Department of Commerce's econometric model for measuring the economic impact of 39 categories of economic activity, rehabilitation is the only category which is in the top 20 percent in terms of economic impact in all three means of measuring impact—increase in household incomes, number of jobs created, and overall impact on the other 38 categories of activity.

Second, the rehab credit creates jobs. Department of Commerce data shows every $1 million in private money invested in rehabilitation creates 5 more construction jobs and three more permanent jobs than the same amount invested in new construction.

Third, the rehab credit provides affordable housing. Over 21,600 units of low and moderate income housing have been created in historic rehabilitation projects since 1977. While the 1986 Tax Reform Act greatly reduced the amount of rehabilitation activity, housing has consistently remained the most common use of historic rehabilitation projects nationwide.

Fourth, the rehab credit saves resources. A recent Rutgers University study found that preserving cities and containing sprawl could save the State of New Jersey about $1.3 billion in capital infrastructure costs and 30,000 acres of prime farmland by the year 2010. It is far less expensive to upgrade and use existing public infrastructure than to create new systems beyond the edges of the city, frequently plowing under scarce open space.

Fifth, the rehab credit stimulates and nurtures small business. Restored and recycled commercial and industrial buildings can be magnets for new business endeavors, from retail shops to start-up manufacturing business, providing long-term jobs for minority and other inner-city residents. The Main Street program of the National Trust for Historic Preservation has helped to facilitate the reuse of older buildings in more than 700 towns and cities in 34 States in the past 12 years. This effort has generated more than 20,000 new businesses and 60,000 new jobs.

And finally Mr. President, the rehab credit builds community spirit. When a neighborhood is saved and renewed, instead of left to deteriorate, its residents develop pride in the community. For example, the local residents of the Springfield neighborhood in Jacksonville, FL, restored old houses and revived faltering businesses, and notably, there was a 36 percent decrease in violent crime reported in 1 year following these improvements.

In his campaign, President Clinton expressed support for restoration of the rehab credit. It is my hope that the administration will take notice of our effort and explore the facts surrounding the proven success of the rehab credit to meet the many important goals that I have cited.

Also, I urge my colleagues to join Senator DANFORTH, Senator BOREN, and myself in supporting this effort to put the rehab credit back to work for America.

Mr. President, I ask unanimous consent that the bill be included in the RECORD.

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

S. 895

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 "Historic Rehabilitation Tax Credit Expansion Act of 1993".

SEC. 2. TREATMENT OF REHABILITATION CREDIT UNDER PASSIVE ACTIVITY LIMITATIONS.

(a) GENERAL RULE.—Paragraphs (2) and (3) of section 469(i) of the Internal Revenue Code of 1986 (relating to $25,000 offset for rental real estate activities) are amended to read as follows:

"(2) DOLLAR LIMITATIONS.—

"(A) IN GENERAL.—Except as otherwise provided in this paragraph, the aggregate amount to which paragraph (1) applies for any taxable year shall not exceed $25,000 reduced (but not below zero) by 50 percent of the amount (if any) by which the adjusted gross income of the taxpayer for the taxable year exceeds $100,000.

"(B) PHASEOUT NOT APPLICABLE TO LOW-INCOME HOUSING CREDIT.—In the case of the portion of the passive activity credit for any taxable year which is attributable to any credit determined under section 42—

"(i) subparagraph (A) shall not apply, and

"(ii) paragraph (1) shall not apply to the extent that the deduction equivalent of such portion exceeds—

"(I) $25,000, reduced by

"(II) the aggregate amount of the passive activity loss (and the deduction equivalent of any passive activity credit which is not so attributable and is not attributable to the rehabilitation credit determined under section 47) to which paragraph (1) applies after the application of subparagraph (A).

"(C) $55,500 LIMIT FOR REHABILITATION CREDITS.—In the case of the portion of the passive activity credit for any taxable year which is attributable to the rehabilitation credit determined under section 47—

"(i) subparagraph (A) shall not apply, and

"(ii) paragraph (1) shall not apply to the extent that the deduction equivalent of such portion exceeds—

"(I) $55,500, reduced by

"(II) the aggregate amount of the passive activity loss (and the deduction equivalent of any passive activity credit which is not so attributable) to which paragraph (1) applies for the taxable year after the application of subparagraphs (A) and (B).

"(3) ADJUSTED GROSS INCOME.—For purposes of paragraph (2)(A), adjusted gross income shall be determined without regard to—

"(A) any amount includable in gross income under section 86,

"(B) any amount excludable from gross income under section 135,

"(C) any amount allowable as a deduction under section 219, and

"(D) any passive activity loss."

(b) CONFORMING AMENDMENTS.—

(1) Subparagraph (B) of section 469(i)(4) of such Code is amended to read as follows:

"(B) REDUCTION FOR SURVIVING SPOUSE'S EXEMPTION.—For purposes of subparagraph (A), the $25,000 amounts under paragraph (2)(A) and (2)(B)(ii) and the $55,500 amount under paragraph (2)(C)(ii) shall each be reduced by the amount of the exemption under paragraph (1) (determined without regard to the reduction contained in paragraph (2)(A)) which is allowable to the surviving spouse of the decedent for the taxable year ending with or within the taxable year of the estate."

(2) Subparagraph (A) of section 469(i)(5) of such Code is amended by striking clauses (i), (ii), and (iii) and inserting the following:

"(i) '$12,500' for '$25,000' in subparagraphs (A) and (B)(ii) of paragraph (2),

"(ii) '$50,000' for '$100,000' in paragraph (2)(A)", and

"(iii) '$27,750' for '$55,500' in paragraph (2)(C)(ii)."

(3) The subsection heading for subsection (i) of section 469 of such Code is amended by striking "$25,000".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service on or after May 5, 1993, in taxable years ending on or after such date.

SEC. 3. REHABILITATION CREDIT ALLOWED TO OFFSET PORTION OF ALTERNATIVE MINIMUM TAX.

(a) IN GENERAL.—Section 38(c) of the Internal Revenue Code of 1986 (relating to limitation based on amount of tax) is amended by redesignating paragraph (2) as paragraph (3) and by inserting after paragraph (1) the following new paragraph:

"(2) REHABILITATION INVESTMENT CREDIT MAY OFFSET PORTION OF MINIMUM TAX.—

"(A) IN GENERAL.—In the case of the rehabilitation investment tax credit—

"(i) this section and section 39 shall be applied separately with respect to such credit, and

"(ii) for purposes of applying paragraph (1) to such credit—

"(I) the tentative minimum tax under subparagraph (A) thereof shall be reduced by the minimum tax offset amount determined under subparagraph (B) of this paragraph, and

"(II) the limitation under paragraph (1) (as modified by subclause (I)) shall be reduced by the credit allowed under subsection (a) for the taxable year (other than the rehabilitation investment tax credit).

"(B) MINIMUM TAX OFFSET AMOUNT.—For purposes of subparagraph (A)(ii)(I), the minimum tax offset amount is an amount equal to—

"(i) in the case of a taxpayer not described in clause (ii), the lesser of—

"(I) 25 percent of the tentative minimum tax for the taxable year, or

"(II) $20,000, or

"(ii) in the case of a C corporation other than a closely held C corporation (as defined in section 469(j)(1)), 5 percent of the tentative minimum tax for the taxable year.

"(C) REHABILITATION INVESTMENT TAX CREDIT.—For purposes of this paragraph, the term 'regular investment tax credit' means the portion of the credit under subsection (a) which is attributable to the credit determined under section 47."

(b) CONFORMING AMENDMENT.—Section 38(d) (relating to components of investment credit) is amended by adding at the end the following new paragraph:

"(4) SPECIAL RULE FOR REHABILITATION CREDIT.—Notwithstanding paragraphs (1) and (2), the rehabilitation investment tax credit (as defined in subsection (c)(2)(C)) shall be treated as used last."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1992.●

By Mr. METZENBAUM (for himself and Mr. JEFFORDS):

S. 896. A bill to amend the Federal Land Policy and Management Act of 1976 to promote ecologically healthy and biologically diverse ecosystems on rangelands used for domestic livestock grazing, and for other purposes; to the Committee on Energy and Natural Resources.

THE RANGELANDS RESTORATION ACT OF 1993

Mr. METZENBAUM. Mr. President, I introduce legislation in behalf of myself and the Senator from Vermont [Mr. JEFFORDS].

Today we are introducing the Rangeland Restoration Act of 1993, to address the issues of grazing fees on Government-owned land and the Federal Government's management of those lands.

The grazing fee issue is straightforward. For the privilege of grazing on public lands, livestock operators in the West pay roughly one-fifth of the average market price for private grazing lands. These producers pay $1.86 per animal per month to graze public lands. The average westwide private land lease rate in 1993 is $10.03 per animal per month.

The Federal Government expends over $72 million annually to administer a livestock grazing program on Bureau of Land Management and Forest Service lands. However, the grazing fee receipts generate less than $22 million for the Federal Treasury.

Who pays for the shortfall? The taxpayer. To the tune of $52 million a year. The taxpayer pays $52 million a year for a privilege enjoyed by only 8 percent of the livestock producers in the United States.

While the limited access of this program may be alarming, an even smaller percentage of permit holders control roughly one-third to one-half of all livestock in the program. A GAO report released last week noted that just 6 percent of those holding permits control almost half of the animals allowed to graze on Forest Service land. In a report released last year, the GAO found similar concentrations on Bureau of Land Management lands.

The bottom line is that the Federal taxpayers largely subsidize the livestock operations of a few operators. Who are these privileged few? Persons listed in Forbes magazine's list of the wealthiest individuals in the United States, corporations with assets worth more than a billion dollars. People and companies who can afford to pay their fair share in grazing fees.

Under the legislation we are introducing today, the Government will charge the permittee a fee based on the average market price paid to private property owners for livestock grazing. The Secretary will set this fee by consulting the Department of Agriculture's survey of the market rate for private leases in the West. There is no reason why the Government must charge 20 percent of what a rancher is willing to pay for grazing cattle on privately owned property. It is high time that the taxpayers of this country receive fair market value for grazing on their land.

This legislation also goes beyond a mere increase in the fee charged for livestock grazing. It provides an incentive for the permit holder to take care of the land. It authorizes the Secretary to reduce the fee for good stewardship on public lands. Livestock operators who take appropriate steps to improve the rangeland, or manage their grazing activities to avoid ecological damage on the permitted land would be entitled to a reduction in the fee charged. However, the fee charged would never drop below the cost of administering the program.

Let me reemphasize that point. Our legislation will reward good stewardship on public lands, but it will not allow the Federal grazing program to lose money.

This legislation also addresses the need to improve our management of Federal rangelands and riparian areas. The General Accounting Office has documented at length how significant tracts of land in the Federal grazing program have deteriorated as a consequence of overgrazing and poor management practices. Our legislation will require the agencies that administer the grazing program to pursue methods

of rangeland management that will improve the condition of the rangeland.

Furthermore, our bill will require the agency to conduct a suitability review to determine whether grazing is an appropriate use of a particular tract in the Federal grazing program. Often grazing permits and leases are issued without an adequate assessment of the condition of the land, its capacity to support livestock grazing, or any potential conflicts that grazing may have with other public land uses. A failure to act in some of the most fragile riparian areas may cause permanent damage to the existing ecosystems.

Lastly, let me add that I was disappointed when the President removed the grazing fee increase from his budget. The administration has promised to look at this issue, and I am aware that the Secretary of the Interior is holding field hearings in the West this week on raising grazing fees. However, the fact that the administration dropped the fee increase from the budget at the request of a few Senators does not mean that this issue is not off limits for debate in the U.S. Senate.

I plan on working with the Secretary and other Members of Congress to develop a solution to this problem. This legislation lays a solid foundation for a fee increase and management reform in the Federal grazing program. For the taxpayers who foot the bill for this program on their land, increasing the grazing fee and improving the management of the public lands are reforms that are long overdue.

Mr. JEFFORDS. Mr. President, I am pleased to cosponsor the Rangelands Restoration Act of 1993 with my distinguished colleague from Ohio, Senator METZENBAUM.

Our bill is designed to promote sound public rangeland stewardship by offering livestock grazers a financial incentive: a reduction in grazing fees. This concept has been applied successfully in New Mexico on State grazing lands.

Our bill also establishes different fees to reflect the vast difference in forage conditions that exist in Montana, say, and Nevada or Arizona.

Senator METZENBAUM and I thought it important to introduce a grazing bill as soon as possible. Interior Secretary Bruce Babbitt currently is holding public hearings on the grazing issue across the West and is considering administrative action to increase the fees. But I want to point out that I will offer an amendment to this legislation soon.

My concern throughout this often acrimonious debate has been how to structure a fee formula that protects small ranchers and nearby rural communities from the adverse impacts of a fee increase. But we simply must put the program on a pay as you go basis. The trick is to raise fees on those who can afford it.

Legislative authority for the grazing fee formula expired in 1985. The authorizing committee has had over 7 years to change the formula. It didn't hold a hearing until last year. When the Energy and Natural Resources Committee was faced with reconciliation instructions assuming a fee increase earlier this year, we heard bitter complaints about being forced to do something too hastily.

The fee was $2.31 per animal unit month [AUM] in 1981. This year, it's $1.86/AUM—a decline of more than 19 percent just in nominal terms. According to the Bureau of Land Management [BLM] and the Forest Service, grazing fees, on average, amount to just 3 percent of the cash costs of raising cattle. An increase won't bankrupt ranchers, but it will pay the cost of the program.

More importantly, the fee can be increased in a way that does not harm the small rancher. This is so because just a few ranchers control most of the grass. BLM, for instance, has 18,000 permittees. The top 20 individuals control 9.3 percent of the forage; the top 500 control 37 percent of the forage.

Who are these large permittees? Some are publicly traded corporations, such as Sierra Pacific Resources and Metropolitan Life. Both list over $1 billion in assets. Dan Russell is another. He has 21 ranches that include over 5 million acres of Federal land. He has the 16th largest cow-calf operation in the country, according to the National Cattlemen's Association. Perhaps you have heard of J.R. Simplot. He sells potatoes to McDonald's and has family holdings in excess of $500 million, according to Forbes. These fellows can pay more.

I offered an amendment last year to establish two fees: A lower fee for ranchers with fewer than 500 head of cattle or 2,500 head of sheep, and a higher fee for ranchers with herds or flocks above those thresholds. That reasonable amendment was tabled by a 50–44 vote. The bottom line is that the authorizing committee, if it has the will, can restructure grazing fees to generate revenue for deficit reduction without harming small ranchers and the rural communities dependent upon them. I urge my colleagues to cosponsor this legislation and the amendment I will be offering shortly. Let's send our Western friends a message: It's time for change on the range.

By Mr. BINGAMAN:

S. 897. A bill to authorize a project to demonstrate the feasibility of voting by telephone; to the Committee on Rules and Administration.

TELEPHONE VOTING LEGISLATION

• Mr. BINGAMAN. Mr. President, I offer legislation that would provide improved accessibility for the disabled and others who may not be able to travel to a polling precinct but who are interested in participating in our electoral process. This legislation would do so by expediting the development of voting by phone.

Mr. President, in my home State of New Mexico, the secretary of state and Sandia National Laboratories recently conducted an experiment to explore some of the possible benefits of phone voting. Selected high school students participated in a mock election in which they were asked to select Presidential and congressional candidates.

The experiment was judged an overall success by students, the secretary of state, and Sandia National Laboratories. Some refinement, especially in the area of voter security, is still necessary, however. Ensuring the accuracy and secrecy of each vote is imperative. Ensuring that the entire phone voting system is immune to hacking, or entering fraudulent votes, is also essential. Although these security concerns are not unique to phone voting, the technology enabling voting by phone can help address them.

Fortunately, our national laboratories have developed expertise in security technology. Sandia National Laboratories, for example, has a long history of ensuring the integrity of high risk security systems, including those serving embassies, weapon storage facilities, and nuclear facilities. It seems that the use of this technology to enhance the security of voting systems is a good example of how we can develop the technology of our national laboratories for civilian purposes.

The legislation I am introducing today, Mr. President, would enhance this development by authorizing up to $2 million for a consortium including one or more of our national laboratories and a State government to address remaining issues in phone voting and demonstrate the feasibility of voting by phone.

It is my strong belief that such a project will enhance our electoral process, and lead the way for full citizen participation in voting into the 21st century.•

By Mr. KENNEDY (for himself, Mr. SIMON, Mr. FEINGOLD, Mr. HARKIN, Mr. INOUYE, Mr. KERREY, Mr. LEAHY, Mr. LIEBERMAN, Mr. METZENBAUM, Ms. MIKULSKI, Mr. MITCHELL, Ms. MOSELEY-BRAUN, Mr. MOYNIHAN, Mrs. MURRAY, Mr. ROCKEFELLER, Mr. SARBANES, and Mr. WELLSTONE):

S. 898. A bill to provide for the admission of the State of New Columbia into the Union; to the Committee on Governmental Affairs.

D.C. STATEHOOD LEGISLATION

Mr. KENNEDY. Mr. President, it is a privilege to join 16 of my colleagues—Senators SIMON, FEINGOLD, HARKIN, INOUYE, KERREY, LEAHY, LIEBERMAN, METZENBAUM, MIKULSKI, MITCHELL, MOSELEY-BRAUN, MOYNIHAN, MURRAY, ROCKEFELLER, SARBANES, and WELLSTONE—in introducing legislation to make the District of Columbia the 51st State of the American Union.

The issue is one of simple justice for the 600,000 citizens of the Nation's Capital. Nowhere in America should the principles of democracy be more firmly established than in the District of Columbia.

The second-class citizenship of District residents makes a mockery of the principles of representative government on which our Nation was founded. The time has come to end the unacceptable status of the District of Columbia as America's last colony.

The residents of the District deserve to be full-fledged Americans, with the same rights and responsibilities as the citizens of every other State.

The District of Columbia clearly meets the generally accepted standards for the admission of States to the Union. Its resources and population are sufficient to support statehood, and the people of the District have strongly expressed their desire for statehood. In 1982, in support of statehood, the residents of the District convened a constitutional convention and drafted and ratified a State constitution.

The District has a thriving private sector and a sound and diverse economic base. It is time to put to rest, once and for all, the shameful myth that D.C. is nothing more than a collection of Federal monuments, Federal employees, and foreign embassies. Contrary to popular belief, 70 percent of D.C. residents are employed outside the Federal Government.

The population of the District today is greater than that of three States. In 1991, citizens of the District paid $3.1 billion in taxes to the U.S. Treasury—more than the citizens of eight States. The District lost more young men in the Vietnam war than 10 States; it ranked fifth per capita in the number of Reserves called to active duty in the Persian Gulf war. By every reasonable measure of comparison, the District deserves to become a State.

Nothing in the Constitution prohibits legislation by Congress to make D.C. a State. Our proposed statute carves out the Capitol, the White House, and other essential parts of the seat of the Federal Government as a Federal enclave over which Congress will continue to exercise exclusive jurisdiction, as the Constitution provides.

Taxation without representation is no more acceptable in the America of 1993 than it was in 1773. The State of New Columbia deserves to become the 51st State of the American Union.

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

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

S. 898

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 "New Columbia Admission Act".

SEC. 2. ADMISSION INTO THE UNION.

Subject to the provisions of this Act, and upon issuance of the proclamation required by section 7(d)(1) of this Act, the State of New Columbia (hereinafter referred to as "the State") is declared to be a State of the United States of America, is declared admitted into the Union on an equal footing with the other States in all respects whatever, and the constitution adopted by the Council of the District of Columbia in the Constitution for the State of New Columbia Approval Act of 1987 (D.C. Law 7-8), subject to ratification by a majority of the registered qualified electors of the District of Columbia, is found to be republican in form and in conformity with the Constitution of the United States and the principles of the Declaration of Independence and is accepted, ratified, and confirmed.

SEC. 3. CONSTITUTION.

The constitution of the State of New Columbia shall always be republican in form and shall not be repugnant to the Constitution of the United States and the principles of the Declaration of Independence.

SEC. 4. TERRITORIES AND BOUNDARIES.

(a) Subject to the provisions of this section, the State of New Columbia shall consist of all of the territory, together with the territorial waters, of the District of Columbia. The State of New Columbia shall not include the National Capital Service Area of the District of Columbia, which is described in subsection (b). As of the date of admission of New Columbia into the Union, the District of Columbia shall consist of the National Capital Service Area.

(b) The National Capital Service Area, subject to the provisions of section 16, is comprised of the principal Federal monuments, the White House, the Capitol Building, the United States Supreme Court Building, and the Federal executive, legislative, and judicial office buildings located adjacent to the Mall and the Capitol Building.

(c) Notwithstanding any other provision of this section or of section 16, the boundaries of the State of New Columbia shall include the District Building.

SEC. 5. COMPACT WITH UNITED STATES; CLAIMS TO FEDERAL LANDS AND PROPERTY.

(a) As a compact with the United States, the State and its people disclaim all right and title to any lands or other property not granted or confirmed to the State or its political subdivisions by or under the authority of this Act, the right or title to which is held by the United States or subject to disposition by the United States.

(b)(1) Nothing contained in this Act shall recognize, deny, enlarge, impair, or otherwise affect any claim against the United States, and any such claim shall be governed by applicable laws of the United States.

(2) Nothing in this Act is intended or shall be construed as a finding, interpretation, or construction by the Congress that any applicable law authorizes, establishes, recognizes, or confirms the validity or invalidity of any such claim, and the determination of the applicability or effect of any law to any such claim shall be unaffected by anything in this Act.

(c) No taxes shall be imposed by the State upon any lands or other property now owned or hereafter acquired by the United States, except to the extent as Congress may permit.

(d)(1) Upon the admission of the State of New Columbia into the Union, the annual Federal payment authorized to be appropriated to the District of Columbia shall be authorized to be appropriated to the State of New Columbia. Nothing in this Act is intended to alter the basis for the Federal payment to the District of Columbia or the State of New Columbia.

(2) Not later than 7 months before the beginning of each fiscal year, the Governor shall submit a report to Congress on the effects of the presence of the seat of the Federal Government within or adjacent to the State on the revenues and expenditures of the State, and shall include in the report information relating to—

(A) services rendered to the Federal Government and services rendered because of the State's proximity to the seat of the Federal Government, and the cost to the State of providing such services;

(B) potential revenues lost because of the presence of the Federal Government within or adjacent to the State, including Federally-imposed height or other restrictions on buildings located within the State and revenues not obtainable because of a lack of taxable property and business income within the State; and

(C) potential revenues gained because of the presence of the Federal Government within or adjacent to the State.

(3) At the time the Governor submits the report described in paragraph (2) to Congress, the Governor shall submit copies of the report to the Directors of the Congressional Budget Office and the Office of Management and Budget, who shall submit reports to Congress analyzing the Governor's report not later than 30 days after receiving copies of the report.

(e) The State may not change any provision of its Constitution concerning height limitations on buildings without the consent of Congress.

(f) Nothing in this Act or the Constitution or laws of the State may be construed to permit the State to refuse to allow an individual to serve as a qualified registered elector of the State solely because the individual resides in the National Capital Service Area.

SEC. 6. STATE TITLE TO LANDS AND PROPERTY.

(a) The State of New Columbia and its political subdivisions shall have and retain title or jurisdiction for purposes of administration and maintenance to all property, real and personal, with respect to which title or jurisdiction for purposes of administration and maintenance is held by the territory of the District of Columbia as of the date of the enactment of this Act.

(b) All laws of the United States reserving to the United States the free use or enjoyment of property which vests in or is conveyed to the State of New Columbia or its political subdivisions pursuant to this section or reserving the right to alter, amend, or repeal laws relating thereto shall cease to be effective upon the admission of the State of New Columbia into the Union.

SEC. 7. ELECTIONS.

(a)(1) Not more than sixty days after the date of enactment of this Act, the President of the United States shall certify such enactment to the Mayor of the District of Columbia. Not more than thirty days after such certification the Mayor of the District of Columbia shall issue a proclamation for the elections, subject to the provisions of this Act, for officers of all State elective offices provided for by the constitution of the proposed State of New Columbia and for two Senators and one Representative in Congress.

(2) In the first election of Senators from the State (pursuant to paragraph (1)) the two senatorial offices shall be separately identified and designated, and no person may be a candidate for both offices. No such identi-

fication or designation of either of the two senatorial offices shall refer to or be taken to refer to the terms of such offices, or in any way impair the privilege of the Senate to determine the class to which each of the Senators elected shall be assigned.

(b) The proclamation of the Mayor of the District of Columbia required by subsection (a) shall provide for the holding of a primary election and a general election and at such elections the officers required to be elected as provided in subsection (a) shall be chosen by the people. Such elections shall be held, and the qualifications of voters shall be, as prescribed by the constitution of the proposed State of New Columbia for the election of members of the proposed State legislature. Election returns shall be made and certified in such manner as the constitution of the proposed State of New Columbia may prescribe. The Mayor of the District of Columbia shall certify the results of such elections to the President of the United States.

(c)(1) At an election designated by proclamation of the Mayor of the District of Columbia, which may be the primary or the general election held pursuant to subsection (b), a territorial general election, or a special election, there shall be submitted to the electors qualified to vote in such election, for adoption or rejection, the following propositions:

(A) New Columbia shall immediately be admitted into the Union as a State.

(B) The boundaries of the State of New Columbia shall be as prescribed in the New Columbia Admission Act and all claims of the State to any areas of land or sea outside the boundaries so prescribed are hereby irrevocably relinquished to the United States.

(C) All provisions of the New Columbia Admission Act, including provisions reserving rights or powers to the United States and provisions prescribing the terms or conditions of the grants of lands or other property made to the State of New Columbia, are consented to fully by the State and its people.

(2) In the event the propositions under paragraph (1) are adopted in such election by a majority of the legal votes cast on such submission, the proposed constitution of the proposed State of New Columbia, adopted by the Council of the District of Columbia in the Constitution for the State of New Columbia Approval Act of 1987 (D.C. Law 7-8), shall be deemed amended accordingly.

(3) In the event any one of the propositions under paragraph (1) is not adopted at such election by a majority of the legal votes cast on such submission, the provisions of this Act shall cease to be effective.

(4) The Mayor of the District of Columbia is authorized and directed to take such action as may be necessary or appropriate to ensure the submission of such propositions to the people. The return of the votes cast on such propositions shall be made by the election officers directly to the Board of Elections of the District of Columbia, which shall certify the results of the submission to the Mayor. The Mayor shall certify the results of such submission to the President of the United States.

(d)(1) If the President finds that the propositions set forth in subsection (c)(1) have been duly adopted by the people of New Columbia, the President, upon certification of the returns of the election of the officers required to be elected as provided in subsection (a), shall issue a proclamation announcing the results of such election as so ascertained. Upon the issuance of such proclamation by the President, the State of New Columbia shall be deemed admitted into the Union as provided in section 2 of this Act.

(2) Until the State of New Columbia is admitted into the Union, individuals holding legislative, executive, and judicial offices of the District of Columbia, including the Delegate in Congress from the District of Columbia, shall continue to discharge the duties of their respective offices. Upon the issuance of such proclamation by the President of the United States and the admission of the State of New Columbia into the Union, the officers elected at such election, and qualified under the provisions of the constitution and laws of such State, shall proceed to exercise all the functions pertaining to their offices in, under, or by authority of the government of such State, and offices not required to be elected at such initial election shall be selected or continued in office as provided by the constitution and laws of such State. The Governor of such State shall certify the election of the Senators and Representative in the manner required by law, and the Senators and Representative shall be entitled to be admitted to seats in Congress and to all the rights and privileges of Senators and Representatives of other States in the Congress of the United States.

SEC. 8. HOUSE OF REPRESENTATIVES MEMBERSHIP.

The State of New Columbia upon its admission into the Union shall be entitled to one Representative until the taking effect of the next reapportionment, and such Representative shall be in addition to the membership of the House of Representatives as now prescribed by law, except that such temporary increase in the membership shall not operate to either increase or decrease the permanent membership of the House of Representatives or affect the basis of apportionment for the Congress.

SEC. 9. LAWS IN EFFECT.

Upon admission of the State of New Columbia into the Union, all of the territorial laws then in force in the Territory of the District of Columbia shall be and continue in force and effect throughout the State, except as modified or changed by this Act, or by the Constitution of the State, or as thereafter modified or changed by the legislature of the State. All of the laws of the United States shall have the same force and effect within the State as elsewhere in the United States.

SEC. 10. CONTINUATION OF SUITS.

(a) No writ, action, indictment, cause, or proceeding pending in any court of the District of Columbia or in the United States District Court for the District of Columbia shall abate by reason of the admission of the State of New Columbia into the Union, but shall be transferred and shall proceed within such appropriate State courts as shall be established under the constitution of the State, or shall continue in the United States District Court for the District of Columbia, as the nature of the case may require. And no writ, action, indictment, cause, or proceeding shall abate by reason of any change in the courts, but shall proceed within the State or United States courts according to the laws thereof, respectively. The appropriate State courts shall be the successors of the courts of the District of Columbia as to all cases arising within the limits embraced within the jurisdiction of such courts, respectively, with full power to proceed with such cases, and award mesne or final process therein, and all files, records, indictments, and proceedings relating to any such writ, action, indictment, cause, or proceeding shall be transferred to such appropriate State courts and shall be proceeded with therein in due course of law.

(b) All civil causes of action and all criminal offenses which shall have arisen or been committed prior to the admission of the State, but as to which no writ, action, indictment, or proceeding shall be pending at the date of such admission, shall be subject to prosecution in the appropriate State courts or in the United States District Court for the District of Columbia in like manner, to the same extent, and with like right of appellate review, as if such State had been created and such State courts had been established prior to the accrual of such causes of action or the commission of such offenses. The admission of the State shall effect no change in the substantive or criminal law governing causes of action and criminal offenses which shall have arisen or been committed, and any such criminal offenses as shall have been committed against the laws of the District of Columbia shall be tried and punished by the appropriate courts of the State, and any such criminal offenses as shall have been committed against the laws of the United States shall be tried and punished in the United States District Court for the District of Columbia.

SEC. 11. APPEALS.

Parties shall have the same rights of appeal from and appellate review of final decisions of the United States District Court for the District of Columbia or the District of Columbia Court of Appeals in any case finally decided prior to the admission of the State of New Columbia into the Union, whether or not an appeal therefrom shall have been perfected prior to such admission. The United States Court of Appeals for the District of Columbia Circuit and the Supreme Court of the United States shall have the same jurisdiction in such cases as by law provided prior to the admission of the State into the Union. Any mandate issued subsequent to the admission of the State shall be to the United States District Court for the District of Columbia or a court of the State, as appropriate. Parties shall have the same rights of appeal from and appellate review of all orders, judgments, and decrees of the United States District Court for the District of Columbia and of the highest court of the State of New Columbia, as successor to the District of Columbia Court of Appeals, in any case pending at the time of admission of the State into the Union, and the United States Court of Appeals for the District of Columbia Circuit and the Supreme Court of the United States shall have the same jurisdiction therein, as by law provided in any case arising subsequent to the admission of the State into the Union.

SEC. 12. JUDICIAL AND CRIMINAL PROVISIONS.

Effective upon the admission of New Columbia into the Union—

(1) Section 41 of title 28, United States Code is amended in the second column by inserting ", New Columbia" after "District of Columbia".

(2) The first paragraph of section 88 of title 28, United States Code, is amended to read as follows:

"The District of Columbia and the State of New Columbia comprise one judicial district.".

SEC. 13. MILITARY LANDS.

(a) Subject to subsection (b) and notwithstanding the admission of the State of New Columbia into the Union, authority is reserved in the United States for the exercise by the Congress of the United States of the power of exclusive legislation, as provided by article I, section 8, clause 17, of the Constitution of the United States, in all cases whatsoever over such tracts or parcels of land located within the State of New Columbia that, immediately prior to the admission of

the State, are controlled or owned by the United States and held for defense or Coast Guard purposes.

(b)(1) The State of New Columbia shall always have the right to serve civil or criminal process within such tracts or parcels of land in suits or prosecutions for or on account of rights acquired, obligations incurred, or crimes committed within the State but outside of such tracts or parcels of land.

(2) The reservation of authority in the United States for the exercise by the Congress of the United States of the power of exclusive legislation over such lands shall not operate to prevent such lands from being a part of the State of New Columbia, or to prevent the State from exercising over or upon such lands, concurrently with the United States, any jurisdiction which it would have in the absence of such reservation of authority and which is consistent with the laws hereafter enacted by the Congress pursuant to such reservation of authority.

(3) The power of exclusive legislation shall vest and remain in the United States only so long as the particular tract or parcel of land involved is controlled or owned by the United States and used for defense or Coast Guard purposes, except that the United States shall continue to have sole and exclusive jurisdiction over such military installations as have been or may be determined to be critical areas as delineated by the President of the United States or the Secretary of Defense.

SEC. 14. UNITED STATES NATIONALITY.

No provision of this Act shall operate to confer United States nationality, to terminate nationality lawfully acquired, or to restore nationality terminated or lost under any law of the United States or under any treaty to which the United States is or was a party.

SEC. 15. RELATIONSHIP TO OTHER LAWS.

No law or regulation which is in force on the effective date of this Act shall be deemed amended or repealed by this Act except to the extent specifically provided herein or to the extent that such law or regulation is inconsistent with this Act.

SEC. 16. NATIONAL CAPITAL SERVICE AREA.

(a) The National Capital Service Area referred to in section 4 is more particularly described as follows:

Beginning at the point on the present Virginia-District of Columbia boundary due west of the northernmost point of Theodore Roosevelt Island and running due east of the eastern shore of the Potomac River;

thence generally south along the shore at the mean high water mark to the northwest corner of the Kennedy Center;

thence east along the north side of the Kennedy Center to a point where it reaches the E Street Expressway;

thence east on the expressway to E Street Northwest and thence east on E Street Northwest to Eighteenth Street Northwest;

thence south on Eighteenth Street Northwest to Constitution Avenue Northwest;

thence east on Constitution Avenue to Seventeenth Street Northwest;

thence north on Seventeenth Street Northwest to Pennsylvania Avenue Northwest;

thence east on Pennsylvania Avenue to Jackson Place Northwest;

thence north on Jackson Place to H Street Northwest;

thence east on H Street Northwest to Madison Place Northwest;

thence south on Madison Place Northwest to Pennsylvania Avenue Northwest;

thence east on Pennsylvania Avenue Northwest to Fifteenth Street Northwest;

thence south on Fifteenth Street Northwest to Pennsylvania Avenue Northwest;

thence southeast on Pennsylvania Avenue Northwest to John Marshall Place Northwest;

thence north on John Marshall Place Northwest to C Street Northwest;

thence east on C Street Northwest to Third Street Northwest;

thence north on Third Street Northwest to D Street Northwest;

thence east on D Street Northwest to Second Street Northwest;

thence south on Second Street Northwest to the intersection of Constitution Avenue Northwest and Louisiana Avenue Northwest;

thence northeast on Louisiana Avenue Northwest to North Capitol Street;

thence north on North Capitol Street to Massachusetts Avenue Northwest;

thence southeast on Massachusetts Avenue Northwest so as to encompass Union Square;

thence following Union Square to F Street Northeast;

thence east on F Street Northeast to Second Street Northeast;

thence south on Second Street Northeast to D Street Northeast;

thence west on D Street Northeast to First Street Northeast;

thence south on First Street Northeast to Maryland Avenue Northeast;

thence generally north and east on Maryland Avenue to Second Street Northeast;

thence south on Second Street Northeast to C Street Southeast;

thence west on C Street Southeast to New Jersey Avenue Southeast;

thence south on New Jersey Avenue Southeast to D Street Southeast;

thence west on D Street Southeast to Washington Avenue Southwest;

thence southeast on Washington Avenue Southwest to E Street Southeast;

thence west on E Street Southeast to the intersection of Washington Avenue Southwest and South Capitol Street;

thence northwest on Washington Avenue Southwest to Second Street Southwest;

thence south on Second Street Southwest to Virginia Avenue Southwest;

thence generally west on Virginia Avenue to Third Street Southwest;

thence north on Third Street Southwest to C Street Southwest;

thence west on C Street Southwest to Sixth Street Southwest;

thence north on Sixth Street Southwest to Independence Avenue;

thence west on Independence Avenue to Twelfth Street Southwest;

thence south on Twelfth Street Southwest to D Street Southwest;

thence west on D Street Southwest to Fourteenth Street Southwest;

thence south on Fourteenth Street Southwest to the middle of the Washington Channel;

thence generally south and east along the midchannel of the Washington Channel to a point due west of the northern boundary line of Fort Lesley McNair;

thence due east to the side of the Washington Channel;

thence following generally south and east along the side of the Washington Channel at the mean high water mark, to the point of confluence with the Anacostia River, and along the northern shore at the mean high water mark to the northernmost point of the Eleventh Street Bridge;

thence generally south and east along the northern side of the Eleventh Street Bridge to the eastern shore of the Anacostia River;

thence generally south and west along such shore at the mean high water mark to the point of confluence of the Anacostia and Potomac Rivers;

thence generally south along the eastern shore at the mean high water mark of the Potomac River to the point where it meets the present southeastern boundary line of the District of Columbia;

thence south and west along such southeastern boundary line to the point where it meets the present Virginia-District of Columbia boundary; and

thence generally north and west up the Potomac River along the Virginia-District of Columbia boundary to the point of beginning.

(b) Where the area in subsection (a) is bounded by any street, such street, and any sidewalk thereof, shall be included within such area.

(c)(1) Any Federal real property affronting or abutting, as of the date of the enactment of this Act, the area described in subsection (a) shall be deemed to be within such area.

(2) For the purposes of paragraph (1) Federal real property affronting or abutting such area described in subsection (a) shall—

(A) be deemed to include, but not limited to, Fort Lesley McNair, the Washington Navy Yard, the Anacostia Naval Annex, the United States Naval Station, Bolling Air Force Base, and the Naval Research Laboratory; and

(B) not be construed to include any area situated outside of the District of Columbia boundary as it existed immediately prior to the date of the enactment of this Act, nor be construed to include any portion of the Anacostia Park situated east of the northern side of the Eleventh Street Bridge, or any portion of the Rock Creek Park.

SEC. 17. STATEHOOD TRANSITION COMMISSION.

(a) There is established a Statehood Transition Commission.

(b) The Commission shall be composed of thirteen members appointed as follows:

(1) three shall be appointed by the President;

(2) two shall be appointed by the Speaker of the House;

(3) two shall be appointed by the President of the Senate;

(4) three shall be appointed by the Mayor of the District of Columbia; and

(5) three shall be appointed by the Council of the District of Columbia.

(c) The Commission shall advise the President, the Congress, the Mayor, the Council, and the Governor and House of Delegates for the State of New Columbia, as appropriate, concerning necessary procedures to effect an orderly transition to statehood for the District of Columbia and other matters relating to the assumption of the property, functions, and activities of the District of Columbia by the State of New Columbia during the first 2 years of the existence of the State of New Columbia. The Commission shall submit such reports as the Commission considers appropriate or as may be requested.

(d) The Commission shall cease to exist 2 years after the date of the admission into the Union of the State of New Columbia.

Mr. SIMON. Mr. President, I am pleased today to join my colleague from Massachusetts, Senator KENNEDY, to introduce legislation to grant statehood to the District of Columbia.

Our legislation will permit residents of the District of Columbia to do what virtually all other Americans have the right to do—elect voting representa-

tion in the U.S. Senate and in the U.S. House of Representatives.

There are those who say that statehood for the District of Columbia requires an amendment to the Constitution rather than action by Congress on a statute. As chairman of the Constitution Subcommittee, I have considered that argument and am persuaded that a constitutional amendment is not required.

Article I, section 8, clause 17 of the U.S. Constitution provides for a district of not more than 100 square miles, outside of the boundaries of any State, to serve as the Nation's Capital. At present, the District measures 68.25 square miles. The Constitution specifies no minimum area. A bill that grants statehood to much of the District while leaving a Federal enclave to serve as a capitol under the control of Congress would meet the requirements of article I. Our bill does that.

For the approximately three-quarters of a million people who are District residents, statehood is a long time in coming and critically needed today. In May 1982, delegates to the District of Columbia Statehood Constitutional Convention convened for the adoption of a District constitution. The residents of the District approved it at the November 1982 election.

The legislation we introduce today will adopt that Constitution and grant statehood to the District. District residents have spoken out for statehood for many years and it is time for their status to evolve to full statehood.

The people of the District of Columbia and, I might add, of Puerto Rico, serve bravely in our Armed Forces but cannot vote for the men and women in the House and Senate who make the war declaration. Unlike the residents of Puerto Rico, who are largely exempt from Federal taxes, District residents pay taxes and have no Federal representation. Taxation without representation was wrong in 1775 and it is wrong today. District residents face the anomalous situation of being host to Congress and having no say in Congress. We ought not to have second-class citizenship in this Nation. Accepting the District of Columbia as a State will once and for all end that inequity for these American citizens.

By Mr. DANFORTH (for himself, Mr. COHEN, and Mr. BRADLEY):

S. 899. A bill to require the Attorney General to prepare an evaluation and report on potential problem officer early warning programs and to develop a model potential problem officer early warning program, and to express the sense of the Congress that the Attorney General, under existing authorities, should provide assistance to local jurisdictions in establishing procedures to identify and provide guidance to police officers who demonstrate the potentiality of having difficulty dealing with members of the public on a consistent basis; to the Committee on the Judiciary.

POLICE LEGISLATION

• Mr. DANFORTH. Mr. President, I rise today, together with Senators COHEN and BRADLEY, to introduce legislation which calls upon the resources of the office of the U.S. Attorney General to study and develop preemptive measures to reduce the incidence of police brutality.

Our democracy relies on local police to implement the foremost mandate of Government: ensuring domestic tranquility. I have enormous admiration and respect for our police. The overwhelming majority of police officers are committed, conscientious professionals. Police men and women literally risk life and limb to serve their communities and keep them safe. No public service is more important or difficult.

It is also true that allegations of police brutality are often baseless. A report by the New York City Board, which the nonpartisan Vera Institute for Justice found to be without prejudice either for or against police, showed a total of 2,376 complaints for excessive force during 1990. Of those, only 81 cases resulted in a finding against the police officer. According to Manhattan district attorney Robert M. Morgenthau, many complaints are fabricated by arrested criminals hoping to gain leverage in bargaining their case. Many complaints—but not all. And 81 cases in one city in 1 year is too many. As this country has now seen with graphic detail, there are police officers who use their uniforms and badges to inflict unnecessary violence. I hope that this bill, which helps the law enforcement community address police brutality preventatively, will help reduce this much publicized and inflamed problem and strengthen the moral authority of all police officers and departments in the Nation.

For 2 years, the Rodney King case has riveted the entire country. Millions of Americans reacted with outrage to the graphic violence caught on a bystander's videotape. The initial acquittal of the police officers, despite the tape's images, acted as a catalyst which unleashed tremendous domestic violence and civil unrest. Few really believe the rioters and looters and arsonists were motivated by their social consciences. But that does not diminish the brutality of Rodney King's arrest or the disenfranchisement many minorities feel in this country. The police must be the allies and agents of domestic tranquility at all times and not excuses for mayhem. Their uniforms should represent protection and peace, not persecution.

For these reasons, it is important to help police departments improve the strained relations and diminish the distrust that sometimes exists between them and the communities they serve. Police live on the frontlines of violence all day, every day. They are outnumbered and restricted by rules of conduct which criminals despise. It is inevitable that breakdowns will occur; that anger, anxiety, fear, or stress will overwhelm reason and training. Inevitable, perhaps, but never acceptable. Especially not after Rodney King. We must respond. Some police departments are installing video cameras in patrol cars. But we cannot rely on the threat of discovery alone. Police officers who are nearing the danger zone must be identified and helped, before they cross over the line.

For example, in my own State, the Kansas City Police Department's early warning system has been hailed by many as a success. It was featured in the May 11, 1992, edition of U.S. News & World Report as a program that can and should be duplicated by other urban police jurisdictions.

The Kansas City program tracks citizen complaints against officers. These complaints range from alleged verbal insults to unnecessary violence against suspects. Officers with three or more complaints in a 6-month period may be sent to training classes as are all officers with under 3 years' experience. These classes emphasize communication techniques for defusing volatile encounters on the streets. Officers are also taught to avoid nonverbal behaviors that can generate hostility. Stress management and conflict resolution seminars are required.

In practice, this program has significantly reduced the number of complaints and incidents of brutality in the Kansas City Police Department. It is a thoughtful, well-designed program which works. We should encourage other urban police jurisdictions to implement similar programs.

Mr. President, the legislation we are introducing today requires the National Institute of Justice to evaluate the effectiveness of existing and past potential problem officer early warning programs, like Kansas City's, and to construct a model that can be duplicated. The legislation also expresses a sense of the Congress that the Attorney General under existing authority provide assistance to local jurisdictions in establishing such a program.

Last week, in a speech to the American Bar Association's Conference on Civil Rights, Attorney General Janet Reno, spoke about our need to work on the basics, to reweave the fabric of society. One way she said that we can help is to improve the manner in which we teach conflict resolution. We can make a difference, she said, "in the manner we train our police officers to become sensitive, caring, brave, and wonderful people, as most police officers are." Mr. President, she is right. This bill will help.

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. 899

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

SECTION 1. POTENTIAL PROBLEM OFFICER EARLY WARNING PROGRAMS.

(a) DECLARATIONS.—The Congress finds and declares that—

(1) police brutality is a problem of deep concern; and

(2) the Congress has an interest in assisting local units in creating early warning systems that are effective, resilient, and affordable to the local units.

(b) DEFINITION.—In this Act, "potential problem officer early warning program" means a system of procedures that is designed to—

(1) identify police officers who have been the subject of an excessive number of legitimate complaints of excessive use of force by members of the public or have otherwise demonstrated the potentiality of having difficulty dealing appropriately with members of the public;

(2) provide assistance to such officers in avoiding such difficulty in the future, including the provision of training in communication techniques, conflict resolution, and stress management; and

(3) apply discipline where appropriate.

(c) EVALUATION AND REPORT.—

(1) EVALUATION.—The Attorney General, acting through the Director of the National Institute of Justice, shall—

(A) conduct an evaluation of potential problem officer early warning programs that are being or have been utilized by units of local government, including analyses of—

(i) the effect on such programs of factors such as the population and geographic size and characteristics of a jurisdiction and the ability of such programs to adjust in a resilient manner to changes in such factors;

(ii) the potential savings that local governments can realize from the operation of such programs as a result of the reduction in the number of citizen complaints, the reduction in the number of occasions in which it is necessary to change the duty assignments of or to dismiss (and replace) problem officers, and other beneficial effects;

(iii) the positive and negative effects that such programs may have on the law enforcement system, such as their effect on police morale and the ability of police officers to perform their law enforcement duties;

(iv) the ability of such programs to ensure the exoneration of officers whose conduct is proper while identifying those whose conduct indicates the necessity or desirability of prophylactic action; and

(v) the costs of establishing such programs and of operating and monitoring the effectiveness of such programs on a permanent basis;

(B) develop a model early warning system that is effective, capable of adjusting to changing circumstances, and affordable to units (or combinations of units) of local government of jurisdictions (or combinations of jurisdictions) with populations of 50,000 or more; and

(C) prepare and disseminate to the law enforcement community, including Federal, State and local law enforcement agencies, findings and recommendations made as a result of the evaluation for the establishment of such programs.

(2) REPORT.—On or before October 1, 1994, the Attorney General shall submit to Congress a report addressing the matters described in paragraph (1), with recommendations concerning the need or appropriateness of further action by the Federal Government.

(3) EXPENSES.—Expenses incurred in conducting the evaluation and developing a model potential problem officer early warning system under paragraph (1) shall be paid out of funds that are available to the National Institute of Justice and not specifically appropriated for other purposes, to the extent that such funds can be made available without increasing the amount of appropriations for the National Institute of Justice for any fiscal year over the amount appropriated for fiscal year 1993.

(d) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Attorney General should, under existing authorities and using appropriations available for those authorities and funds otherwise available to the Attorney General, make seed money grants of up to $25,000 each to units (or combinations of units) of local government of jurisdictions (or combinations of jurisdictions) of a population of 50,000 or more for the purpose of assisting the police department (or other entity that performs the functions of a police department) in establishing a potential problem officer early warning program;

(2) a unit of local government should be eligible to receive a grant described in subsection (c) if—

(A) its police department (or other entity that performs the functions of a police department) adopts and enforces—

(i) a written policy prohibiting the use of unreasonable or unnecessary physical force by law enforcement officers; and

(ii) written procedures for receiving and investigating citizen complaints alleging misconduct by law enforcement officers;

(B) the program to be funded includes provisions for continuing self-monitoring of the program, including the provision to the Attorney General of information that may be useful in performing the evaluation and developing the model program described in subsection (d)(1); and

(C) the grant recipient demonstrates a commitment to the long-term continuance of the program and the reduction of the incidence of police brutality;

(3) a policy described in paragraph (2)(A) should—

(A) restrict the use of force to circumstances authorized by law and to the degree minimally necessary to accomplish a lawful law enforcement purpose; and

(B) include procedures for reporting and monitoring the use of force by officers within the jurisdiction of the department;

(4) the procedures described in paragraph (2)(B) should require that complainants—

(A) be allowed to receive copies of their complaints;

(B) be informed of the findings, disposition, and specific disciplinary actions, if any, resulting from their complaints; and

(C) be permitted to attend any disciplinary hearings that result from their complaints;

(5) a unit (or combination of units) of local government should receive grants described in this subsection in amounts that do not exceed $50,000 in the aggregate; and

(6) the total amount of grants described in this subsection that are made during fiscal years 1994, 1995, 1996, 1997, and 1998 should not exceed $5,000,000.●

● Mr. COHEN. Mr. President, I am pleased to join my colleagues, Senator DANFORTH and Senator BRADLEY, in introducing legislation to help restore public confidence in law enforcement and reduce the incidence of police brutality in this country.

Police brutality has long been a tragic and volatile problem. The violence resulting from the videotaped beating of Rodney King was a potent and frightening symbol of the problems facing urban America and of the problems facing segments of our police culture. This symbolic association may have helped to focus national attention on the problem of police brutality. However, the national attention is very little comfort to Mr. King and the thousands of other police brutality victims in the face of the permanent emotional and physical trauma they have undergone. Moreover, it should be very little comfort to American society in general considering the powers and responsibilities with which we entrust our Nation's police forces.

It is also little comfort to the majority of our police officers. For all the hard-working and courageous officers who risk their lives to protect the public, nothing could be more infuriating than the erosion of public confidence in their profession because of the shameful acts of a few individuals. The blows to Rodney King were deeply felt in the hearts of all police officers who have dedicated their lives to putting an end to this very kind of injustice.

Public mistrust of the police not only undermines the law enforcement profession; it represents a real danger to a civil society. As Justice Louis Brandeis warned in 1928, "If the Government becomes a lawbreaker, it breeds contempt for law; it invites every man to become a law unto himself; it invites anarchy."

This mistrust is doubly frustrating because studies show that police officers who abuse their responsibilities represent a tiny fraction of the Nation's law enforcement community. In Chicago, for example, a 1989 study concluded that 437 officers out of the 11,000-member Chicago police force had more than 1 excessive force complaint. Nevertheless, while this is a small number in relative terms, it is 437 too many.

The legislation we are introducing today would help ensure that the excessive use of police force receives proper attention at the national level. Our legislation would direct the Attorney General to develop a model early warning system that would identify problem officers and train them in techniques such as conflict resolution, stress management, and communications skills. The Justice Department would make this model program available to interested local police departments.

The legislation also expresses congressional interest in providing finan-

cial assistance to local governments that wish to develop early warning programs. Specifically, it states the sense of the Congress that the Attorney General should use up to $5 million of existing discretionary funds to provide local police departments with seed-money to create early warning systems.

This legislation is not a panacea to police brutality. However, I believe that encouraging the development of effective early warning systems will help police departments improve the quality of their force and help ensure that the enforcers of our laws do not become the breakers of our laws.

I urge my colleagues to support this important legislation.●

● Mr. BRADLEY. Mr. President, I rise today to join my colleagues, Senator DANFORTH and Senator COHEN, in introducing legislation that will assist police departments in establishing a program aimed at reducing the incidence of excessive use of force by police officers. The Potential Problem Officer Early Warning Program will help police departments identify police officers who have been the subject of an excessive number of legitimate complaints of excessive use of force, or have otherwise demonstrated the potential for being abusive in dealing with the public. Once identified as potential problem officers, the early warning program would provide the officers with training in communication techniques, conflict resolution, stress management, and appropriate disciplinary action where necessary.

I believe the problem of excessive use of force is one that can and must be addressed. Police today are confronted with responding to the problems of a complex, diverse society. Many of them are putting their lives on the line every day. I know that the majority of officers perform their jobs and exercise their authority when dealing with the public in an admirable and courageous way. These officers we commend. It is only a few police officers that, most often in stressful situations, exceed the bounds of their authority. This legislation is aimed at these officers.

The incidence of excessive use of force by law enforcement officials is not insignificant. A 1991 Department of Justice study of State and Federal law enforcement agencies uncovered 15,279 reported cases of alleged official misconduct during a 6-year period, from October 1984 through September 1990, that the FBI was called upon to investigate. Annually, the Justice Department receives about 8,000 complaints of criminal civil rights violations.

When those we entrust to uphold the law abuse the law, the result tears at the fabric of our society. The destructive riots of South-Central Los Angeles that followed the beating of Rodney King provides striking evidence of this. I believe we need to address the problem of police brutality before it happens, before citizens are victimized by excessive force, before society loses confidence and trust in those it assigns to enforce the law, and before the reputations of the good officers are unfairly tarnished by the acts of the few who abuse their authority.

The legislation I introduce today with my colleagues is designed to prevent the excessive use of force before it happens. Our legislation requires the Attorney General to evaluate and report on potential problem officer early warning programs now in use, and to develop a model, affordable early warning system that local governments with populations of 50,000 or more can use. The legislation further expresses the Sense of the Congress that the Attorney General provide local police departments with grants up to $25,000 from discretionary moneys to create early warning systems. This legislation, which establishes an early warning system to prevent police brutality, is the first step in ensuring that public confidence and trust in the police remains justifiably intact.

I urge my colleagues to join me in taking this first step toward ending police brutality.●

By Mr. THURMOND:

S. 901. A bill to extend the temporary suspension of duty on Paramine Acid; to the Committee on Finance.

S. 902. A bill to extend the temporary suspension of duty on Trimethyl Base; to the Committee on Finance.

S. 903. A bill to extend the temporary suspension of duty on Anthraquinone; to the Committee on Finance.

S. 904. A bill to suspend temporarily the duty on 1,8-Dihydroxynaphthalene-3, 6-disulfonic acid; to the Committee on Finance

S. 905. A bill to suspend temporarily the duty on C.I. Reactive Blue 224; to the Committee on Finance.

S. 906. A bill to extend the temporary suspension of duty on naphthalic acid anhydride; to the Committee on Finance.

S. 907. A bill to make the temporary suspension of duty on menthol feedstocks permanent; to the Committee on Finance.

S. 908. A bill to suspend temporarily the duty on dimethyl succinyl succinate; to the Committee on Finance.

S. 909. A bill to suspend temporarily the duty on Resolin Red F3BS components I and II; to the Committee on Finance.

S. 910. A bill to temporarily suspend the duty on 2-(4-Aminophenyl)-6-methyl-benzothiazole-7-sulfonic acid); to the Committee on Finance.

S. 911. A bill to suspend temporarily the duty on basic blue 147; to the Committee on Finance.

S. 912. A bill to temporarily suspend the duty on lauryllactam; to the Committee on Finance.

DUTY SUSPENSION LEGISLATION

Mr. THURMOND. I rise today to introduce 12 bills which will suspend the duties imposed on certain chemicals used in coloring textile products, paints, inks, and plastic components as well as other industrial uses. Currently, these chemicals are imported for use in the United States because there is no domestic supplier or readily available substitute. Therefore, suspending the duties on these chemicals would not adversely affect domestic industries.

The first bill would temporarily extend the duty suspension on 1,4-Diaminobenzene-2-sulfonic acid (paramine acid), which is a chemical used in the manufacturing of a bright greenish-yellow dye for paper. This dye is unique in the field of paper dyeing and cannot be replaced with other competing chemical dyes.

The second bill would temporarily extend the duty suspension on 1,3-Dihydro - 1,3,3 - trimethyl - 2 - methylene-1H-indole (trimethyl base) which is used in making dyes for coloring acrylic fibers. These dyes are very important to the domestic textile industry and to major fiber producers in the United States.

The third bill would temporarily extend the duty on 9,10-Anthracenedione (anthraquinone) which is used as a pulping aid in the manufacturing of paper. Use of this chemical permits higher capacity which is critical for the U.S. paper industry, due to the extremely high operating levels over the past several years. Additional benefits of using anthraquinone in producing pulp include high yields which reduces tree consumption, and reduction of the use of other pulping chemicals thereby reducing the potential air and water emission load.

The fourth bill would temporarily suspend the duty on 1,8-Dihydroxynaphthalene - 3,6, - disulfonic acid (Chromotropic Acid), which is a chemical used in the manufacturing of a family of dyes used in the paper industry. This dye is unique in the field of paper dyeing and cannot be replaced with other competing chemical dyes.

The fifth bill would temporarily suspend the duty suspension on C.I. Reactive Blue 224 which is used to dye cotton. This dye is very important to the domestic textile industry and to major fiber producers in the United States.

The sixth bill will extend the duty suspension on naphthalic acid anhydride until December 31, 1997. This chemical is used in the production of special pigments, which are called perylenes. These pigments, when combined with a second group known as the quinacridones, form the principal colorants in making various shades of red, scarlet, and maroon paints. The paints from these pigments are extremely stable when exposed to sun

light, thus making them important to the automotive industry.

Mr. President, similar legislation was introduced in the 101st Congress to suspend the duty on this chemical. The duty suspension was incorporated into the Customs and Trade Act of 1990 and expired on December 31, 1992.

The seventh bill would permanently suspend the duty on certain menthol feedstocks. This duty imposes an unnecessary burden on the U.S. menthol industry by increasing production costs.

Previously, I have introduced bills to relieve this burden. In 1983, a temporary duty suspension was included in the Miscellaneous Tariff Act of 1984 which became law in October 1984. This act provided for the suspension of this duty until December 31, 1987.

This duty suspension was reintroduced in 1987 and included in the Omnibus Trade and Competitiveness Act of 1988. It provided for the duty suspension until December 31, 1990. During the 101st Congress, I introduced a bill to permanently suspend the duty on menthol feedstocks. However, this duty suspension was extended only until December 31, 1992 in the Customs and Trade Act of 1990.

The bill being introduced today will permanently suspend the duty on menthol feedstocks. This relief is warranted because the American menthol market has not significantly changed since 1984 when the duty was first suspended.

Mr. President, the previously mentioned items were imported into this country with duty suspensions in effect until December 31, 1992. These bills seek an extension of the duty free status these chemicals had under Public Law 101-382. However, duty free entry for these items lapsed after these measures were not extended in the 102d Congress. The next group of bills being introduced are seeking duty suspensions for certain chemicals for the first time.

The eighth bill would temporarily suspend the duty suspension for Dimethyl succinyl succinate [DMSS]. DMSS is combined with other chemicals to create red pigments for paints. These pigments are extremely important to the automotive industry and to their paint suppliers.

The ninth bill would temporarily suspend the duty on N - [2 - [(2,6 - dicyano - 4 - methylphenyl)azo] - 5 - (diethylamino)phenyl] - methane - sulfonamide and N - [2 - [(2,6 - dicyano - 4 - methylphenyl)azo] - 5 - (di - 1 - propyl - amino)phenyl] - methane - sulfonamide (resolin red F3BS components I and II). Both of thee components are combined and dispersed to form a red dye used in coloring polyester fiber.

The tenth bill would temporarily suspend the duty on 2-(4-Aminophenyl)-6-methyl-benzothiazole-7-sulfonic acid, which can also be referred to as Dehydrothio-4-toluidine disulfonic acid. This chemical is used in making dyes and pigments for textiles and paints.

The eleventh bill would temporarily suspend the duty on Basic Blue 147, which is important for color fastness on acrylic fibers. Further, this chemical is used in coloring carpeting, clothing and other textile products.

The twelfth and last bill would temporarily suspend the duty on lauryllactam (omega-dodecalactam) until December 31, 1997. This chemical has not benefited from a previous duty suspension. Lauryllactam is used in the manufacturing of small plastic pellets, which are used to make speciality products, such as fuel and vent lines, for automobiles. This chemical is important to the production of these fuel and vent lines because of its unique characteristics. These characteristics include: low moisture absorption, superior processing capabilities, flexibility, heat stability, and chemical resistance.

Mr. president, suspending the duty on these chemicals will benefit the consumer by stabilizing the costs of manufacturing the end-use products. Further, these suspensions will allow domestic producers to maintain or improve their ability to compete internationally. There are no known domestic producers of these materials. I hope the Senate will consider these measures expeditiously.

I ask unanimous consent that the text of the bills be printed in the CONGRESSIONAL RECORD immediately following my remarks.

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

S. 901

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

SECTION 1. PARAMINE ACID.

(A) IN GENERAL.—Heading 9902.30.44 of the Harmonized Tariff Schedule of the United States is amended by striking "12/31/92" and inserting "12/31/97".

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment made by subsection (a) applies with respect to goods entered, or withdrawn from warehouse for consumption, on or after the date which is 15 days after the date of the enactment of this Act.

(2) RETROACTIVE APPLICATION.—Notwithstanding section 514 of the Tariff Act of 1930 or any other provision of law, upon proper request filed with the appropriate customs officer on or before the date which is 90 days after the date of the enactment of this Act, any entry of an article described in heading 9902.30.44 of the Harmonized Tariff Schedule of the United States that was made—

(A) after December 31, 1992, and

(B) before the date which is 15 days after the date after the enactment of this Act,

shall be liquidated or reliquidated as though such entry occurred on or after the date that is 15 days after the date of the enactment of this Act.

S. 902

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

SECTION 1. TRIMETHYL BASE.

(A) IN GENERAL.—Heading 9902.30.89 of the Harmonized Tariff Schedule of the United States is amended by striking "12/31/92" and inserting "12/31/97".

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment made by subsection (a) applies with respect to goods entered, or withdrawn from warehouse for consumption, on or after the date which is 15 days after the date of the enactment of this Act.

(2) RETROACTIVE APPLICATION.—Notwithstanding section 514 of the Tariff Act of 1930 or any other provision of law, upon proper request filed with the appropriate customs officer on or before the date which is 90 days after the date of the enactment of this Act, any entry of an article described in heading 9902.30.89 of the Harmonized Tariff Schedule of the United States that was made—

(A) after December 31, 1992, and

(B) before the date which is 15 days after the date after the enactment of this Act,

shall be liquidated or reliquidated as though such entry occurred on or after the date that is 15 days after the date of the enactment of this Act.

S. 903

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

SECTION 1. ANTHRAQUINONE.

(a) IN GENERAL.—Heading 9902.30.17 of the Harmonized Tariff Schedule of the United States is amended by striking "12/31/92" and inserting "12/31/97".

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment made by subsection (a) applies with respect to goods entered, or withdrawn from warehouse for consumption, on or after the date which is 15 days after the date of the enactment of this Act.

(2) RETROACTIVE APPLICATION.—Notwithstanding section 514 of the Tariff Act of 1930 or any other provision of law, upon proper request filed with the appropriate customs officer on or before the date which is 90 days after the date of the enactment of this Act, any entry of an article described in heading 9902.30.17 of the Harmonized Tariff Schedule of the United States that was made—

(A) after December 31, 1992, and

(B) before the date which is 15 days after the date after the enactment of this Act,

shall be liquidated or reliquidated as though such entry occurred on or after the date that is 15 days after the date of the enactment of this Act.

S. 904

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

SECTION 1. 1,8-DIHYDROXYNAPHTHALENE-3, 6-DISULFONIC ACID.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"9902.31.12	1,8-Dihydroxy- naphthalene-3, 6-disulfonic acid (CAS No. 129-96-4) (provided for in subheading 2908.20.20)	Free	No change	No change	On or before 12/31/97".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies with respect to articles entered, or withdrawn from warehouse for consumption, on or after the 15th

day after the date of the enactment of this Act.

S. 905

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

SECTION 1. C.I. REACTIVE BLUE 224.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"9902.32.29	C.I. Reactive Blue 224 (provided for in subheading 3204.16.30)	Free	No change	No change	On or before 12/31/97".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies with respect to articles entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

S. 906

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

SECTION 1. NAPHTHALIC ACID ANHYDRIDE.

(a) IN GENERAL.—Heading 9902.30.22 of the Harmonized Tariff Schedule of the United States is amended by striking out "12/31/92" and inserting "12/31/97".

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment made by subsection (a) applies with respect to goods entered, or withdrawn from warehouse for consumption, on or after the date which is 15 days after the date of the enactment of this Act.

(2) RETROACTIVE APPLICATION.—Notwithstanding section 514 of the Tariff Act of 1930 or any other provision of law, upon proper request filed with the appropriate customs officer on or before the date which is 90 days after the date of the enactment of this Act, any entry of an article described in heading 9902.30.22 of the Harmonized Tariff Schedule of the United States that was made—

(A) after December 31, 1992, and

(B) before the date which is 15 days after the date after the enactment of this Act,

shall be liquidated or reliquidated as though such entry occurred on or after the date that is 15 days after the date of the enactment of this Act.

S. 907

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

SECTION 1. PERMANENT DUTY-FREE TREATMENT.

(a) IN GENERAL.—Chapter 29 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new subheading with the article description having the same degree of indentation as the article description for subheading 2906.14.00:

"2906.17.00	Mixtures containing not less than 90 percent by weight of stereoisomers of 2-isopropyl-5-methylcyclohexanol, but containing not more than 30 percent by weight of any one such stereoisomer	Free	Free (A, E, IL)	45%".

(b) CONFORMING AMENDMENT.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by striking heading 9902.29.05.

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to goods entered, or withdrawn from warehouse for consumption, on or after the date which is 15 days after the date of the enactment of this Act.

S. 908

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

SECTION 1. DIMETHYL SUCCINYL SUCCINATE.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"9902.31.12	Dimethyl succinyl succinate (provided for in subheading 2917.19.40)	Free	No change	No change	On or before 12/31/97".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to articles entered, or withdrawn from warehouse for consumption, on or after the date that is 15 days after the date of the enactment of this Act.

S. 909

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

SECTION 1. RESOLIN RED F3BS COMPONENTS I AND II.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"9902.32.11	N-[2-[(2,6-dicyano-4-methylphenyl)azo]-5-(diethylamino) phenyl]-methanesulfonamide and N-[2-[(2,6- dicyano-4-methylphenyl)- azo]-5-(di-l-propylamino) phenyl]-methanesulfonamide (provided for in subheading 3204.11.20)	Free	No change	No change	On or before 12/31/97".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to articles entered, or withdrawn from warehouse consumption, on or after the date that is 15 days after the date of the enactment of this Act.

S. 910

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

SECTION 1. 2-(4-AMINOPHENYL)-6-METHYLBENZOTHIAZOLE-7-SULFONIC ACID).

(a) IN GENERAL.—Heading 9902.29.78 in the Harmonized Tariff Schedule of the United States is amended by striking "12/31/90" and inserting "12/31/97".

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by subsection (a) shall apply with respect to goods entered, or withdrawn from warehouse for consumption, on or after the date that is 15 days after the date of the enactment of this Act.

(2) RETROACTIVE APPLICATION.—Notwithstanding section 514 of the Tariff Act of 1930 or any other provision of law, upon request filed with the appropriate customs officer not later than 90 days after the date of the enactment of this Act, any entry of an article described in heading 9902.29.78 of the Harmonized Tariff Schedule of the United States that was made—

(A) after December 31, 1990, and

(B) before the date that is 15 days after the date of the enactment of this Act,

shall be liquidated or reliquidated as though such entry occurred on or after the date that is 15 days after the date of the enactment of this Act.

S. 911

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

SECTION 1. BASIC BLUE 147.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"9902.32.11	Basic blue 147 (provided for in subheading 3204.13.30).	Free	No change	No change	On or before 12/31/97".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to articles entered, or withdrawn from warehouse for consumption, on or after the date that is 15 days after the date of the enactment of this Act.

S. 912

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

SECTION 1. LAURYLLACTAM.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"9902.31.12	Lauryllactam (provided for in subheading 2933.79.50)	Free	No change	No change	On or before 12/31/97".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply with respect to goods entered, or withdrawn from warehouse for consumption, on or after the date that is 15 days after the date of enactment of this Act.

ADDITIONAL COSPONSORS

S. 13

At the request of Mr. HATCH, the name of the Senator from Indiana [Mr. COATS] was added as a cosponsor of S. 13, a bill to institute accountability in the Federal regulatory process, establish a program for the systematic selection of regulatory priorities, and for other purposes.

S. 21

At the request of Mrs. FEINSTEIN, the names of the Senator from Nebraska [Mr. KERREY] and the Senator from New Jersey [Mr. BRADLEY] were added as cosponsors of S. 21, a bill to designate certain lands in the California Desert as wilderness to establish Death Valley, Joshua Tree, and Mojave National Parks, and for other purposes.

S. 50

At the request of Mr. WARNER, the name of the Senator from North Carolina [Mr. HELMS] was added as a cosponsor of S. 50, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 250th

anniversary of the birth of Thomas Jefferson.

S. 70

At the request of Mr. COCHRAN, the names of the Senator from South Dakota [Mr. DASCHLE] and the Senator from Montana [Mr. BAUCUS] were added as cosponsors of S. 70, a bill to reauthorize the National Writing Project, and for other purposes.

S. 81

At the request of Mr. NICKLES, the names of the Senator from North Carolina [Mr. FAIRCLOTH], the Senator from Indiana [Mr. COATS], and the Senator from Mississippi [Mr. LOTT] were added as cosponsors of S. 81, a bill to require analysis and estimates of the likely impact of Federal legislation and regulations upon the private sector and State and local governments, and for other purposes.

S. 216

At the request of Mr. D'AMATO, the names of the Senator from Rhode Island [Mr. PELL] and the Senator from Louisiana [Mr. BREAUX] were added as cosponsors of S. 216, a bill to provide for the minting of coins to commemorate the World University Games.

S. 226

At the request of Mr. DASCHLE, the name of the Senator from Pennsylvania [Mr. WOFFORD] was added as a cosponsor of S. 226, a bill to amend the Internal Revenue Code of 1986 to provide that certain cash rentals of farmland will not cause recapture of special estate tax valuation.

S. 261

At the request of Mr. LAUTENBERG, the name of the Senator from Illinois [Mr. SIMON] was added as a cosponsor of S. 261, a bill to protect children from exposure to environmental tobacco smoke in the provision of children's services, and for other purposes.

S. 262

At the request of Mr. LAUTENBERG, the name of the Senator from Illinois [Mr. SIMON] was added as a cosponsor of S. 262, a bill to require the Administrator of the Environmental Protection Agency to promulgate guidelines for instituting a nonsmoking policy in buildings owned or leased by Federal agencies, and for other purposes.

S. 289

At the request of Mr. REID, the names of the Senator from Iowa [Mr. GRASSLEY] and the Senator from South Dakota [Mr. PRESSLER] were added as cosponsors of S. 289, a bill to amend section 118 of the Internal Revenue Code of 1986 to provide for certain exceptions from rules for determining contributions in aid of construction, and for other purposes.

At the request of Mr. SPECTER, his name was added as a cosponsor of S. 289, supra.

S. 348

At the request of Mr. SPECTER, his name was added as a cosponsor of S. 348, a bill to amend the Internal Revenue Code of 1986 to permanently extend qualified mortgage bonds.

S. 457

At the request of Mr. EXON, the names of the Senator from Iowa [Mr. GRASSLEY], the Senator from North Carolina [Mr. HELMS], and the Senator from Oklahoma [Mr. NICKLES] were added as cosponsors of S. 457, a bill to prohibit the payment of Federal benefits to illegal aliens.

S. 487

At the request of Mr. MITCHELL, the names of the Senator from Massachusetts [Mr. KERRY] and the Senator from New Hampshire [Mr. SMITH] were added as cosponsors of S. 487, a bill to amend the Internal Revenue Code of 1986 to permanently extend and modify the low-income housing tax credit.

At the request of Mr. SPECTER, his name was added as a cosponsor of S. 487, supra.

S. 563

At the request of Ms. MOSELEY-BRAUN, the name of the Senator from North Dakota [Mr. CONRAD] was added as a cosponsor of S. 563, a bill to require CBO analysis of each bill or joint resolution reported in the Senate or House of Representatives to determine the impact of any Federal mandates in the bill or joint resolution.

S. 570

At the request of Mr. GRASSLEY, the name of the Senator from Oklahoma [Mr. BOREN] was added as a cosponsor of S. 570, a bill to recognize the unique status of local exchange carriers in providing the public switched network infrastructure and to ensure the broad availability of advanced public switched network infrastructure.

S. 573

At the request of Mr. BREAUX, the names of the Senator from Mississippi [Mr. LOTT] and the Senator from Alabama [Mr. SHELBY] were added as cosponsors of S. 573, a bill to amend the Internal Revenue Code of 1986 to provide for a credit for the portion of employer social security taxes paid with respect to employee cash tips.

S. 578

At the request of Mr. KENNEDY, the names of the Senator from Kentucky [Mr. MCCONNELL] and the Senator from Connecticut [Mr. DODD] were added as cosponsors of S. 578, a bill to protect the free exercise of religion.

S. 611

At the request of Mr. INOUYE, the name of the Senator from California [Mrs. FEINSTEIN] was added as a cosponsor of S. 611, a bill to amend the Federal Aviation Act of 1958 to provide for the establishment of limitations on the duty time for flight attendants.

S. 717

At the request of Mr. PRYOR, the name of the Senator from Indiana [Mr. COATS] was added as a cosponsor of S. 717, a bill to amend the Egg Research and Consumer Information Act to modify the provisions governing the rate of assessment, to expand the exemption of egg producers from such Act, and for other purposes.

S. 775

At the request of Mr. WALLOP, the names of the Senator from Nevada [Mr. BRYAN] and the Senator from Nevada [Mr. REID] were added as cosponsors of S. 775, a bill to modify the requirements applicable to locatable minerals on public lands, consistent with the principles of self-initiation of mining claims, and for other purposes.

SENATE JOINT RESOLUTION 14

At the request of Mr. THURMOND, the name of the Senator from Arizona [Mr. DECONCINI] was added as a cosponsor of Senate Joint Resolution 14, a joint resolution to designate the month of May 1993, as "National Foster Care Month".

SENATE JOINT RESOLUTION 39

At the request of Mr. D'AMATO, the name of the Senator from Massachusetts [Mr. KENNEDY] was added as a cosponsor of Senate Joint Resolution 39, a joint resolution designating the weeks beginning May 23, 1993, and May 15, 1994, as Emergency Medical Services Week.

SENATE JOINT RESOLUTION 58

At the request of Mr. RIEGLE, the names of the Senator from Utah [Mr. BENNETT] and the Senator from Oregon [Mr. PACKWOOD] were added as cosponsors of Senate Joint Resolution 58, a joint resolution to designate the weeks of May 2, 1993, through May 8, 1993, and May 1, 1994, through May 7, 1994, as "National Correctional Officers Week".

SENATE JOINT RESOLUTION 77

At the request of Mr. HATCH, the name of the Senator from Illinois [Ms. MOSELEY-BRAUN] was added as a cosponsor of Senate Joint Resolution 77, a joint resolution to designate the week of April 18, 1993, through April 24, 1993, as "International Student Awareness Week".

AMENDMENTS SUBMITTED

LOBBYING DISCLOSURE ACT OF 1993

LEVIN (AND COHEN) AMENDMENT NO. 343

Mr. LEVIN (for himself and Mr. COHEN) proposed an amendment to the bill (S. 349) to provide for the disclosure of lobbying activities to influence the Federal Government, and for other purposes, as follows:

On page 2, line 10, strike out "investigative" and insert in lieu thereof "administration".

On page 3, lines 12 through 14, strike out "An organization whose employees conduct lobbying activities on its behalf is both a cli-

ent and an employer of the lobbyists." and insert in lieu thereof "An organization whose employees act as lobbyists on its behalf is both a client and an employer of its employee lobbyists.".

On page 3, line 16, strike out "others" and insert in lieu thereof "persons".

On page 4, line 6, strike out "section 3232(a)(2)" and insert in lieu thereof "section 3132(a)(2)".

On page 4, lines 14 and 15, strike out "regulations implementing section 2103" and insert in lieu thereof "section 7511".

On page 6, lines 16 through 18, strike out "(as defined in regulations implementing section 4911(c)(3) of the Internal Revenue Code of 1986)" and insert in lieu thereof "and communications with members, as defined under section 4911(d)(1)(A) and (d)(3) of the Internal Revenue Code of 1986 and the regulations implementing such provisions,".

On page 7, lines 13 through 15, strike out "officials serving in the Senior Executive Service or the uniformed services in the agency responsible for taking such action." and insert in lieu thereof "covered executive branch officials in the agency responsible for taking such action who serve in the Senior Executive Service, or who are members of the uniformed services whose pay grade is lower than O-9 under section 201 of title 37, United States Code.".

On page 7, line 24, strike out all after the comma through line 25 and insert in lieu thereof "article, publication or other material that is widely distributed to the public, or through the media;".

On page 8, lines 19 through 21, strike out "from a Federal agency or a congressional committee, subcommittee, or office;" and insert in lieu thereof "from a covered legislative or executive branch official;".

On page 9, line 22, strike out "and".

On page 9, insert between lines 22 and 23 the following new clause:

(xv) a formal petition for agency action, made in writing pursuant to established agency procedures; and

On page 9, line 23, strike out "(xv)" and insert in lieu thereof "(xvi)".

On page 10, line 21, strike out "Federal, State, or local" and insert in lieu thereof "national, regional, or local".

On page 11, line 6, strike out "Federal, State, or local" and insert in lieu thereof "national, regional, or local".

On page 11, line 11, insert "whichever is earlier," after "lobbying contacts,".

On page 11, strike out lines 15 through 19 and insert in lieu thereof the following:

(2)(A) Notwithstanding paragraph (1), any person whose total income (in the case of an organization described under section 5(b)(3)) or total expenses (in the case of an organization described under section 5(b)(4)) in connection with lobbying activities do not exceed, or are not expected to exceed—

(i) $1,000 in a semiannual period on behalf of a particular client, or

(ii) $5,000 in a semiannual period on behalf of all clients,

(as estimated under section 5), is not required to register with respect to such client or clients.

(B) The registration thresholds established in this paragraph shall be adjusted on January 1 of each year divisible by 5 to the amount equal to $1,000 and $5,000, respectively, in constant 1995 dollars (rounded to the nearest $100).

On page 12, line 7, insert a comma and "address, and principal place of business" after "the name".

On page 12, line 10, insert "registrant's" before "lobbying activities".

On page 12, line 12, insert "registrant's" before "lobbying activities".

On page 12, line 14, insert "registrant's" before "lobbying activities".

On page 12, line 15, insert "address," after "name,".

On page 12, line 19, insert before the semicolon "or any organization identified under paragraph (3)".

On page 12, line 22, strike out "the activities of the client" and insert in lieu thereof "the registrant's lobbying activities".

On page 13, line 1, insert "or any organization identified under paragraph (3)" after "the client".

On page 13, line 8, insert "(as of the date of the registration)" before the semicolon.

On page 13, line 11, insert "(or who has already acted as a lobbyist on behalf of the client as of the date of the registration)" after "client".

On page 13, lines 13 and 14, strike out "in the 2 years prior to the date of the registration (or a report amending the registration)," and insert in lieu thereof "in the 2-year period before the date on which such employee first acted as a lobbyist on behalf of the client,".

On page 13, lines 22 and 23, strike out "who engage in lobbying activities" and insert in lieu thereof "who act as lobbyists".

On page 16, strike out lines 14 through 21 and insert in lieu thereof the following:

(3)(A) Any registrant whose total income (in the case of an organization described under subsection (b)(3)) or total expenses (in the case of an organization described under subsection (b)(4)) in connection with lobbying activities do not exceed—

(i) $1,000 in a semiannual period on behalf of a particular client, or

(ii) $5,000 in a semiannual period on behalf of all clients,

(as estimated under this section), or who does not make any lobbying contacts on behalf of a particular client, is deemed to be inactive during such period with respect to such client or clients and may comply with the reporting requirements of this section by notifying the Director, in such form as the Director may prescribe.

(B) The reporting thresholds established under this paragraph shall be adjusted on January 1 of each year divisible by 5 to the amount equal to $1,000 and $5,000, respectively, in constant 1995 dollars (rounded to the nearest $100).

On page 22, line 9, strike out "a noncompliance exists" and insert in lieu thereof "such person is in noncompliance with the requirements of this Act".

On page 22, line 24, strike out "a noncompliance may exist" and insert in lieu thereof "such person may be in noncompliance with the requirements of this Act".

On page 23, line 4, strike out "a noncompliance exists" and insert in lieu thereof "such person is in noncompliance with the requirements of this Act".

On page 23, line 6, insert "documentary" before "information".

On page 23, lines 7 and 8, strike out "to determine whether the alleged noncompliance in fact exists" and insert in lieu thereof "to make such determination".

On page 23, line 9, strike out "in a way".

On page 24, line 1, insert ", or to any legislative or executive branch official outside the Office of Lobbying Registration and Public Disclosure (except as required for the enforcement of this Act)," after "to the public".

On page 24, line 10, insert "by the Director" after "redaction".

On page 24, line 15, strike out "a noncompliance may exist" and insert in lieu thereof "such person may be in noncompliance with the requirements of this Act".

On page 24, line 19, insert "and" after the semicolon.

On page 24, line 20, strike out all through line 5 on page 25 and insert in lieu thereof the following:

(2) if requested by such person within such 30-day period, afford the person—

(A) in the case of a minor noncompliance, an informal hearing at which additional evidence may be presented; and

(B) in the case of a significant noncompliance, an opportunity for a hearing on the record under the provisions of section 556 of title 5, United States Code.

On page 25, lines 6 through 8, strike out "Upon the receipt of a written response, the completion of a hearing, or the expiration of 30 days, the" and insert in lieu thereof "The".

On page 27, insert between lines 8 and 9 the following new subsection:

(f) LIMITATION.—No proceeding shall be initiated under this section unless the Director notifies the person who is the subject of the proceeding of the alleged noncompliance, pursuant to section 7, within 3 years after the date on which the registration or report at issue was filed or required to be filed.

On page 27, strike out lines 19 through 23 and insert in lieu thereof the following:

(2) if requested by such person within such 30-day period, afford the person an informal hearing at which additional evidence may be presented.

On page 28, strike out lines 16 through 21 and insert in lieu thereof the following:

(A) directing the person to provide the information within a reasonable period of time; and

(B) except where the noncompliance was the result of a good faith dispute over the validity or appropriate scope of a request for information—

(i) including the noncompliance in a publicly available list of noncompliances, to be reported to the Congress on a semiannual basis; and

(ii) assessing a civil monetary penalty in an amount not to exceed $10,000.

On page 34, line 5, insert before "Section" the following: "(a) REVISED CERTIFICATION REQUIREMENTS.—".

On page 35, insert between lines 2 and 3, the following new subsection:

(b) DELETION OF OBSOLETE REPORTING REQUIREMENT.—Section 1352 of title 31, United States Code, is further amended by—

(1) striking out subsection (d); and

(2) redesignating subsections (e), (f), (g), and (h) as subsections (d), (e), (f), and (g), respectively.

On page 38, line 11, add after the period "No later than 1 year after the date of the enactment of this Act, final regulations shall be published.".

On page 38, add after line 11, the following new subsection:

(e) PHASE-IN PERIOD.—No penalty shall be assessed by the Director for any noncompliance with this Act which occurs during the first semiannual reporting period after the effective date of this Act.

LEVIN AMENDMENT NO. 344

Mr. LEVIN proposed an amendment to the bill, S. 349, supra, as follows:

On page 15, line 15, strike out "and".

On page 15, line 20, strike out the period and insert in lieu thereof a semicolon and "and".

On page 15, insert between lines 20 and 21 the following new paragraph:

(5) in the case of a registrant described under paragraph (3), the name, address, and principal place of business of any person other than the client who paid the registrant to lobby on behalf of the client.

On page 26, line 9, beginning with "$100,000" strike out all through line 10 and insert in lieu thereof "$200,000, depending on the nature and extent of the noncompliance and the extent to which the person may have profited from the noncompliance.".

On page 37, insert between lines 11 and 12 the following new section:

SEC. 18. IDENTIFICATION OF CLIENT.

Any person who makes a lobbying contact with a covered legislative branch official or a covered executive branch official shall, on the request of the official at the time of the lobbying contact, state whether such person is registered under this Act and identify the client on whose behalf the lobbying contact is made.

On page 37, line 12, strike out "SEC. 18."and insert in lieu thereof "SEC. 19.".

WELLSTONE (AND OTHERS) AMENDMENT NO. 345

Mr. WELLSTONE (for himself, Mr. FEINGOLD, Mr. KOHL, and Mr. BRADLEY) proposed an amendment to the bill, S. 349, supra, as follows:

On page 15, between lines 20 and 21 insert the following:

(c) ADDITIONAL INFORMATION TO BE INCLUDED IN REPORT.—

(1) IN GENERAL.—In addition to the information described in subsection (b), a semiannual report under subsection (a) shall contain a list of each individual financial benefit provided directly or indirectly by a registrant (including a financial benefit provided by a lobbyist employed by or a lobbyist who is a member of a registrant) to a covered legislative branch official, to an entity that is named after or is established, maintained, controlled, or financed by a covered legislative branch official, or to any other person or entity on behalf of or in the name of a covered legislative branch official, disclosing—

(A) with respect to each financial benefit other than one described in subparagraph (B), (C), (D), or (E)—

(i) the name and position of the covered legislative branch official or other person or entity to whom or which the financial benefit was provided;

(ii) the nature of the financial benefit;

(iii) the date on which the financial benefit was provided; and

(iv) the value of the financial benefit;

(B) with respect to each financial benefit that is in the form of a widely attended reception to which covered legislative branch officials were invited—

(i) the nature of the reception;

(ii) the date on which the reception occurred; and

(iii) a single aggregate figure for the expenses incurred by the registrant in connection with the reception;

(C) with respect to each financial benefit that is in the form of a conference, retreat, or similar event that is sponsored by or affiliated with an official congressional organization that is funded exclusively by appropriated funds—

(i) the nature of the conference, retreat, or other event;

(ii) the date or dates on which the conference, retreat, or other event occurred;

(iii) the common subject interests (such as party affiliation, committee membership, or expression of interest in legislation in a subject area) of the covered legislative branch officials who were invited to attend; and

(iv) a single aggregate figure for the expenses incurred by the registrant in connection with the conference, retreat, or similar event;

(D) with respect to each financial benefit that is in the form of an event that is hosted or cohosted with or is held for or in honor of 1 or more covered legislative branch officials—

(i) the name and position of each such covered legislative branch official;

(ii) the nature of the event;

(iii) the date on which the event occurred; and

(iv) the expenses incurred by the registrant in connection with the event; and

(E) with respect to each financial benefit that is in the form of election campaign fundraising activity—

(i) the name and position of the covered legislative branch official on behalf of whom the fundraising activity was performed;

(ii) the nature of the fundraising activity;

(iii) the date or dates on which the fundraising activity was performed;

(iv) the expenses incurred by the registrant in connection with the fundraising activity; and

(v) the number of contributions and the aggregate amount of contributions known by the registrant to have been made to the covered legislative branch official as a result of the fundraising activity.

(2) EXEMPTION.—A list described in paragraph (1) need not disclose financial benefits having a value of $20 or less to the extent that the aggregate value of such financial benefits that are provided to or on behalf of a covered legislative branch official or other person or entity during the calendar year in which the semiannual period covered by the report occurs does not exceed $45.

(3) DEFINITION.—As used in this subsection, the term "financial benefit"—

(A) means anything of value given to, on behalf of, or for the benefit of a covered legislative branch official, including—

(i) a gift;

(ii) payment for local or long-distance transportation, entertainment, food, or lodging, whether provided in kind, by purchase of a ticket, by payment in advance or by reimbursement, or otherwise;

(iii) a contribution or other payment made to a third party in lieu of an honorarium on the basis of a designation, recommendation, or other specification made by the covered legislative branch official;

(iv) reimbursement of an expense;

(v) a loan; and

(vii) an expenditure made for a conference, retreat, or other event benefiting a covered person, but

(B) does not include—

(i) a contribution, as defined in the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.), that is required to be reported under that Act, unless the contribution is in the form of participation in a fundraising activity on behalf of a covered legislative branch official, including the solicitation of contributions, hosting or cohosting of a fundraising event, or service on a campaign steering committee or its equivalent;

(ii) a modest item of food or refreshments, such as a soft drink, coffee, or doughnut, offered other than as part of a meal; or

(iii) a greeting card or other item of little intrinsic value, such as a plaque, certificate, or trophy, that is intended solely for presentation.

WELLSTONE (AND OTHERS) AMENDMENT NO. 346

Mr. LEVIN (for Mr. WELLSTONE, for himself, Mr. FEINGOLD, Mr. KOHL, and Mr. BRADLEY) proposed an amendment to the bill, S. 349, supra, as follows:

Strike all after "ADDITIONAL" and in lieu thereof insert the following—

INFORMATION ON FINANCIAL BENEFITS

(1) IN GENERAL.—In addition to the information described in subsection (b), each registrant shall include in its semiannual reports under subsection (a) or in a separate report on financial benefits, subject to the same filing requirements, a list of each individual financial benefit provided directly or indirectly by a registrant (including a financial benefit provided by a lobbyist employed by or a lobbyist who is a member of a registrant) to a covered legislative branch official, to an entity that is established, maintained, controlled, or financed by a covered legislative branch official, or to any other person or entity on behalf of or in the name of a covered legislative branch official, disclosing—

(A) with respect to each financial benefit other than one described in subparagraph (B), (C) or (D)—

(i) the name and position of the covered legislative branch official or other person or entity to whom or which the financial benefit was provided;

(ii) the nature of the financial benefit;

(iii) the date on which the financial benefit was provided; and

(iv) the value of the financial benefit;

(B) with respect to each financial benefit that is in the form of a conference, retreat, or similar event for or on behalf of covered legislative branch officials that is sponsored by or affiliated with an official congressional organization—

(i) the nature of the conference, retreat, or other event;

(ii) the date or dates on which the conference, retreat, or other event occurred;

(iii) the identity of the organization that sponsored or is affiliated with the event; and

(iv) a single aggregate figure for the expenses incurred by the registrant in connection with the conference, retreat, or similar event;

(C) with respect to each financial benefit that is in the form of an event that is hosted or cohosted with or in honor of 1 or more covered legislative branch officials—

(i) the name and position of each such covered legislative branch official;

(ii) the nature of the event;

(iii) the date on which the event occurred; and

(iv) the expenses incurred by the registrant in connection with the event; and

(D) with respect to each financial benefit that is in the form of election campaign fundraising activity—

(i) the name and position of the covered legislative branch official on behalf of whom the fundraising activity was performed;

(ii) the nature of the fundraising activity;

(iii) the date or dates on which the fundraising activity was performed;

(iv) the expenses incurred by the registrant in connection with the fundraising activity; and

(v) the number of contributions and the aggregate amount of contributions known by the registrant to have been made to the cov-

ered legislative branch official as a result of the fundraising activity.

(2) EXEMPTION.—A list described in paragraph (1) need not disclose financial benefits having a value of $20 or less to the extent that the aggregate value of such financial benefits that are provided to or on behalf of a covered legislative branch official or other person or entity during the calendar year in which the semiannual period covered by the report occurs has not exceeded $50.

(3) DEFINITION.—As used in this subsection, the term "financial benefit"—

(A) means anything of value given to, on behalf of, or for the benefit of a covered legislative branch official, including—

(i) a gift;

(ii) payment for local or long-distance transportation, entertainment, food, or lodging, whether provided in kind, by purchase of a ticket, by payment in advance or by reimbursement, or otherwise;

(iii) a contribution or other payment made to a third party in lieu of an honorarium on the basis of a designation, recommendation, or other specification made by the covered legislative branch official;

(iv) reimbursement of an expense;

(v) a loan; and

(vii) an expenditure made for a conference, retreat, or other event benefiting a covered person, but

(B) does not include—

(i) a contribution, as defined in the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.), that is required to be reported under that Act, unless the contribution is in the form of participation in a fundraising activity on behalf of a covered legislative branch official, including the solicitation of contributions, hosting or cohosting of a fundraising event, or service on a campaign steering committee or its equivalent;

(ii) a modest item of food or refreshments, such as a soft drink, coffee, or doughnut, offered other than as part of a meal;

(iii) a greeting card or other item of little intrinsic value such as a plaque, certificate, or trophy, that is intended solely for presentation.

(iv) financial benefits given under circumstances which make it clear that the benefits are motivated by a family relationship rather than the position of the recipient;

(v) financial benefits which are not used and which are promptly returned to the donor; or

(vi) widely attended receptions to which covered legislative branch officials are invited, other than events described in paragraph (1)(B) of this subsection.

LAUTENBERG (AND OTHERS) AMENDMENT NO. 347

Mr. LAUTENBERG (for himself, Mr. BOREN, Mr. LEVIN, Mr. WELLSTONE, Mr. FEINGOLD, Mr. WOFFORD, Mr. REID, and Mr. BRYAN) proposed an amendment to the bill, S. 349, supra, as follows:

At the appropriate place, insert the following:

SEC. . LIMITS ON ACCEPTANCE OF GIFTS, MEALS AND TRAVEL.

It is the sense of the Senate that, as soon as possible during this year's session, the Senate should limit the acceptance of gifts, meals and travel by Members and staff in a manner substantially similar to the restrictions applicable to executive branch officials.

NOTICES OF HEARINGS

COMMITTEE ON INDIAN AFFAIRS

Mr. INOUYE. Mr. President, I would like to announce that the Committee on Indian Affairs will be holding an oversight hearing on Wednesday, May 5, 1993, beginning at 2 p.m., in 485 Russell Senate Office Building on water and sanitation problems in Alaska.

Those wishing additional information should contact the Committee on Indian Affairs at 224-2251.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. FORD. Mr. President, I wish to announce that the Committee on Rules and Administration will meet on Monday, May 10, 1993, at 2 p.m., in SR-301, Russell Senate Office Building. The committee will hold a hearing to receive oral argument from counsel for the petitioners and counsel for the junior Senator from Oregon on certain legal issues raised by the petitions regarding the election in Oregon.

For further information on this meeting, please contact Carole Blessington of the Rules Committee staff on 202-224-0278.

COMMITTEE ON VETERANS' AFFAIRS

Mr. ROCKEFELLER. Mr. President, the Committee on Veterans' Affairs would like to request unanimous consent to hold a hearing on the Department of Veterans Affairs' facilities and construction programs at 11 a.m. on Thursday, May 6, 1993. The hearing will be held in room 418 of the Russell Senate Office Building.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. JOHNSTON. Mr. President, I would like to announce for the public that a hearing has been scheduled before the full Committee on Energy and Natural Resources.

The hearing will take place Tuesday, May 11, 1993 at 9:30 a.m. in room 366 of the Senate Dirksen Office Building in Washington, DC.

As previously announced, the purpose of the hearing is to receive testimony from James Hoecker, Donald Santa, Jr., and William Massey, nominees to be members of the Federal Energy Regulatory Commission. In addition, the committee will receive testimony from Vicky Bailey, a fourth nominee to be a member of the Federal Energy Regulatory Commission.

For further information, please contact Rebecca Murphy at 202-224-7562.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FOREIGN RELATIONS

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, May 5 at 3 p.m. to hold a nomination hearing on Alexander Watson to be Assistant Secretary of State for Inter-American Affairs.

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

SUBCOMMITTEE ON AGING

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources Subcommittee on Aging be authorized to meet for a hearing on unnecessary hysterectomies during the session of the Senate on Wednesday, May 5, 1993, at 2 p.m.

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

SUBCOMMITTEE ON INTERNATIONAL ECONOMIC POLICY, TRADE, OCEANS AND ENVIRONMENT

Mr. LEVIN. Mr. President, I ask unanimous consent that the Subcommittee on International Economic Policy, Trade, Oceans and Environment of the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, May 5 at 10 a.m. to begin hearings on the fiscal year 1994 foreign assistance authorization: changing priorities in foreign aid.

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

SUBCOMMITTEE ON MILITARY READINESS AND DEFENSE INFRASTRUCTURE

Mr. LEVIN. Mr. President, I ask unanimous consent that the Subcommittee on Military Readiness and Defense Infrastructure of the Committee on Armed Services be authorized to meet on Wednesday, May 5, 1993, at 9:30 a.m., in open/closed session, to receive testimony on the readiness and sustainability posture of selected unified combatant commands and the defense authorization request for fiscal year 1994 and the future years defense program.

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

COMMITTEE ON INDIAN AFFAIRS

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Wednesday, May 5, 1993, beginning at 2 p.m., in 485 Russell Senate Office Building, on water and sanitation problems in Alaska.

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

ADDITIONAL STATEMENTS

MILLBURY MEMORIAL HIGH SCHOOL

• Mr. KERRY. Mr. President, from May 1-3, more than 1,200 students from 47 States and the District of Columbia were in our Nation's Capital to compete in the national finals of the We the People * * * The Citizen and the Constitution Program. I am proud to announce that the class from Millbury Memorial High School from Millbury represented Massachusetts. These young scholars worked diligently to teach the national finals by winning

district and State competitions. The distinguished members of the team representing Massachusetts were: Michele Brownell, Amy Cauldwell, Elizabeth Crehan, Kris Gauthier, David Gordon, Rachel Kupcinskas, Katherine Lavallee, Andrew Mason, Jen Morency, Tricia Nielson, Erin O'Leary, Matthew Pappas, Alexis Rochefort, and Terrie Tellier.

I would also like to recognize their teacher and district coordinator, Roger Desrosiers, who deserves so much of the credit for the success of the team. The State coordinator, Scott Stripling, also contributed a great deal of time and effort to help the team reach the national finals.

The We the People * * * The Citizen and the Constitution Program, supported and funded by Congress, is the most extensive program developed specifically to educate young people about the Constitution and the Bill of Rights. The 3-day academic competition simulates a congressional hearing. Students, acting as expert witnesses, testify before a panel of prominent professionals from across the country to demonstrate their knowledge of constitutional issues. Administered by the Center for Civic Education, the program, now in its sixth year, has reached over 12,000,000 students in 21,940 elementary, middle, and high schools nationwide.

The program provides an excellent opportunity for students to gain appreciation of the significance of our Constitution in its place in our history and our lives today. I am proud of these students representing Massachusetts and commend them and their teacher for their hard work, and I wish them the best of luck in the future.●

JACK KEMP ECONOMIC EMPOWERMENT ACT

● Mr. MACK. Mr. President, President Clinton should be commended for proposing yesterday what he should call the Jack Kemp Economic Empowerment Act, since it essentially establishes enterprise zones.

At least in concept, the President is on the right track. I only hope the program is incentive based and not just a repackaged higher spending pork plan that the American people already said they don't want.

In his book, "Putting People First," the President supported creating enterprise zones. In January, I introduced an economic package, supported by a majority of Senate Republicans, that contained this idea and four others from his book that ought to be implemented.

Since President Clinton has reawakened to the enterprise zone idea, let me remind him of four others he should adopt to get this economy moving: cutting the capital gains tax; lifting the Social Security earnings test; developing workfare instead of welfare; and enacting a real, honest-to-goodness line-item veto, not the weak version that is floating around.

I want the President to succeed in the goal of making the United States more prosperous. And that can happen if he keeps his campaign pledge to be a new kind of Democrat in the mold of President Kennedy.

If the President presses forward with Jack Kemp's enterprise zone idea, along with the other four Clinton-Republican proposals, we will stand shoulder to shoulder with him to see them passed and become law.

So I am going to renew my call for the President to issue a statement of public support for my bill S. 102 which implements the President's campaign promises.

We hope the President does the right thing to keep his campaign promises and move America forward.

Let me mention one more thing. There was an article in the New York Times this morning that caused me concern. It appears that once again the President is backing away from a campaign promise. According to the Times, the administration has asked for a 2-year delay in the implementation of an existing workfare initiative. This is just the opposite of what we should be doing. I hope the President will rethink his position on this, because we need to be expediting change, not delaying it.●

1993 "SPECIAL 301" LIST

● Mr. BAUCUS. Mr. President, just over 1 month ago I addressed the Senate on the subject of the special 301 trade remedy law. I predicted then that our new USTR, Mickey Kantor, would use the law aggressively and well.

I am very pleased to say that prediction was born out last week, when the USTR released his first list of priority foreign countries for negotiations on intellectual property rights.

Special 301, like Super 301, requires us to choose our priorities, name the worst violators of intellectual property rights, and requires negotiations with the threat of retaliation as a last resort. That's why it works. And this year's Special 301 process has brought more progress than ever before.

THE 1993 SUCCESS STORIES

First, on April 6, we reached a comprehensive intellectual property agreement with the Philippines. The Philippines have been a long-term problem for American publishers of books, records and software, for American patent holders and for American trademarks. Book piracy alone cost our country more than $70 million in 1992. Under the threat of designation as a priority foreign country, the Philippines agreed to crack down on piracy and pass laws protecting American rights.

Second, Taiwan has been a major intellectual property rights violator for decades. Last year, then-USTR Carla Hills designated Taiwan a priority foreign country. The Taiwanese Government agreed to make reforms, and in fact signed a memorandum of understanding last June. However, the Taiwanese legislature attached eight reservations to the agreement, which in effect wiped out our diplomatic advance.

This year, American industries, diplomats, and Members of Congress made clear that further backsliding would be intolerable. We made a clear statement that retaliation would be inevitable if Taiwan's Legislative Yuan did not remove the reservations. At the last moment, despite considerable fulmination, the legislature removed the conditions and approved the agreement in its original form. At the same time, they removed our need to retaliate or name Taiwan once again as a priority foreign country.

The same process is at work, although not yet complete, in Thailand. Thailand is well known as one of the world's most serious abusers of American copyrights, patents and trademarks. Last year, Thai pirates cost American copyright industries $123 million. They hit the video and sound industries particularly hard. This problem has festered for nearly a decade. Neither diplomacy nor the naming of Thailand as a priority foreign country in both 1991 and 1992 solved it. This year, however, under threat of retaliation, Thailand began a serious crackdown.

Last month, Thai police closed some of the country's largest pirate factories, and arrested the owners. Until this year, the only raids had been on distributors and the only penalties had been taken fines. This year's actions have done some real financial damage to the pirates. Given this progress, USTR was able to avoid a decision to retaliate. We are all well aware, however, that this was a burst of action in the weeks leading up to the Special 301 decision. Thailand thus remains a priority foreign country, and USTR will review Thailand's continued willingness to combat piracy in the months ahead.

CONTINUING PROBLEMS

The USTR also chose, appropriately, to name Brazil and India as priority foreign countries. Brazil has for many years avoided giving patent protection to pharmaceuticals. They have had a draft patent law before the Brazilian Congress for some years. However, it is inadequate in its current form, and the new government has considered weakening even this draft. Brazil has thus been named for the first time as a priority foreign country. They have time to make reforms, but the clock has begun to tick.

Second, India has now been named as a priority foreign country for 3 years running. And along with the problems

it causes American firms, it has done everything possible to block an international agreement to protect intellectual property rights through the GATT. The Indians have had many years to reform. They have adamantly refused to do so, and I expect to see us take up this problem in a very serious way this year.

Other major problems remain. Poland has been considering a draft copyright law for years. Meanwhile, Polish pirates continue to steal American software programs, mass produce American sound recordings and videos. Saudi Arabia continues to spew forth gushers of pirate sound recodings as well as light crude. Argentina, Hungary, and Turkey continue to deny appropriate patent protection for pharmaceuticals. The EC discriminates against American broadcasts. These are not new problems, and we should expect progresses on all of them soon.

CONCLUSION

If we stop piracy of intellectual property abroad we preserve jobs in America. We give publishers incentive to publish the works of creative artists and writers. We give inventors and scientists more incentive to make new machines. And we give American companies confidence that they can invest abroad safely, thus promoting world economic growth.

Special 301 is the strongest weapon we have to make all this happen. Once again this year, it has proven its worth. I look forward to further progress in the months to come.●

RESTORATION OF THE SAN XAVIER DEL BAC MISSION

● Mr. DECONCINI. Mr. President, on the evening of May 4, 1993, in Tucson, AZ, the heroic and valiant efforts of those responsible for the restoration of the San Xavier del Bac Mission were recognized. I would like to take a moment of the Senate's time to join my friends in expressing our gratitude for the foresight of those individuals who are responsible for saving one of the Southwest's truly outstanding landmarks.

The "White Dove of the Desert" by which San Xavier del Bac is often referred to, reflects the rich and diverse history of the Santa Cruz Valley. The original San Xavier Mission was built on the same site in the 1600's by Father Francisco Eusebio Kino, the first Jesuit missionary to visit this region and dedicated the mission to his patron saint, St. Francis Xavier. As a personal note, whenever I visit San Xavier, I recall that Father Kino was born in what is today the Italian Province of Trent, not far from the birthplace of my grandfather. The present structure was begun in the 1770's by the Franciscan Fathers and completed before the turn of the century.

In its beauty, the San Xavier Mission reflects the influence of three distinct cultures: native American, Mexican, and Spanish. It is widely recognized as the finest example of Spanish baroque architecture in the United States and many have called it America's Sistine Chapel.

However, after serving for over two centuries as an active parish church and suffering the cumulative effects of candle soot, bird nests, and other adverse elements, San Xavier had fallen into a state of disrepair. Recognizing the need to take immediate corrective actions to save this priceless treasure, the nonprofit group Patronato San Xavier was established. Patronato San Xavier, along with the San Xavier Restoration Fund Committee, are overseeing the restoration project and are raising the necessary funds solely from private contributors.

With the goal of trying to preserve for future generations the priceless artistry and white-walled architecture, an internationally renowned team of conservators set forth on a 5-year, $1 million endeavor to restore the mission and protect it from further decay. Under the leadership of Paul Schwartzbaum, the head of conservation at the Guggenheim Museum in New York City, the seven-member team recently completed their second year of work. The fruits of their labor are many, but they are spectacularly revealed in the rediscovered colors and textures of the east transept.

In the spirit for which San Xavier has come to represent over the ages, the restoration project has endeavored to involve the people on whose land the mission lies, the Tohono O'Odham Nation. Several members of the Tohono O'Odham Nation serve on the board of directors for the Patronato San Xavier as well as on the San Xavier Restoration Fund Committee. Also, through an apprenticeship program, four tribal members are participating in the actual restoration. The Patronato San Xavier recognizes that the preservation of the rich cultural traditions that the mission symbolizes are just as important as the preservation of the physical structures.

I ask my colleagues to join me in saluting the Patronato San Xavier, the San Xavier Restoration Fund Committee, the restoration team, and the many other individuals involved in the effort to extend the life of San Xavier del Bac for at least another 200 years.●

ORDER OF BUSINESS

The PRESIDING OFFICER. The Senator from Maine, the majority leader.

ORDERS FOR TOMORROW

Mr. MITCHELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9 a.m., Thursday, May 6; that following the prayer, the Journal of proceedings be approved to date, and the time for the two leaders reserved for their use later in the day; that there then be a period for morning business, not to extend beyond 10 a.m., with Senators permitted to speak for up to 5 minutes each, with the following Senators recognized for the time limits specified: Senators LIEBERMAN and CAMPBELL for up to 5 minutes each; Senators MOSELEY-BRAUN and MATHEWS for up to 10 minutes each, and Senator DODD for up to 15 minutes; that at 10 a.m., the Senate then resume consideration of S. 349, as provided for under a previous unanimous-consent agreement.

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

THE LOBBYING DISCLOSURE ACT OF 1993

The Senate continued with the consideration of the bill.

COMMITTEE AMENDMENTS WITHDRAWN

Mr. MITCHELL. Mr. President, pursuant to a previous order relating to the pending bill I was vested with the authority to call for the regular order which would bring back the pending committee amendments following consultation with the Republican leader.

I have so consulted and I now, therefore, call for the regular order in accordance with the earlier agreement.

The PRESIDING OFFICER. The regular order is called for.

The Senator from Michigan.

Mr. LEVIN. Mr. President, with the authority of the majority of the full committee, I withdraw the two committee amendments.

The PRESIDING OFFICER. The amendments are withdrawn.

So the committee amendments were withdrawn.

RECESS UNTIL TOMORROW AT 9 A.M.

Mr. MITCHELL. Mr. President, if there is no further business to come before the Senate today, I now ask unanimous consent that the Senate stand in recess as previously ordered.

There being no objection, the Senate, at 8:27 p.m., recessed until Thursday, May 6, 1993, at 9 a.m.